

The National Child Protection System and Alternative Child Care in Syria

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**SOS CHILDREN'S
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Foreword

This report on the National Child Protection System and Alternative Child Care in Syria was commissioned by SOS Children's Villages International, Regional Office for CEE/CIS/Middle East. It is part of a series of five reports based on a multi-country desk review, including also Jordan, Lebanon, Palestine and Egypt. The author is the renowned international child protection consultant Dr. Chrissie Gale. We are glad to share this and the other reports with all interested stakeholders in order to spark further efforts to better protect children without parental care or at risk of losing it and facilitate new effective partnerships. All reports can be accessed [here](#).

The main objective of the review was to increase our knowledge and understanding of the child protection sector in Syria, in particular recent developments and reform efforts. SOS Children's Villages alternative care and family strengthening programs operating in the country continuously aim at improving and increasing the positive impact on the lives of children who lost parental care and children at risk of being separated from their families. Understanding the functioning and challenges of the national child protection system is paramount for us to better address the needs of these groups, scale up or launch new initiatives and strengthen cooperation with governmental and civil society stakeholders.

The report thoroughly examines all available academic and professional research literature. It offers an analysis of data and information obtained from open web and official government sources. Presenting a synthesis of compiled evidence, it gives a detailed picture of current child protection practices and the structural and legal building blocks of the child protection system in Syria. The report offers rich evidence for sound decision-making in the areas of policy, programming, advocacy and development cooperation.

We hope the report will be useful also for other agencies and organizations active in the field of child protection. May the learnings help us in our work to improve the lives of children and families.



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Glossary of terms

Abandonment	A situation in which children are anonymously left in a 'public' place by persons unknown e.g. a child is left on the steps of a mosque or in front of a hospital, or on the street.
Adoption	A child who is effectively placed in the legal custody of the person adopting them 'pursuant to a final adoption order, as of which moment, for the purposes of the UN Guidelines for the Alternative Care of Children, the child is considered to be in parental care'. ¹
Ageing out of Care	The time at which a child or young person living in formal alternative care reaches a legally-determined age (usually the age of majority) above which they are no longer entitled to live in a care placement. In most cases, they need to leave care and start their lives as independent adults.
Alternative Care	Children not in the overnight care of at least one of their parents, as parents are unwilling or unable to care for children ² . The UN Guidelines for the Alternative Care of Children outline several different forms of alternative care including kinship care, residential care and foster care.
Child	A child is any person under the age of 18 years unless the law of a particular country sets the legal age for adulthood younger, as provided for under Article 1 of the United Nations Convention on the Child. ³
Children without parental care	'All children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances.' ⁴
Kinship care	Family-based care within the child's own extended family or with close friends of the family known to the child. ⁵
Family based care	Refers to a short- or long-term care arrangement whereby a child is placed in the domestic environment of a family, as opposed to institutional or residential care. ⁶ This includes kinship care and foster care.
Formal care	'All care provided in a family environment that has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not the result of administrative or judicial measures' ⁷
Foster care	'Situations whereby children are placed by a competent authority for the purposes of alternative care in the domestic environment of a family, other than children's own family, that has been selected, qualified, approved, and supervised for providing such care.' ⁸ (Note: In some countries, this now also applies to a formally arranged placement with another family member - kinship foster care). This form of care should be temporary in nature.
Guardian	A guardian is a person, not a parent of the child, who is given legal responsibility to care for a child; this may entail full parental responsibility, including the care of a child

1 UN General Assembly (2009) Guidelines for the Alternative Care of Children

2 UN General Assembly (2009) Guidelines for the Alternative Care of Children

3 based on Article 1 of the UN Convention on the Rights of the Child (CRC) (UN, 1989).

4 UN General Assembly (2009) Guidelines for the Alternative Care of Children Article III, 29a.

5 UN General Assembly (2009) Guidelines for the Alternative Care of Children

6 European Expert Group on the Transition from Institutional to Community-based Care (EEG) 'The Common European Guidelines on the Transition from Institutional to Community-based Care', November 2012, available under: www.deinstitutionalisation.com; hereinafter quoted as "EEG (November 2012) op. cit."

7 UN General Assembly (2009) Guidelines for the Alternative Care of Children

8 UN General Assembly (2009) Guidelines for the Alternative Care of Children

	or, in some systems, more limited responsibilities related only to making legal decisions on behalf of the child. A guardian could also be someone recognized by the community or traditional authorities as having the responsibility to care for and protect the child. A guardian may be related or unrelated to a child. (please also see definition of legal guardian below)
Informal care	Any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends ('informal kinship care') or by others in their individual capacity. The arrangement is at the initiative of the child, his/her parents, or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body. ⁹
Institutional care	'Large residential care facilities,' ¹⁰ where children are looked after in any public or private facility, staffed by salaried carers or volunteers working predetermined hours/shifts, and based on collective living arrangements, with a large capacity. ¹¹
Kafala	A means of providing care for vulnerable children, recognized under Islamic law and in article 20 of the Convention on the Rights of the Child and in 2.a and 161 of the UN Guidelines for the Alternative Care of Children. In practice, this may include providing financial and material support to a child in parental or alternative care, or, as referenced in the UN Convention on the Rights of the Child, may be an arrangement closer to adoption or fostering where a child is taken to live with another family ¹² As regards children, it is generally defined as a person's (<i>kafil</i>) commitment to voluntarily take care of the specific needs, maintenance, education and protection of a child deprived of his/her family (<i>makfoul</i>). However, its legal and practical effects differ from country to country, ranging from financial support for children in a residential facility to full-time care by the <i>kafil</i> in their family environment
Kinship care	'Family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature.' ¹³ Kinship care can be both a form of permanent family-based care and a form of temporary alternative care. There are two types of kinship care. Informal kinship care is: 'any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends ... at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body.' ¹⁴ Formal kinship care is care by extended family or close friends, which has been ordered by an administrative or judicial authority or duly accredited body. ¹⁵ This may in some settings include guardianship or foster-care.
Legal guardian	A legal guardian is a person who has the legal rights and responsibilities to care for another person. A child's legal guardian will normally be the child's mother or father unless they have had their parental rights removed by a court order. Children without a legal guardian will require representation in the decision-making process to ensure their rights, opinions and best interests are protected.
Orphan	For this report the term orphan will refer to a child whose both parents have died
Relinquishment	Is a process where a mother and/or father or others with or without parental authority decide not to raise their child and hand over the child to another 'carer' e.g. a child left behind in a maternity ward of a hospital or voluntarily taken to a residential care

⁹ UN General Assembly (2009) Guidelines for the Alternative Care of Children

¹⁰ UN (2009) Guidelines for the Alternative Care of Children.

¹¹ NGO Working Group on Children Without Parental Care (2013) Identifying Basic Characteristics of Formal Alternative Care Settings For Children: A Discussion Paper'

¹² Cantwell and Jacomy-Vite (2011)

¹³ UN General Assembly (2009) Guidelines for the Alternative Care of Children Article III, 29c.i.

¹⁴ *ibid.* Article 29b.i.

¹⁵ *ibid.* Article 29b.i.

	facility. Relinquishment unlike abandonment is when the identity of the mother or father, or other family members, are known
Residential care	<p>'Care provided in any non-family based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes.'¹⁶</p> <p>A distinction is often made between different forms of residential care. For example:</p> <ul style="list-style-type: none"> • <i>Institutional care</i>: large-scale facilities where children are cared for in large groups, usually involving shift-systems, a common set of rules, children sleeping in dormitories, and isolation from wider communities. • <i>Small group homes</i>: children cared for in small groups, usually with one or two consistent carers, in specially designed and designated facilities.¹⁷
Separated children	Children who have been separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may therefore, include children accompanied by other adult family members. ¹⁸
Small residential care settings	A 'public or private, registered, non-family based arrangement, providing temporary care to a group of 4 to 6 children, staffed by highly trained, salaried carers, applying a key-worker system, with a high caregiver-to-child ratio that allows for individualized attention for each child, based on the professionally developed case plan, which takes into account the voice of the child.' ¹⁹
Street connected children	Children living and/or working on the streets
Supervised independent living	Where children/young people live alone or in small groups in a house or apartment but are carefully supported by an adult whilst transitioning from a full-time care setting to independence.
Reintegration	The process of a separated child making, what is anticipated to be, a permanent transition back to his or her family and community (usually of origin) in order to receive protection and care and to find a sense of belonging and purpose in all spheres of life ²⁰
Unaccompanied children	Children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. ²¹
Violence	For this report the term violence' will be used to denote all forms of abuse and exploitation including serious neglect and physical, sexual and emotional abuse

16 *ibid.* Article III, 29c.iv.

17 United Nations General Assembly (2019) 'Promotion and protection of the rights of children' adopted by the General Assembly at its 74th session, 19 November 2019, A/74/395

18 Definition from: Committee on the Rights of the Child General Comment No. 6, Treatment of unaccompanied and separated children outside their country of origin, UN document CRC/GC/2005/6 of 1 September 2005

19 UNICEF (2020) White Paper: The role of small-scale residential care for children in the transition from institutional to community-based care and in the continuum of care in the Europe and Central Asia Region. UNICEF ECARO Office

20 (Inter-agency group on Reintegration 2016, p.1).

21 *ibid.*

1. Introduction

This desk review of the child protection system and alternative care in Syria was commissioned by CEE/CIS/ME Programme Team in SOS Children's Villages International.

1.1 Aim and scope

The aim of this desk review was to develop a synthesis of findings drawn from literature relating to child protection systems and alternative care in Syria, and provide an understanding of the structural and operational realities, and status quo, of the system in the country.

In this respect, the aim of the research undertaken in Syria was to gain an understanding of the following:

- The socio-economic and cultural contexts in which childcare reforms are taking place?
- The risks children face that can lead to loss of parental care and placement in alternative care
- The structures and processes governing child protection and alternative care, including the normative (legal and policy) framework, Government and non-governmental structures and their roles and responsibilities
- Provision of alternative care
- The child protection and alternative care workforce
- Attitudes that impact on protection and alternative care of children

1.2 International treaties and guidance underpinning the structure of the report

The structure and choice of information to include in this report has been informed by international conventions and guidance. In particular, this includes the UN Convention on the Rights of the Child (CRC), the UN Guidelines for the Alternative Care of Children (UN Guidelines), and the accompanying Handbook 'Moving Forward'²². This latter document identifies two basic principles that are described as the 'pillars' of the UN Guidelines: 'necessity' and 'suitability'. It has also been informed by the recent United National General Assembly Resolution on the Rights of the Child²³ adopted on 18th December 2019, which strengthens the commitment of States to children without parental care and those at risk of being so.

The UN Guidelines clearly state that the family is the 'fundamental group of society and the natural environment for the growth, well-being and protection of children' and that 'efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members.' This '**necessity**' principle therefore, safeguards children from being removed from parental care and placed in alternative care unnecessarily. The '**suitability**' principle as also laid out in the UN Guidelines, requires a range of good quality alternative care settings be made available so that if care is deemed as necessary, each child's individual needs, circumstances and wishes can be met. It also requires ending the use of unsuitable placements such as the use of institutions and detention centres. The UN Guidelines require the most suitable forms of alternative care be provided under conditions that 'promote the child's full and harmonious development'. All efforts should also be made to return children to the care of their family as soon as possible or, if finally deemed not possible, to find other suitable permanent family-based care.

²² Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012). *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'*. UK: Centre for Excellence for Looked After Children in Scotland. Available at: www.alternativecareguidelines.org

²³ United Nations General Assembly (2019) 'Promotion and protection of the rights of children' adopted by the General Assembly at its 74th session, 19 November 2019, A/74/395

2. Summary of findings

This section contains a brief summary of some key issues as highlighted during this desk review relating to the child protection system and alternative care provision in Syria.

- Syria is the country for which it has been difficult to source recent literature. The child protection reports sourced for this study are mostly the result of studies and evaluations undertaken by UN and non-governmental organisations, and more specifically, by those working in Syria in response to the humanitarian crisis. However, although many of these agencies do play a role in the delivery of child rights and child protection programming, they do not pay particular attention to alternative care. Recently published TORs suggest an evaluation of alternative care may be forthcoming in the near future.
- Syria is witnessing a protracted crisis. This is the result of many years of a totalitarian regime and now ten years of conflict. Millions are displaced within the country and millions more have fled the country. This is placing children at heightened risk to protection violations and to placement in informal and formal alternative care.
- Protection risks that place child at risk of losing parental care stem from violence within the home as well as violence as the result of conflict. They also directly relate to the consequences of poverty: indeed, it is reported that this is the reason the vast majority of children are in residential care in Syria.
- Even before the conflict, the formal child protection system in Syria was reportedly fragmented and underdeveloped. This still seems to be the situation today with an apparent lack of coordination and cohesion across the country between government and non-governmental agencies. This is of course heightened due to the ongoing crisis. Interviews with SOS staff certainly indicate a disconnect amongst NGOs, and between NGOs and government departments, responsible for the delivery of alternative care.
- The Ministry of Social Affairs only directly manage a small number of residential care settings. The residential care system is dependent on non-governmental organisations. There is little knowledge however, regarding the quality of care within residential settings. There is very little information about children in care in terms of numbers, reason for placement, number per care setting, who runs which settings etc.
- The Government is responsible for setting standards and regulating care but this does not appear to be happening on a systematic basis. There are reports that many care settings remain unregulated.
- There is no foster care and there are suggestions in the literature that challenges around cultural norms, as well as Islamic Law, would hinder the development of such care. There is permanent alternative family-based care that is permanent in nature but only available for a small number of infants of unknown parentage. This is not adoption.
- In law adoption is only available to Christian families but there no further information regarding the process and numbers
- There is a lack of longitudinal qualitative and quantitative data held in a centralized database that would indicate the number of children at risk of losing parental care and disaggregated information about children in care.
- No information has been found during the literature search about any systematic process by which children are placed in alternative care. This includes lack of information on the role of those responsible for undertaking assessments and making decisions about a care placement, how a residential setting is chosen, and the process of actually taking a child to and admitting them into that facility. Neither is it clear to what extent families can relinquish their children directly into residential care centres. In addition, it has not been possible to find information about the use of care plans for children in alternative care in Syria, or any placement monitoring and review process.
- It is difficult to assess the extent to which prevention of separation of children from their families is being systematically addressed. The use of kafala is being used to help children remain in vulnerable family situations and there are other services such as parenting programmes and MHPSS services being made available - especially by NGOs.
- There is no evidence of any systematic process for, or implementation of support programmes, that would facilitate family reunification for children that have been placed in alternative care.

- It was not possible to find any information regarding the use of Care Plans for children either prior to or during their placement in care.
- It has been challenging to find any information regarding planning for and the support during the period young people are ageing out of care
- Legislation is not fit for purpose and lacks sufficient protection of children's rights, protection for those that need it, and governance related to provision of alternative care.
- It has been difficult to understand from the literature sourced for this study, whether or not parental rights are removed if a child is placed in residential care.
- Although there is mention of case management and use of standard operating procedures for case management, there is little evaluation of the quality with which of case management procedures are being implemented. The main source of information regarding numbers of child protection cases being handled is the humanitarian agency child protection working group online dashboard.

3. Methodology

Desk review

A literature search was carried out using the search engines Web of Science, Google Scholar, and Google as well as the websites of such organisations as UNICEF and the Better Care Network. In addition, source documents in Arabic and English were provided by key informants from the SOS National Association in Syria.

The literature was reviewed by assessing the relevance of information to key research questions in order to examine all relevant aspects of child protection and alternative care systems including relevant actions of prevention, care placement, reunification and leaving care.

Interviews with key informants

A short interview was conducted with team members of the SOS National Association in Syria in order to gain additional information and/or confirm information that had been gathered during the desk review.

Limitations

The information in this report has been drawn from documents that could be sourced in English and Arabic. Although a comprehensive search was conducted to find these documents, complimented by reports and other information provided by national teams, it is not possible to guarantee that all relevant published data has been found.

Translating Arabic into English, as well as reading reports produced in English, revealed the challenge that different authors have used differing terminology for the same topics. For example, different reports use variations for the names of government departments, national programmes and forms of alternative care.

Furthermore, information sourced in documents has in some instances, proven to be contradictory in nature.

This report does not include an assessment of children placed in 'boarding' schools although it is acknowledged by the author that she would consider these to be residential institutions as defined in the report 'European Expert Group on the Transition from Institutional to Community-based Care: Guidance on implementing and supporting a sustained transition from institutional care to family-based and community-based alternatives for children, persons with disabilities, persons with mental health problems and older persons in Europe' issued November 2012.

The author of this study is grateful to the data collated and published by the network of particularly humanitarian NGOs including the Whole of Syria (WoS) Child Protection Area of Responsibility (AOR) working group. The one publication that has provided information on alternative care, although published over 10 years ago in 2010, is a UNICEF commissioned report on alternative care written by Nigel Cantwell and Severine Jacomy-Vité.

4. Context

In March 2011, pro-democracy demonstrations erupted in the southern city of Deraa, inspired by the "Arab Spring" in neighboring countries. What began as a peaceful uprising against the president of Syria turned into a full-scale civil war after the government used deadly force to crush the dissent and protests demanding the president's resignation erupted nationwide. The unrest spread, the crackdown intensified and opposition supporters took up arms, first to defend themselves and later to rid their areas of government security forces. Many countries and different armed groups, each with competing agendas, have become involved in the war thus creating a complex situation and prolonging the fighting. This has also fostered hatred between Syria's religious groups, pitching the Sunni Muslim majority against the President's Shia Alawite sect. Such divisions have led both sides to commit atrocities and has torn communities apart. The protracted conflict has also allowed the jihadist groups Islamic State (IS) and al-Qaeda to flourish. Countries that have become involved in funding and supporting the armed conflict include Russia and Iran backing the President, and a US, UK and France coalition carrying out airstrikes on IS militants and aiding an alliance of Kurdish and Arab militias called the Syrian Democratic Forces (SDF).

The conflict has left more than 500,00 people dead, or missing presumed dead and destroyed infrastructure including thousands of homes, hospitals and schools. By 2019, over half the population of Syria was displaced, with 10.9 million either having fled the country (5.7 million registered refugees), or becoming internally displaced (6.2 million). By February 2019, some 13 million people in Syria were estimated to be in need of humanitarian assistance, including 5.2 million in acute need.²⁴

After almost 10 years of conflict, the Syrian crisis continues to have a huge impact on children inside Syria, across the region and beyond. Every Syrian child has been impacted by the violence, displacement, severed family ties and lack of access to vital services caused by massive physical devastation.²⁵ The Syrian crisis remains first and foremost a protection crisis with grave violations of children's rights including abductions, killing and maiming. Millions of Syrian children have been born since the crisis began and are growing up knowing nothing but war and displacement.²⁶ It is estimated that 8 out of 10 children in Syria need humanitarian assistance.²⁷

²⁴ Sourced at: <https://www.bbc.co.uk/news/world-middle-east-35806229>

²⁵ Sourced at: <https://www.unicef.org/emergencies/syrian-crisis>

²⁶ Sourced at: <https://www.unicef.org/emergencies/syrian-crisis>

²⁷ Sourced at: <https://www.pbs.org/wgbh/frontline/article/children-of-syria-by-the-numbers/>

4.1 Geography



Figure 1. Map of Syria²⁸

Syria is a country located in the Middle East on the east coast of the Mediterranean Sea. Its area includes territory in the Golan Heights that has been occupied by Israel since 1967. The capital is Damascus²⁹ Syria has a relatively short coastline, which stretches for about 110 miles (180 km) along the Mediterranean Sea between the countries of Turkey and Lebanon.³⁰

4.2. Population

In 2021, the estimated population of Syria was 20,384,316.³¹ In terms of ethnicity, half the population are Arab (50%), 15% Alawite, 10% Kurdish, 10% Levantine, and 15% includes Druze, Ismaili, Imami, Nusairi, Assyrian, Turkoman, and Armenian.

As of 2020, the estimated age structure of the Syrian population was³²:

- 0-14 years: 33.47% (male 3,323,072/female 3,170,444)
- 15-24 years: 19.34% (male 1,872,903/female 1,879,564)
- 25-54 years: 37.31% (male 3,558,241/female 3,679,596)
- 55-64 years: 5.41% (male 516,209/female 534,189)
- 65 years and over: 4.46% (male 404,813/female 459,417)

²⁸ Sourced at: <https://cdn.britannica.com/51/4551-050-98D9E63B/Syria-map-boundaries-cities-locator.jpg>

²⁹ Sourced at: <https://www.britannica.com/topic/nation-state>

³⁰ ibid

³¹ Sourced at: <https://www.cia.gov/the-world-factbook/countries/syria/>

³² ibid.

Since the conflict began in 2011, the country has seen tremendous upheaval resulting in 6.2 million Syrians (2019) becoming internally displaced and 5.6 million (2019) registered refugees outside the country of which 2.5 million are children.³³

4.3 Economy

Syria's economy has seriously deteriorated amid the ongoing conflict that began in 2011, with a decline of more than 70% between 2010 and 2017. The government has struggled to combat the effects of international sanctions, widespread infrastructure damage, diminished domestic consumption and production, and high inflation. The value of the Syrian pound fell, government budgets rose and trade deficits increased. Although in 2017, some economic indicators began to stabilize, nevertheless economic activity remains depressed.³⁴ In 2017, GDP was \$2,900.³⁵

In 2019, 4 out of 5 people in Syria lived below the poverty line pushing families into extreme vulnerability and resulting in children taking 'extreme survival measures' including those of child labour, early marriage, and joining armed forces in an effort to help support their families.³⁶

4.4 Religion

The majority of Syrians are Muslims (87%) (includes Sunni 74% and Alawi, Ismaili, and Shia 13%). Ten percent of the population are Christian (includes Orthodox, Uniate, and Nestorian), and 3% Druze, with a few remaining of the Jewish faith mainly in Damascus and Aleppo.³⁷

4.5 Education

Education is free and compulsory in Syria for children ages 6 to 12 years old. However, the crisis in Syria has had an impact on education with UNICEF reporting 7,000 schools being damaged or destroyed and approximately 2 million children out of school.³⁸ UNICEF also raised concerns regarding issues of displacement, lack of educational spaces, economic hardship and protection concerns becoming barriers to children fully engaging in education. As well as worries for children dropping out of school, there is a growing number of children that have never been to school.³⁹ An estimated 2.45 million children, or one in three, were already out of school, by the end of 2019 and the COVID crisis has resulted in a further 50% of children leaving education in the north of the country. This means two thirds of children are now out of school in northern Syria.⁴⁰

Furthermore, those that can attend school continue to face daily challenges including overcrowded classrooms, poor quality of teaching, impact of traumatic experiences and lack of learning materials. Almost one third of those enrolled in primary school do not finish.⁴¹

4.6 Health

The current estimated infant mortality rate is 16.7 deaths per 1,000 live births. The estimated maternal mortality rate in 2017 was 31 deaths per 100,000 live births. Estimated life expectancy in 2020 was 73.7 years, for males and 72.3 years for females. The fertility rate was 2.9 children born per woman.⁴²

³³ S18

³⁴ Sourced at: https://theodora.com/wfbcurrent/syria/syria_economy.html

³⁵ https://www.cia.gov/library/publications/resources/the-world-factbook/geos/print_sy.html

³⁶ S18

³⁷ https://www.cia.gov/library/publications/resources/the-world-factbook/geos/print_sy.html

³⁸ Sourced at: <https://www.unicef.org/syria/education>

³⁹ Sourced at: <https://www.unicef.org/emergencies/syrian-crisis>

⁴⁰ Sourced at: <https://reliefweb.int/report/syrian-arab-republic/number-out-school-children-doubles-northern-syria-coronavirus-poverty#:~:text=An%20estimated%202.45%20million%20children,of%20school%20in%20northern%20Syria.>

⁴¹ Sourced at: <https://www.unicef.org/emergencies/syrian-crisis>

⁴² Sourced at: <https://www.cia.gov/the-world-factbook/countries/syria/>

UNICEF report acute malnutrition among pregnant or nursing women had increased more than two-fold in 2018, and 19,263 children under the age of five were severely malnourished. In total, 6.5 million people are reported to be food insecure.⁴³

The ongoing conflict has seen the collapse of the health care system in Syria, particularly in Syrian--opposition controlled areas. This includes destruction of health facilities, a patchy distribution of medical resources, poor and / or insufficient access to health care services to the general public, an increase in mortality rates and the migration of doctors.⁴⁴ Half of all health care facilities in Syria are only partially functioning or not functioning at all. National routine immunization coverage declined from 80% in 2010 to less than 50% in 2017, and two thirds of children with disabilities are unable to access the specialized services they need.⁴⁵

⁴³ S18

⁴⁴ Sourced at > <https://reliefweb.int/report/syrian-arab-republic/unicef-whole-syria-humanitarian-situation-report-1-31-august-2020>

⁴⁵ S18

5. Child protection concerns and reasons children are at risk of entering alternative in Syria

The United Nations General Assembly Resolution (2019) 'Promotion and protection of the rights of children' and the UN Guidelines identify the importance of collating information documenting protection and other risks children face that can lead to loss of parental care and placement in alternative care. Gathering this information provides evidence that can inform actions that prevent family separation, provide access to programmes and services that prevent violence against children and, when necessary, provide suitable care options for the temporary care of children when needed.

Furthermore, it is well recognized that violence in childhood 'can have negative lasting impacts on health and wellbeing.'⁴⁶ Therefore, a national child protection system should, 'prevent, respond to, and resolve the abuse, neglect, exploitation and violence experienced by children'⁴⁷. To do this, such systems should provide violence prevention and mitigation programmes which can avert separation of children from parental care. In this respect, differing international conventions and treaties, including the newly adopted 2019 UNGA Resolution on the 'Promotion and protection of the rights of children'⁴⁸, are very clear that all forms of violence against children in all settings are condemned and must be addressed. The resolution urge States,

to strengthen efforts to prevent and protect children from all such violence through a comprehensive, gender-responsive and age-appropriate approach and to develop an inclusive multifaceted and systematic framework, which is integrated into national planning processes, to respond effectively to violence against children and to provide for safe and child-sensitive counselling, complaint and reporting mechanisms and safeguards for the rights of affected children.

It is recognized that children are often victims of multiple forms of violence which compound their vulnerability and risk of family separation. The information below therefore, provides a snap shot of a range of protection and other risks that may lead to placement in alternative care in Syria.

Ten years of protracted conflict is highly significant to the protection of children in Syria. A short overview of just some of the issues facing children in Syria can be seen in Figure 2. Furthermore, although data does not provide an indication of numbers of children living outside of parental care,⁴⁹ a range of protection risks have been identified as contributing to this separation as illustrated in Figure 3. A concern being the protracted nature of the crisis will mean 'the number of separated children will continue to increase.'⁵⁰

⁴⁶ Kumar, A.K., Stern, V., Subramanian, R., Sherr, L., Burton, P., Guerra, N., Muggah, R., Samms-Vaughan, M., Watts, C., & Mehta, S.K. (2017) Ending violence in childhood: a global imperative. *Psychology, Health & Medicine*, Vol. 22 (S1)

⁴⁷ Pells, K. (2012) Risky lives': risk and protection for children growing up in poverty. *Development in Practice* Vol.22 (4) pp.562-673

⁴⁸ United Nations General Assembly (2019) 'Promotion and protection of the rights of children' adopted by the General Assembly at its 74th session, 19 November 2019, A/74/395

⁴⁹ S5

⁵⁰ *ibid.*

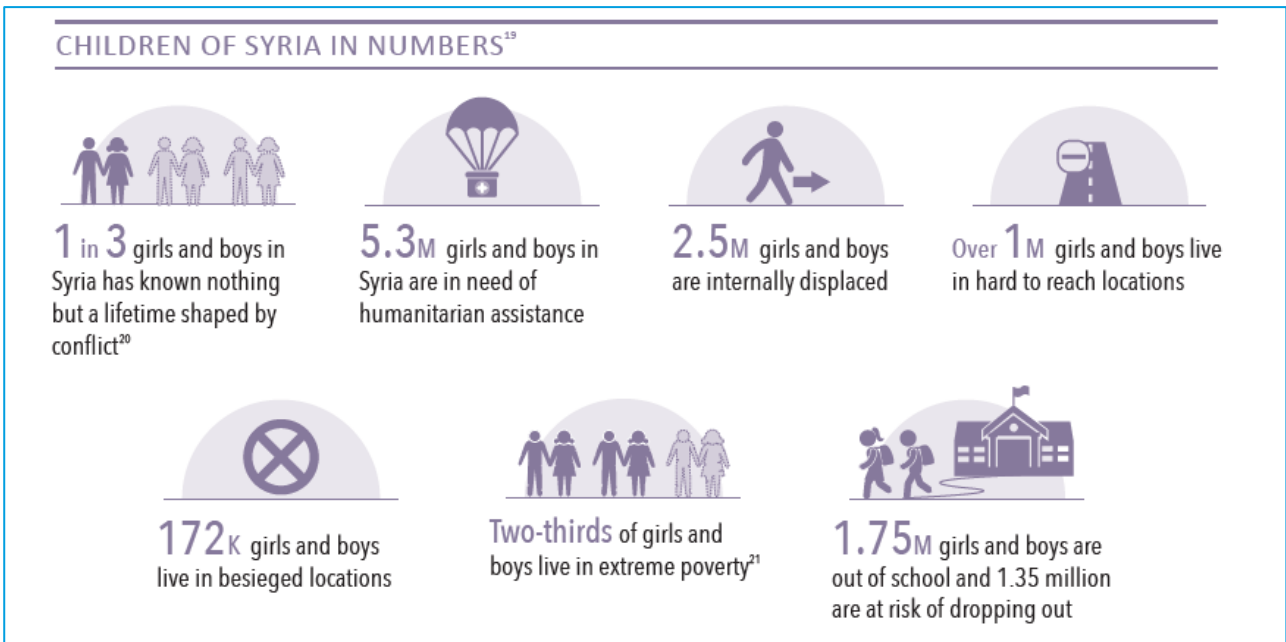


Figure 2. Issues affecting the lives of children in Syria (published 2018) ⁵¹

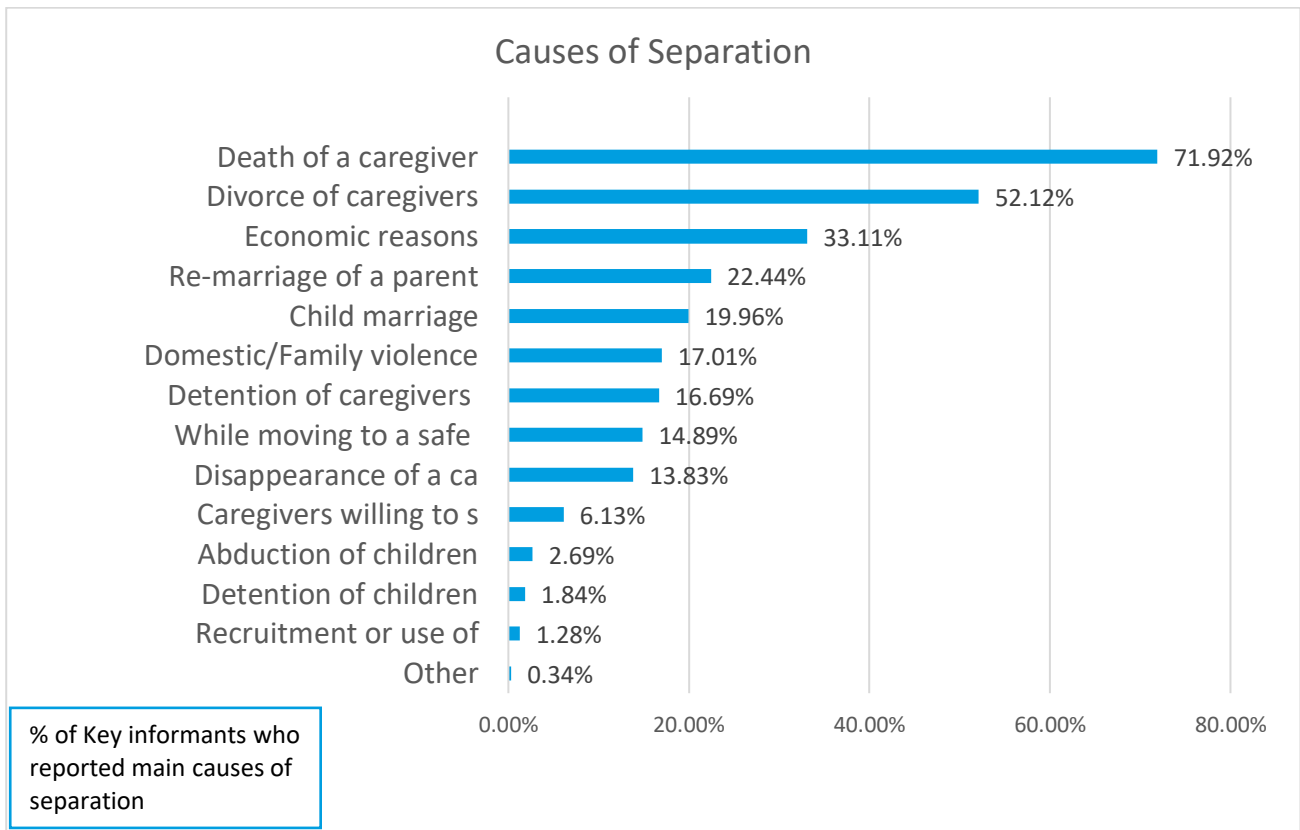


Figure 3. Percentage of key informants who reported causes of children being separated from parents or primary caregiver (published 2020)⁵²

Reports⁵³ have shown the prevalence of accidental separation, as for example when children become separated during an evacuation. This is thought to happen more frequently with children under 14 years of

⁵¹ S1

⁵² Sourced at: <https://www.humanitarianresponse.info/en/operations/whole-of-syria/child-protection-situation-monitoring-dashboard>

⁵³ S8

age. For children above 14 years old, there have been marginally more reports of 'deliberate'⁵⁴ separation as for example, due to economic hardship in the family.⁵⁵

The remainder of this Section of the study will examine some of the factors that can result in separation in more detail.

Abandonment, 'foundlings' and relinquishment

It has been difficult to distinguish whether authors of various reports have used the term 'abandonment' to also refer to children that have been relinquished.

Despite an intensive search, very little disaggregated data could be found about the abandonment of children. This may in part be due to the use of terminology for children without parental care, and the definition of a 'foundling', which includes different children including those that have been abandoned. For example, the Care of Foundlings Law issued by the Legislative Decree No. 107 on May 4, 1970 defines foundlings as "newborn who were found with unknown parents". However, Article 18. of the Decree also states that children of unknown parentage, or those with legal custody, children who are lost and do not have the ability to say who their parents are due to their young age or mental disability, and children with parents who do not seek their return, are also foundlings.

Children have also been abandoned due to issues related to poverty.⁵⁶

A newspaper article published in February 2017 entitled, 'Foundlings and homeless children new threat faces Syrian community'.⁵⁷ explained the impact of the war leading to children becoming homeless and abandoned ('foundlings'). The article confirms the lack of accurate numbers but suggests there is an increase in abandonment of children that are "found thrown at roadside or garbage containers". The article also recognizes the growing number of children whose parents have been killed as well as those that 'get lost and do not know their parents'. The article does provide some figures, although it is not possible to confirm if references to 'abandoned' children are those for whom both parents are unknown. There were a reported 500 "abandoned children in foster care" according to figures provided to the newspaper by the Ministry of Social Affairs. The article also reports number of 'foundlings' to have risen from previous years as hundreds of children lost parents in areas under conflict. It may be inferred from a quotation provided by the First Sharia judge in Damascus, that 'foundlings' are considered children those that have lost 'parents as well as children who are found but not able, due to age, be able to identify their family. He went on to say they should be distinguished from those who were born of illegitimate relationship and were abandoned by their parents.'⁵⁸

The Civil Code requires a child found abandoned should be taken to the nearest security agency or the village mayor following which the child will be sent to a residential care facility. The Foundling Care Legislative Decree regulates the status of abandoned children and their potential placement. Only children that have been truly abandoned can be placed with an alternative family through an 'attachment contract' (also known as el-haq). Under the Syrian Personal Status Law, children who have been abandoned and relinquished can be placed in permanent alternative family care, which in some reports is called 'foster care'.⁵⁹ The article said in 2011, an average of 5 children per month, generally newborns, were placed this way.⁶⁰

Children born out of wedlock

It has been a challenge to find information on numbers of children born out of wedlock. A study published in 2017⁶¹ identifies the phenomenon of unmarried mothers abandoning their babies because of fear of honour crimes and/or rejection by their family and community. The study also recognized children were at risk of losing parental care when born into a 'temporary marriage' known as '**zawaj al muta**'. This arrangement is a legitimate way of allowing couples to have sex outside of marriage. This allows a couple to enter into a non-legally binding relationship known as a 'temporary marriage'. However, children as a result of these relationships are at risk of being abandoned and relinquished.

⁵⁴ S8

⁵⁵ *ibid.*

⁵⁶ S5

⁵⁷ S17. newspaper article of 12th February 2017 sourced at: <https://en.zamanalwsl.net/news/article/23276/>

⁵⁸ *ibid.*

⁵⁹ S5

⁶⁰ *ibid.*

⁶¹ *ibid.*

The Committee on the Rights of the Child provided feedback to the State of Syria in 2019 stating that one of the major protection concerns for children in Syria was the civil registration and the right to acquire nationality. This included children born to, 'non-married' parents or those in mixed-religion marriages as well as children 'born out of situations of sexual violence.'

Death of one parent and orphans

It has not been possible to find systematic reporting of data that would provide the number of truly orphaned children i.e. children that have lost both parents due to death. As noted in Figure 3. above, in a survey currently published on an inter-agency network website,⁶² almost 72% of respondents identify death of a parent as the reason a child is separated from their family. This includes children considered to be 'unaccompanied or separated': terminology used in this context not just for refugee and migrant children.⁶³ Thirty-six percent of respondents for a study conducted by humanitarian agencies covering 264 sub-districts in Syria in 2018,⁶⁴ thought children had become 'unaccompanied or separated' from their usual caregiver due to death of a parent/s or other primary caregiver. It is also noted that 'In Syria, an orphan is a child who has lost one or both parents.'⁶⁵

Family breakup, divorce, becoming a widow/er and remarriage

Divorce, becoming a widow/widower, and remarriage, are all situations recognized as leading to placement of some children into alternative care.⁶⁶

Article 139. of the Personal Status Law provides a mother the primary right to custody of her children, and this right is passed through the female line. However, Article 138. states a woman can lose her right to this custody if she remarries a man outside of her deceased husband's immediate family.⁶⁷

A study published in 2017,⁶⁸ noted a rise in divorce leading to the risk of children being sent to live with other family members, or placement in residential care, particularly when a new spouse is unwilling to accept children from a previous marriage.⁶⁹

Children born to foreign fighters and/or out of rape in ISIL controlled areas

A study in 2017,⁷⁰ highlighted risks facing children born to foreign fighters and/or as a result of rape, particularly in ISIL areas of the country. The resulting impact on children's lives include extremely difficult living conditions and facing ongoing stigma and discrimination. Findings also report children as young as 7 years old were being held in ISIS held territory where they were being placed in centres and indoctrinated and recruited as fighters or suicide bombers. Some of these centres were reportedly being referred to as "orphanages".⁷¹

Detention or disappearance of a parent/s

The detention or disappearance of a parent or primary caregiver has been recognized⁷² as a major concern. One report in 2017 estimated there were 'thousands' being detained which it was noted, 'surely leaves the care arrangements of many children in jeopardy'.⁷³

Parents leave/migrate to find work

⁶² Sourced at: <https://www.humanitarianresponse.info/en/operations/whole-of-syria/child-protection-situation-monitoring-dashboard>

⁶³ S3

⁶⁴ S1

⁶⁵ *ibid.*

⁶⁶ S1 and S12

⁶⁷ S19

⁶⁸ S5

⁶⁹ S12

⁷⁰ S5

⁷¹ *ibid.*

⁷² S1 and S3 and S5

⁷³ S5

Parents and children and young people with or without their caregivers are migrating in order to seek employment. This phenomena has been identified as placing children at risk.⁷⁴

Separation from caregivers while moving to safer locations or children being purposefully sent to a safer location

As identified in Figure 4, children are becoming separated from primary caregivers both whilst moving to safer locations, and as a result of being purposefully sent away to live somewhere that is thought to be safer.⁷⁵ In a survey conducted with community respondents published in 2018,⁷⁶ 24% of respondents thought children were becoming separated while moving to a safer location.

Children are being sent away, to live with extended family in part due to financial vulnerability. Other reasons include sending children to safer locations to prevent recruitment into armed forces, and protecting girls from potential sexual assault.⁷⁷ Children are also being sent to live in other households or placed in care, if caregivers are evacuated for medical reasons.⁷⁸

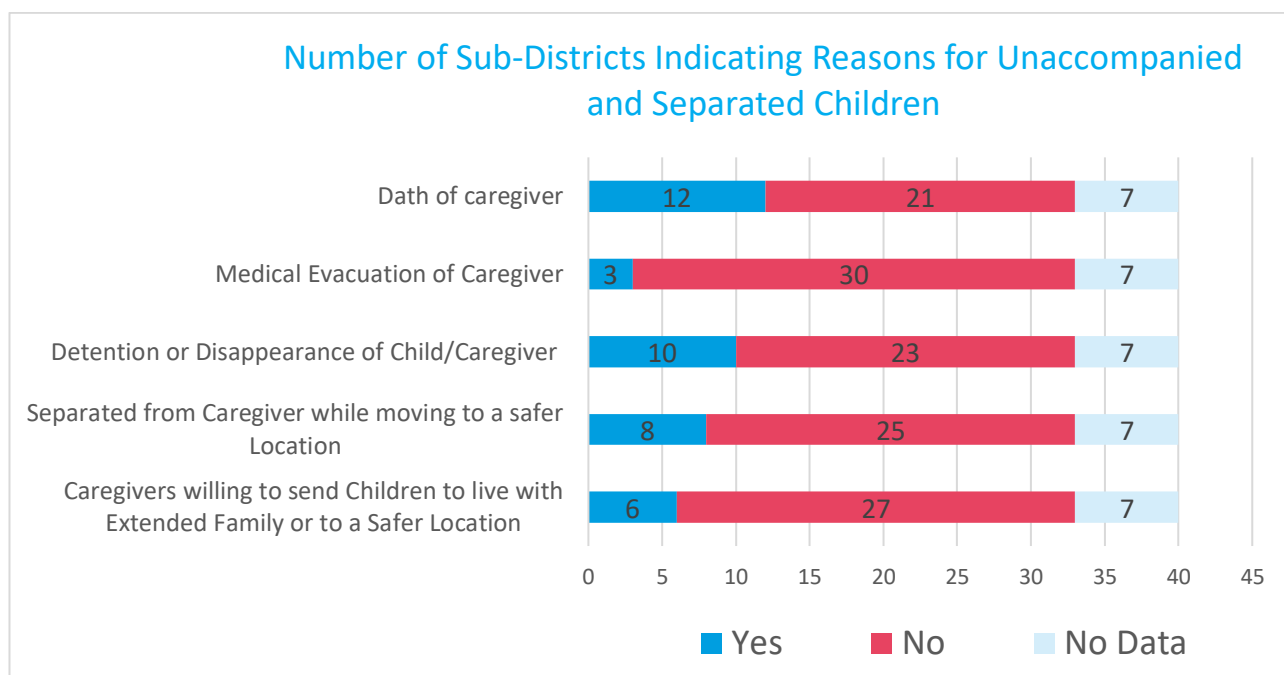
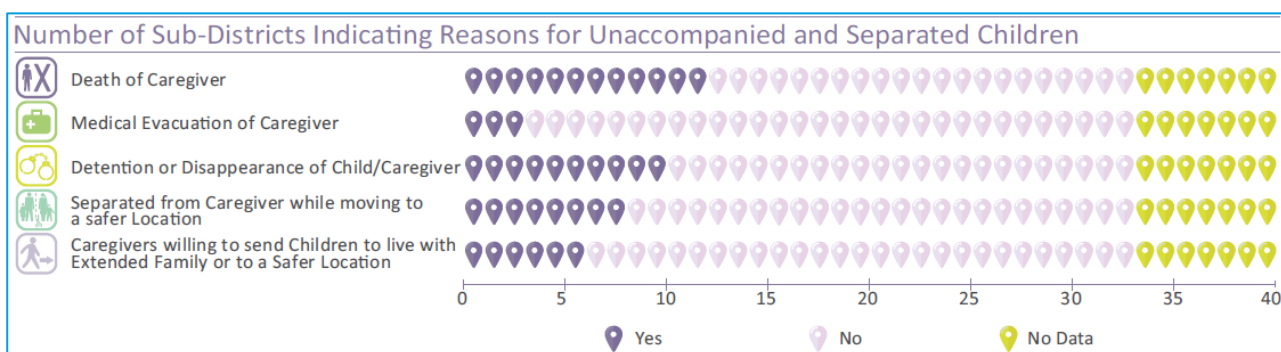


Figure 4. Reasons children become separated from parents or primary caregivers (published 2018)⁷⁹

⁷⁴ S5 and S9 and S14

⁷⁵ S1 and S3 and S7 and S8 and S14

⁷⁶ S3

⁷⁷ S8

⁷⁸ S3

⁷⁹ S3

Children without adult caregivers

A study conducted in consultation with community members and published in 2015,⁸⁰ sought information about children living without adult caregivers. Homelessness was presented as being an extremely isolated phenomenon in Syria. Very few respondents reported knowledge of children in their community that were living without an adult caregiver (4.6 %). However, when asked where children without adult caregivers lived, a greater number of respondents said they were aware of separated children who either lived on the street or lived with other children.

Poverty

There are many reports⁸¹ of children becoming separated from their parents due to poverty. In a review of alternative care in 2010, it was acknowledged that the majority of children living in residential care at that time were there because of 'material deprivation', and their families being unable to 'bear the financial burden of taking care of them.'⁸² It was noted that children's placement in alternative care due to issues related to poverty has been a factor since before the conflict.

Violence

Children are witnessing and experiencing violence both within the home, schools, their local community because of the conflict raging across the country. Figure 5. identifies locations children are most likely to be killed or injured.

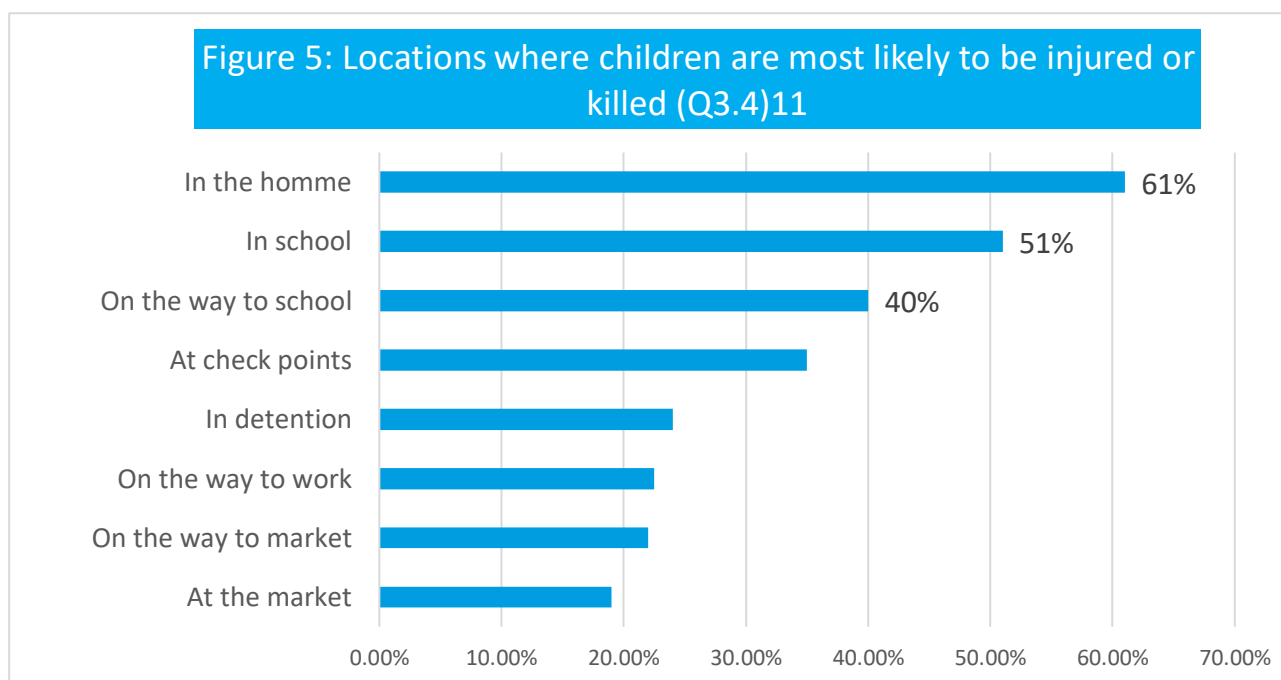


Figure 5. Locations where children are most likely to be injured or killed (published 2013)⁸³

A survey published in 2018,⁸⁴ found 51% of assessed communities reported family violence to be an issue of concern with 25% of communities reporting it as a common, or very common issue. This violence is attributed to, 'changes in family structure, gender roles, deteriorating financial and living conditions' that have contributed to increased stress and violence against, and between, family members. Under-reporting of sexual violence was making it difficult to assess the magnitude of such abuse although it was thought adolescent girls were at

⁸⁰ S11

⁸¹ S1 and S5 and S8 and S14

⁸² S12

⁸³ S14

⁸⁴ S19

most risk and experiencing a pervasive fear of sexual violence.⁸⁵ It has also been noted that, as 'family members become increasingly overwhelmed with the crisis, the effect on individual functioning, and on family dynamics, can exacerbate contexts in which child abuse occurs and escalates.'⁸⁶

A survey in 2013⁸⁷ identified some of the principal causalities of parental stress, which can be found in Figure 6.

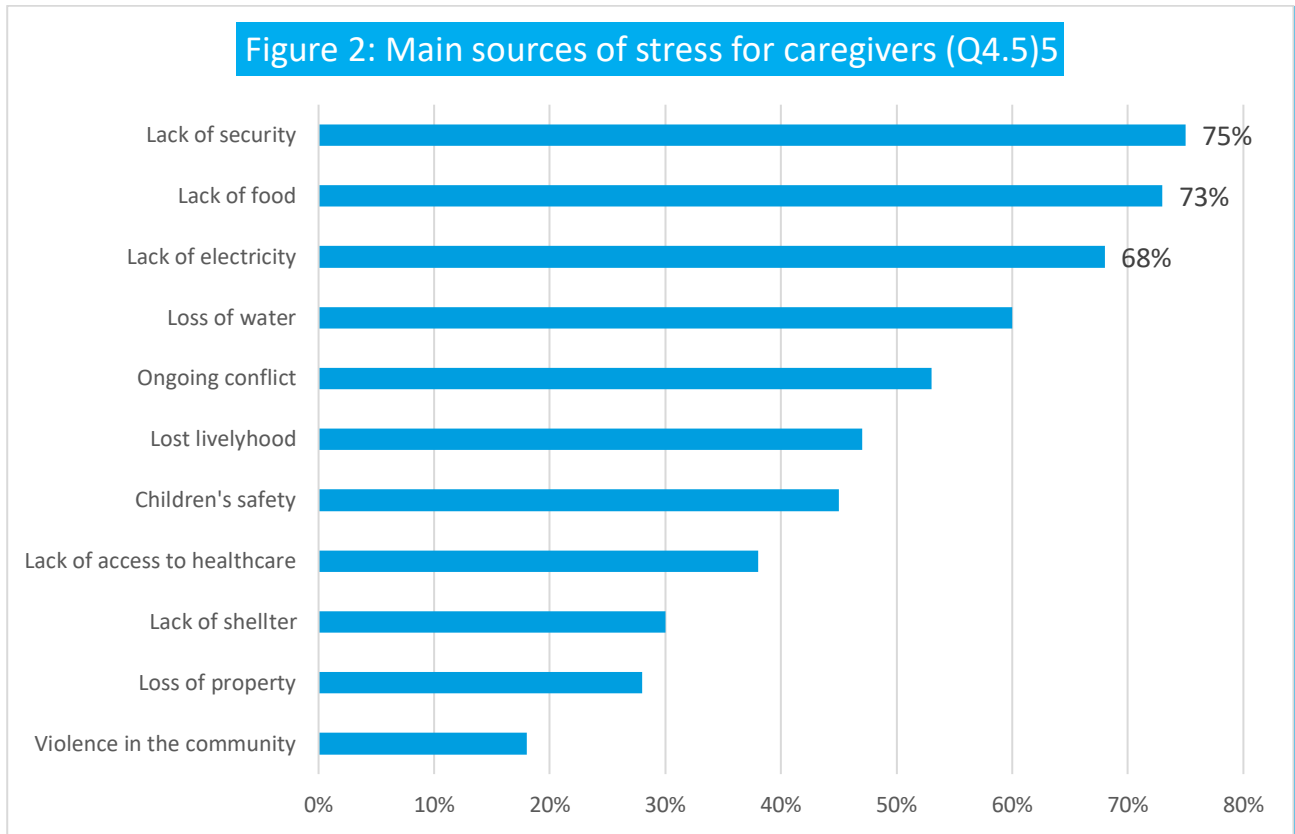


Figure 6. Main sources of stress for caregivers (published 2013)⁸⁸

A report in 2018,⁸⁹ also recognised how family and social structures had been undergoing a dramatic transformation because of the conflict including the role of many men, as the main provider of needs for their family, becoming disrupted. Gender roles have shifted, with many women becoming the main providers for the household, as their husbands are absent, injured, disabled or dead. Furthermore, women that have lost husbands must now go out to work as well as take on the role of both mother and father. This situation coupled with deteriorating financial and living conditions, including inadequate/temporary housing, insufficient water and sanitation facilities, and no or very limited private space, was seen to be contributing to increased stress and violence in the family.

Figure 7. shows the result of consultation with community members published in 2018⁹⁰ indicating the percentage of assessed communities in which respondents reported the occurrence of family violence.

⁸⁵ *ibid.*

⁸⁶ S5

⁸⁷ S14

⁸⁸ S14

⁸⁹ S19

⁹⁰ S19

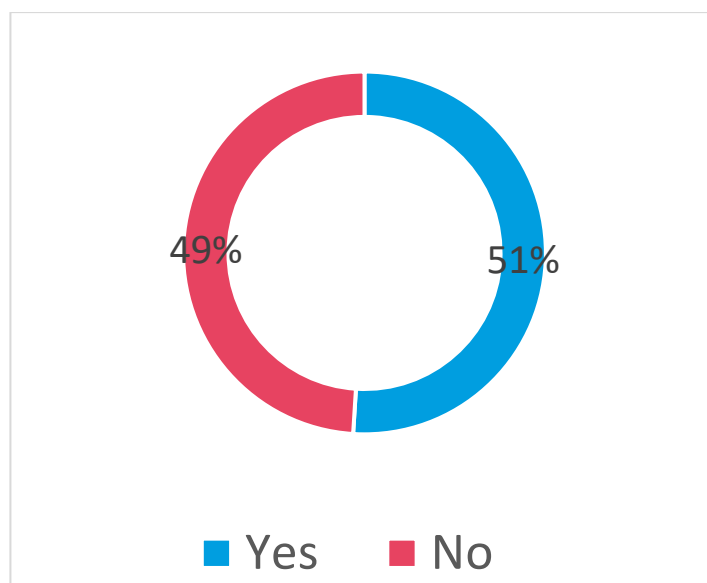


Figure 7. Percentage of assessed communities in which respondents reported the occurrence of family violence (published 2018)⁹¹

A report of 2013⁹² found sexual violence against children was being perpetrated in a many different environments. Of those surveyed for the study, at that time, the most frequently mentioned locations were detention centres (44%), at home (42%), checkpoints (36%), during armed attacks (30%), on the way to school (25%) and at school (20%). Only 56% of respondents thought children would seek help from those around them in the event of sexual violence, and 80% of respondents said they did not know where survivors of sexual violence could get professional support. Furthermore, there was a perception that sexual violence was on the increase as illustrated in Figure 8.⁹³

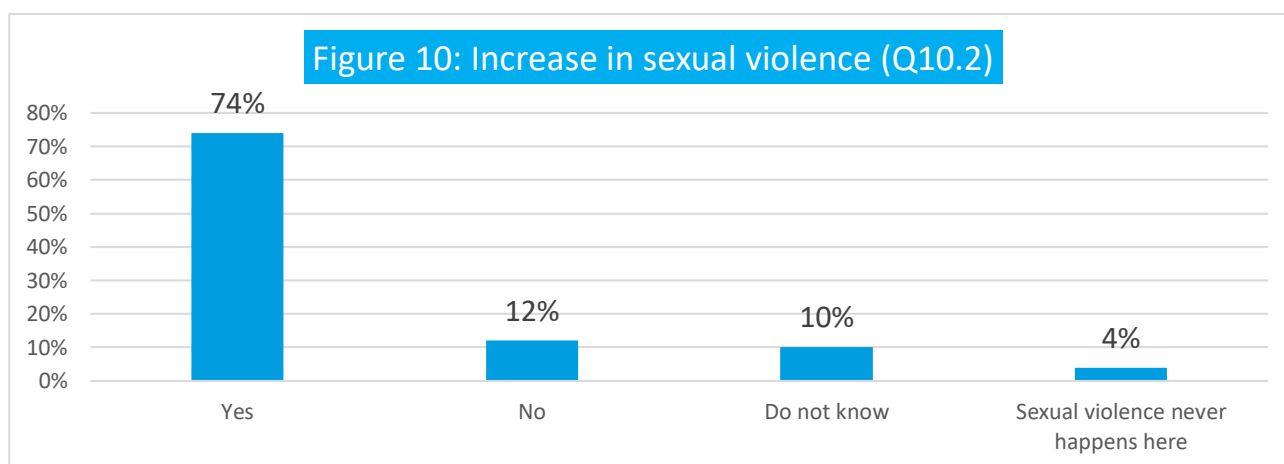


Figure 8. Respondent perceptions of increase in sexual violence (published 2013)⁹⁴

Other reported threats of violence that face children across Syria on a daily basis due to the armed conflict, include being killed and injured, torture in detention, unexploded ordinance, and reports of kidnapping and hostage taking.⁹⁵ Information gathered from community-based respondents reported that abduction of children was an issue of concern, with 8% cent of communities reporting it as a common or very common issue. Boys and girls of all ages have been abducted and are most often taken away with relatives in the

⁹¹ S19

⁹² S14

⁹³ *ibid.*

⁹⁴ *ibid.*

⁹⁵ *ibid.*

context of suspected affiliation with an opposing party to the conflict. Motives are reported to include extortion, sexual exploitation, and for bargaining on prisoner exchange.⁹⁶ Figure 9. shows the result of consultation with community members published in 2018⁹⁷ indicating the percentage of assessed communities in which respondents reported the occurrence of child abduction.

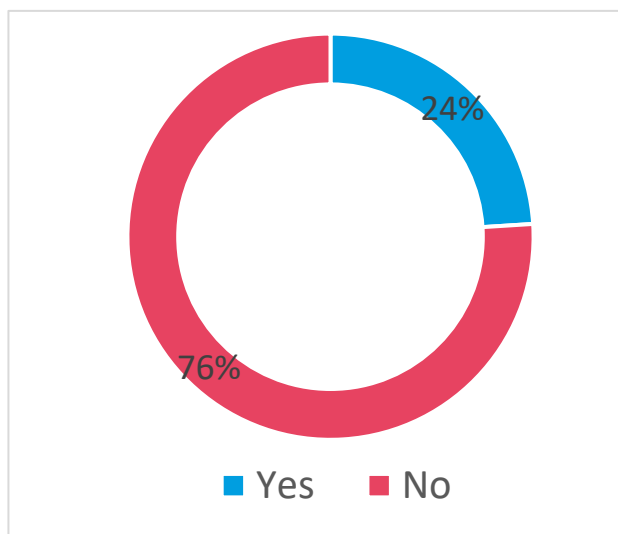


Figure 9. Percentage of assessed communities in which respondents reported the occurrence of child abduction (published 2018)⁹⁸

Children's participation in violence has also a concern. A survey published in 2014⁹⁹ indicated 45% of respondents were aware of children from their community who were participating in violence. The most commonly reported types of violence were looting and/or pillage and children recruiting other children into armed groups.

Children with disabilities

The organization Syria Relief published a policy brief in 2018¹⁰⁰ that identified over 10,000 children with disabilities in Syria who had poor or no access to necessary services. The most prevalent challenges identified by the children surveyed for the study (789 children) found 55% of children had mobility difficulties, 46% had learning difficulties 48% had mental health problems, and 21%, had multiple disabilities (please see Figure 10.). The authors also found 88% of all children surveyed indicated a need for medical rehabilitation services of which 68% indicated that these services were not available in their area. Of all children in the survey, 83% had a disability from birth. A total of 79% children indicated the lack of access to health care services and 64% reported the lack of access to education.¹⁰¹

⁹⁶ S19

⁹⁷ S19

⁹⁸ S19

⁹⁹ S14

¹⁰⁰ S20

¹⁰¹ S20

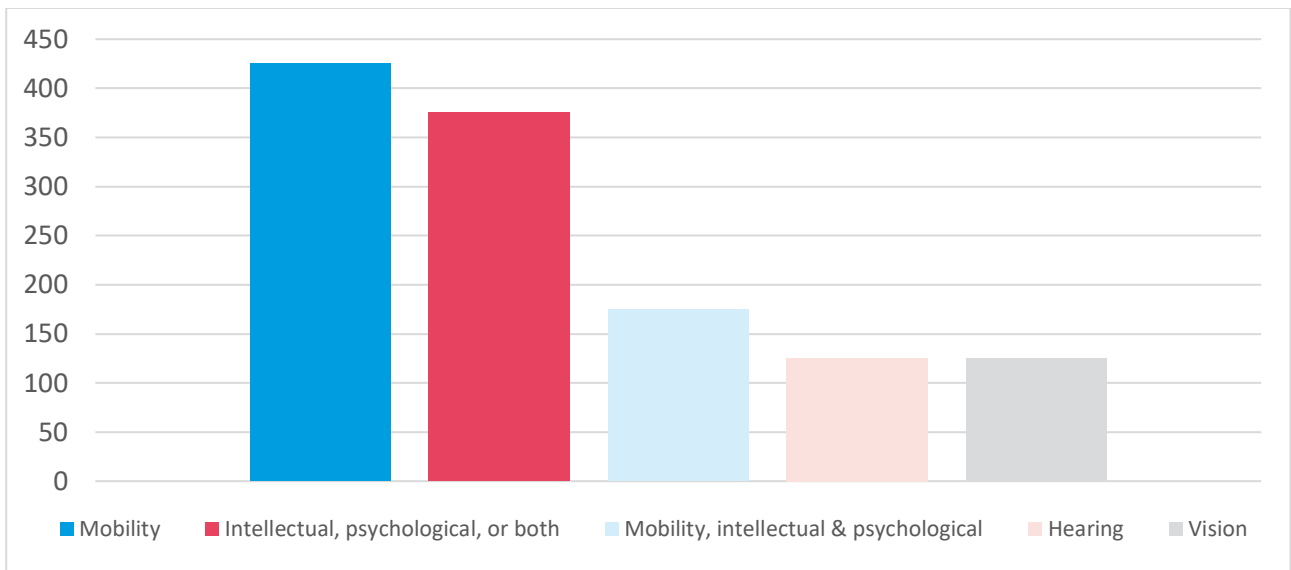


Figure 10. Number of respondent children with a disability (published 2018)¹⁰²

Child marriage

According to a study published in 2018, since the onset of the conflict in 2011, there has been an upward trend in child marriage. As illustrated in Figure 11, respondents in 69% of communities assessed, reported child marriage to be an issue of concern, with 20% of communities reporting it to be a common, or very common, issue. It was also noted how child marriage was being used as a coping strategy to respond to economic difficulties and protection concerns.

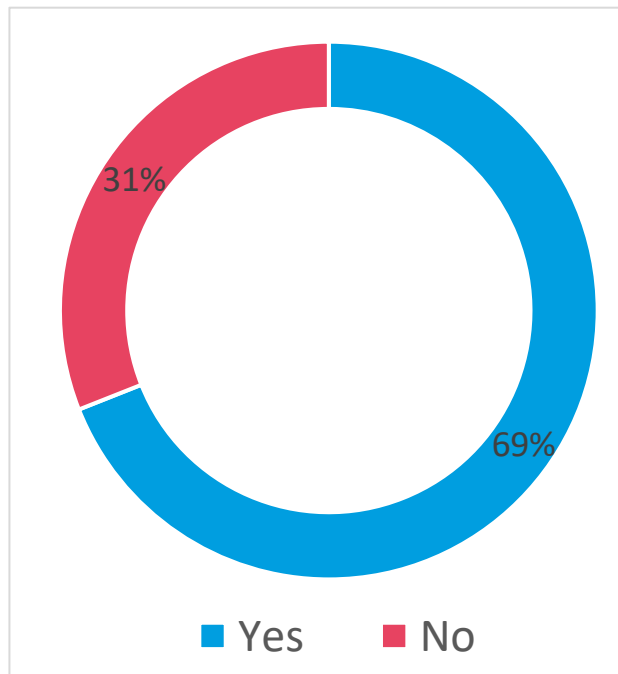


Figure 11. Percentage of assessed communities in which respondents reported the occurrence of child marriage (published 2018)¹⁰³

The detention of children

¹⁰² S20

¹⁰³ S19

Children continue to be arrested and detained as a result of the conflict mainly due to their alleged association with opposing armed groups. A study published in 2018¹⁰⁴ spoke of verified reports arrest and detention by parties to the conflict of 75 children aged between 10 and 17 years, including 49 boys and 26 girls during the period January- June 2017. In 71 of these cases, the status of the children remained unknown at the time of writing the 2018 report. In 37 of the cases, the children had been subject to torture and ill-treatment, and in once case, rape. One child had executed. Almost 80% of survey respondents believe arrest and detention of children continues to increase with such measures being uses for political and military ends rather than as a means of law enforcement.¹⁰⁵

The use of children in armed forces and armed groups

In 2018,¹⁰⁶ it was reported that association of children with armed forces and armed groups had ‘increased sharply’. Children were known to be used by parties to the conflict in frontline combat roles, and to be recipients of military training. They were also being used in support roles such as guarding checkpoints, and for sexual exploitation. Children have been used to conduct suicide attacks and perform executions.¹⁰⁷

From a survey with community members published in 2018,¹⁰⁸ in 47% of the assessed communities’ respondents reported the occurrence of child recruitment (see Figure 12.). Boys aged between 12-17 years old were considered most affected (47% of assessed communities), followed by adolescent girls 12-17 years (25%), then boys below 12 years of age (22%) and girls below the age of 12 years (16%).

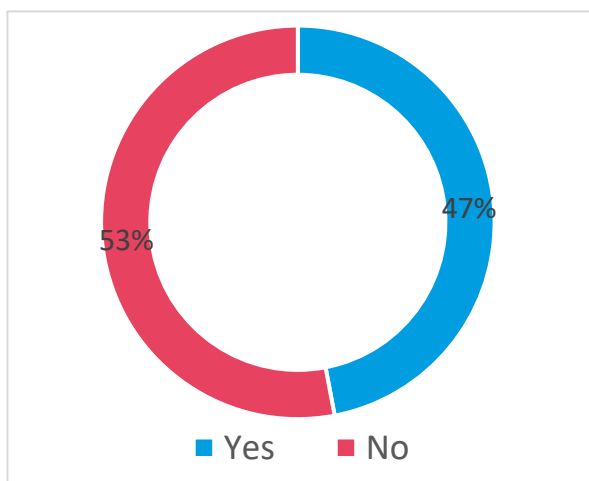


Figure 12. Percentage of assessed communities in which respondents reported the occurrence of child recruitment (published 2018)¹⁰⁹

Street connected children

Little information has been found during the literature review for this study regarding street connected children. A report published in 2013,¹¹⁰ speculated how, ‘there may already be a significant number of unaccompanied children living without adult care on the street or on their own.’ Furthermore, in 2010,¹¹¹ it was acknowledged that some children in residential care facilities were there due to being homeless.¹¹²

Child labour

Many children have become involved in economic activities. During a study published in 2018,¹¹³ respondents in 82% of the communities that took part in the assessment reported child labour to be a concern, with 34% of those communities reporting it to be a common, or very common, issue. Boys were more likely to be involved

¹⁰⁴ S19

¹⁰⁵ S19

¹⁰⁶ *ibid.*

¹⁰⁷ *ibid.*

¹⁰⁸ S19

¹⁰⁹ S19 see also S11

¹¹⁰ S8

¹¹¹ S12

¹¹² *ibid.*

¹¹³ S14

in the more hazardous forms of labour, and girls more likely to be involved in domestic work. Figure 13. provides a breakdown of the percentage of respondents reporting child labour particularly as they believe it was impacting on children attending school.

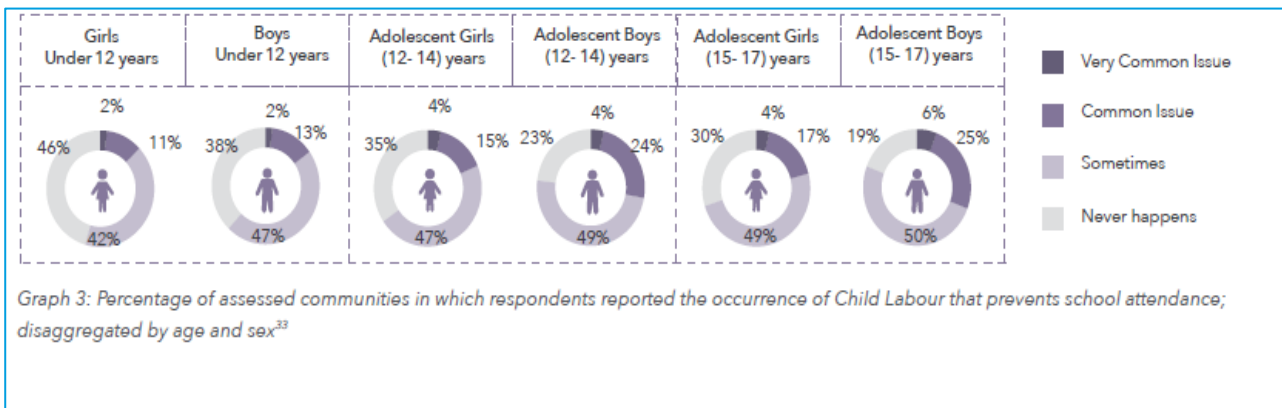


Figure 13. Percentage of respondents reporting the occurrence of child labour that prevents school attendance (published 2018)¹¹⁴

A 2013¹¹⁵ report identified working children felt the need to help their families address the financial struggle.

¹¹⁴ S19

¹¹⁵ S14

6. Prevention of family separation

The United Nations General Assembly resolution¹¹⁶ on the 'Promotion and Protection of the Rights of the Child' recognizes the importance of children being raised in a 'family environment'. Furthermore, the resolution calls on the State to offer families all the support necessary whilst expressing concern,

that millions of children worldwide continue to grow up deprived of parental care, separated from their families for many reasons, including but not limited to poverty, discrimination, violence, abuse, neglect, trafficking in persons, humanitarian emergencies, armed conflict, natural disaster, climate change, migration, death or illness of a parent and lack of access to education, health and other family-support services.

The Resolution also recognizes that,

financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from the care of his or her parents or primary caregivers and legal guardians, for receiving a child into alternative care or for preventing his or her reintegration, but should be seen as a signal for the need to provide appropriate support to their family, benefiting the child directly.

In this respect, it is incumbent on States to invest in combatting the multi-faceted factors that can lead to loss of parental care and making certain that everything possible is done to maintain children with their families in a safe and caring environment. This requires addressing issues of material poverty and lack of access to basic services, including social security, health and education, housing and employment. It also means combatting the discrimination and marginalization that families face on the basis of ethnicity, gender, disability and birth status. If these factors are not recognized and tackled, many children will enter the alternative care system unnecessarily. This approach is grounded not only in the fundamental spirit of the CRC but also in many specific CRC provisions, such as a right to health (Article 24), education (Article 28), support for the role of parents (Article 18), conditions for separating a child from parents (Article 9), right to social security (Article 25) and protection from discrimination (Article 2).

The author of this study acknowledges the need for this wide ranging multi-sectoral approach however, the topic of prevention, could in itself, necessitate an entire report on the different social welfare, education, health and other sector programmes needed, developed and implemented across Syria. However, as the literature search for this report was specifically focused on the child protection and alternative care system. It is to be noted therefore, that whilst there are many relevant programmes being delivered in Syria by other sectors, this study has only taken into consideration the literature relevant to the particular research remit.

Kafala in a form of child 'sponsorship' that can be used in Syria to provide financial support so that a child may remain with his/her parents or extended family. It involves a private individual (*kafi*) who provides a family with regular financial and/or material support to be used for the child's care. However, it has not been possible to find any systematic annual reporting of numbers of children supported in this way, and it is not clear how widespread this form of kafala is now being used in Syria.

A report in 2017¹¹⁷ provides one example of an NGO that specifically designed a programme to provide kafala for children who were being looked after within their vulnerable extended families. The programme had a focus on holistic care needs including physical, educational, health and psychological support. It was reported¹¹⁸ that in 2010, approximately 2,000 children living with their families were being sponsored through kafala.

¹¹⁶ United Nations General Assembly Resolution 'Promotion and Protection of the Rights of the Child', December 2019 'A/74/395

¹¹⁷ S5

¹¹⁸ S12

A study published in 2011¹¹⁹ also provided examples of kafala being provided to families in order to help prevent separation organized through an NGO rather than the initiative of an individuals. This included the work of St. Gregarious Orphanage for Orthodox, which was sponsoring just 7 children living with their widowed mother. A further example was the work of the NGO Hufez Al Nemah, which was working on a 'Kafala Excellence Project' designed to ensure kafala for children who are looked after within their vulnerable extended families. At the time of the study, 3,100 children were benefitting from the scheme.

A further reference to prevention in the 2011 study¹²⁰ on alternative care drew attention to the need for improved cooperation between the Ministry of Social Affairs and the Ministry of Justice police. It was believed this could contribute to strengthening community-based and prevention activities for children, especially those that are homeless, begging and facing exploitation, as well as decreasing the intervention of judiciary that often leads to custody orders.

Apart from general information on child protection, procedures and practices reported throughout the different sections in this study, there was no further specificity in reports relating to prevention of placement of children in alternative care.

¹¹⁹ *ibid.*

¹²⁰ *ibid.*

7. A national child protection system and alternative care

Alternative care should be an integral component of a national child protection system. Within the sphere of national and international programming, the desire to ensure a more comprehensive approach to the reform of national child protection systems has increased across the world across recent years. This includes working towards a multi-sectoral and holistic approach to protect children from all forms of violence and neglect. It also means shifting to a more systematic approach when building a child protection system and addressing all components simultaneously. Years of trying to fix just parts of the system has proven ineffective. It also requires a holistic view of childhood, understanding and mitigating all factors that place children at risk, and working in partnership with the State, children, families, communities, and NGOs to build a protective environment.

A child protection system is comprised of differing components as outlined in Table 1. below.

COMPONENTS OF A NATIONAL CHILD PROTECTION SYSTEM	
Normative Framework	<ul style="list-style-type: none"> ▪ Legislation and Policy ▪ Strategic Plans ▪ Statutory Guidance ▪ Regulations and Standards ▪ Inspection Framework ▪ Monitoring and Evaluation Framework
Data collection and management information systems	<ul style="list-style-type: none"> ▪ Systems of rigorous quantitative and qualitative data collection and analysis upon which inform planning and programming ▪ Data to inform monitoring and evaluation systems
Structures for system delivery, coordination and oversight	<p>Structures at national, regional, local and community level for delivery of child protection and alternative care system:</p> <ul style="list-style-type: none"> ▪ Structures/departments of staff and resources defined and managed by Government for the functioning of protection care system and services within MOSA and other relevant government bodies ▪ Roles and responsibilities of national and local government departments ▪ Budget allocation and resource management to ensure all elements of the system is adequately staffed and resourced ▪ Contracting of non-governmental agencies and services ▪ Roles and responsibilities of national and local non-governmental/community bodies ▪ Interaction with international bodies ▪ Monitoring and evaluation ▪ Coordination across governmental and non-governmental agencies and service providers i.e. social services, education, health, justice, social protection and finance ▪ Coordination at and between national and local level ▪ Coordination between formal and informal systems ▪ Accountability for the development, quality, delivery and monitoring of child protection and alternative care system
Gatekeeping tools, and child protection case management	<p>Case management tools and mechanisms including:</p> <ul style="list-style-type: none"> ▪ Early detection and early intervention plans for children at risk of family separation ▪ Referral mechanisms and processes ▪ Care and protection assessments for well-informed participatory decision making ▪ Decision making, inter-sectoral case planning and individual case management and monitoring ▪ Case monitoring and review
Continuum of protection and	<ul style="list-style-type: none"> ▪ Promotion of community-based family support services ▪ Provision of a range of suitable family and community based alternative care options

suitable care services	<ul style="list-style-type: none"> ▪ Reintegration services ▪ Leaving care services ▪ Adoption services ▪ Deinstitutionalization as per UN Guidelines as per UN Guidelines- deinstitutionalization strategy, with precise goals and objectives, which will allow for their 'progressive elimination'
Skilled workforce	<ul style="list-style-type: none"> ▪ Sustainable systems of education, training and skill capacity building of social service workforce and all relevant sector workforce including access to: <ul style="list-style-type: none"> • Higher Education and professional qualifications • In-service training ▪ Supervision and care of workforce ▪ Optimal number of skilled workforce employed to meet needs of the children and families
Attitudes and awareness raising - building a protective environment	<ul style="list-style-type: none"> ▪ Challenges to attitudes that place children at risk and endorse institutionalization ▪ Evidence of building on positive attitudes and actions to create a protective and caring environment for children

Table 1 . Components of a national child protection system

This report aims to provide information found as a result of the desk review on each of these components as they relate to the national child protection system and alternative care provision in Syria.

It has been acknowledged that not only was the formal child protection system of Syria already weak prior to the start of the conflict in 2011, with services available primarily being made available only in Damascus, but at the time of a child protection report in 2017,¹²¹ the whole system was under increasing and immense pressure.

¹²¹ S4

8. The Normative Framework

In line with the Convention on the Rights of the Child, national laws, bylaws and regulations, policies and statutory guidance should guarantee children's right to protection from all forms of violence, abuse, neglect, and exploitation. It should reinforce the primary responsibility of parents for the care, protection, and development of children and obligate the State to support families to intervene if and when necessary to support and protect a child.

An effective legal framework for child protection is one that:

- Designates a government agency with clear mandate, authority, and accountability for the management, coordination, and delivery of children's services
- Stipulates a continuum of prevention, early intervention, and response services to prevent and respond to all forms of child neglect and abuse
- Sets standards, criteria, authority, and procedures for decision making in regard the best interests of the child, setting of thresholds that determine which interventions are appropriate in individual cases
- Requires that all decisions regarding compulsory protective services, the separation of a child from his/her family, and out-of-home care are made by a designated government authority and subject to judicial review
- Ensures separation of a child from parental care is a measure of last resort
- Includes a binding regulatory framework for compulsory registration, accreditation, monitoring, and inspection of all government and non-government service provider.

In this manner, the normative framework of a country comprises the legislation, regulations, decrees and statutory guidance and standards that mandate and direct the work of both government and non-governmental bodies. It is important therefore, that any organization offering support to children, has a full understanding of the provisions in the law and other statutory guidance that governs programming for child protection and alternative care.

Table 2 lists some of the relevant international conventions ratified by the Government of Syria.

Convention	Year ratified
CCPR - International Covenant on Civil and Political Rights	1969
CESCR - International Covenant on Economic, Social and Cultural Rights	1969
CRC United Nations Convention on the Rights of the Child (UNCRC)	1993
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	2003
CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	2003
CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	2003
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	2004
CRPD - Convention on the Rights of Persons with Disabilities	2009

Table 2. UN Conventions

It has been reported that 'legislation relevant to the rights of children is found throughout a wide range of Codes, Acts and Legislative Decrees' in Syria¹²². However, there have been challenges in accessing and/or confirming some of the content of Syrian legislation relevant to child protection and alternative care. Table 3. lists a

¹²² Sourced at: <https://archive.crin.org/en/library/publications/syrian-arab-republic-national-laws.html>

number of laws it was possible to source from Government of Syria websites as well as those it has not been possible to find and therefore, confirm..

Legislation	Year
Civil Code Legislative Decree No. 84/1949	1949
Penal Code of 1949 and enacted on 22 June 1949	1949
Personal Status Law Legislative Decree No. 84	1959
Legislative Decree 107 of 1970: Foundling Care Law	1970
Law 18 of 1974, the Juvenile Delinquent Act	1974
Law 34 of 1980 (references to this law indicate it may be relevant to the regulating of care arrangements for abandoned children)	1980
Juvenile Law No 18 (1974) (and amendments Legislative Decree 52 of 2003)	2003
Child Rights Law pending since 2006	
Legislative Decree 26 of 2007 Civil Status Law	2007
Legislative Decree No. 3 of January 2010 concerning the prohibition of human trafficking	2010
Syrian Arab Republic Constitution	2012
Legislative Decree 2 of 2013 Creating institutions, homes and social care centres	2013
Legislative Decree 15 of 2013 creating the Ministry of Social Affairs and the Ministry of Labor	2013
Alternative Care Law (<i>it is understood this law may have been drafted in 2014 but it has not been possible to find a copy</i>)	2014

Table 3. National legislation

There is no overall Child Law although reports indicate a Child Rights Law has been drafted and pending adoption since 2006. There is also mention of an 'upcoming Child Rights Bill' in the 'Committee on the Rights of the Child reviews the situation of Children in Syria' issued in January 2019.¹²³ It was reported that the Bill will mandate for the establishment of a national commission for the rights of children and guarantee alternative care for children.

References have also been found in a report¹²⁴, to a National Committee on Alternative Care established by the Ministry of Social Affairs, a National Strategy on Alternative care, and a revised Law on Alternative Care. The latter was supposedly submitted to the Minister of Social Affairs for processing. No further details were provided, and following an intensive search, it has not been able to find any further references to the Committee or copies of the strategy or the law. Mention was also made in the January 2019 Committee on the Rights of the Child 'Review of the situation of Children in Syria Report' that a law on foster care was under development but no other information on this possible law has been found.

An evaluation¹²⁵ of some of the national laws and policies in Syria found that they are not always not in line with international standards with concerns regarding the:

- Uneven or weak implementation of existing laws or policies - for instance, bans on corporal punishment in schools not enforced
- Gaps in key policies and government oversight - for instance, policies on foster care, or regulation of civil society actors providing child protection services

Constitution of the Republic of Syria

The Constitution of the Republic of Syria contains limited provisions that apply to specifically to children. Article 44. of the Constitution stipulates that the family is the basic unit of society and is protected by the State.¹²⁶ The State also protects mothers and children and provides suitable circumstances in which they may develop:¹²⁷

1. The family is the basic unit of society and is protected by the state.
2. The state protects and encourages marriage and eliminates the material and social obstacles hindering it. The state protects mothers and infants and extends care to adolescents and youths and provides them with the suitable circumstances to develop their faculties.

¹²³ Sourced at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24082&LangID=E>

¹²⁴ S5

¹²⁵ S4

¹²⁶ S12

¹²⁷ Sourced at: <https://archive.crin.org/en/library/publications/syrian-arab-republic-national-laws.html>

Personal Status Code Legislative Decree 59 (1953)

The Personal Status Code is divided into six sections that provide regulations for marriage, divorce, childbirth, guardianship, wills and inheritance while the Code applies to all Syrians, it also makes exceptions for those who are Druze, Christians and of the Jewish faith with respect to marital affairs. However, where a subject area in the specific family laws of a religion or sect does not cover a certain issue, reference should be made to the relevant provisions in the Personal Status Code.¹²⁸

The Personal Status Law also covers the issue of customary marriages whereby a ceremony is held but the marital contract is not registered in the respective religious court. These marriages are not deemed as legally valid under Syrian law. Because of this, there are no legal obligations imposed on the husband, and this can have consequences for any children. It is reported that customary marriages now incur fines under Law 24/2018. One of the reasons for the introduction of Law 24/2018 was to help address the issue of women being left with no legal remedies if their partners abandoned them, and the status of children born in the relationship.¹²⁹

The Code allows for a child whose parents are not 'qualified to have custody' (translated from Arabic) to transfer them to a 'trustful foster caregiver' or a 'foster home administered by the State'.

Legislative Decree 26 (2007) of the Civil Status Law

This Decree mandates for the process that should be followed if an abandoned child is found. Article 29. requires the following: (translated from the Arabic):

- A. In the event that a 'foundling' is discovered, whoever has found the child must immediately notify the police, or the mayor, in order to organize the necessary report for this situation and deliver the child to one of the institutions or persons approved by the Ministry of Social Affairs The Ministry of Social Affairs will organize a birth certificate for the child and this is registered in the civil registry, after the registrar chooses a first and family name for the child, either that is of a their parents or a relative or one the care home suggests in relation to the foundling's name only without mentioning that he is a bastard in the documents given to him
- B. A foundling is considered an Arab, Syrian, Muslim, and born in Syria in the place where he was found, unless proven otherwise.
- C. A child is considered a 'bastard':
 1. The child is of unknown parentage, and there is no one to legally support him.
 2. The child was lost and does not have the ability to guide to his family due to his young age or mental weakness, or because he is deaf and mute and his family is not trying to recover him

Penal Code of 1949 and enacted on 22 June 1949

Articles in the amended Penal Code have, according to the Syrian delegation to the Committee on the Rights of the Child, strengthened 'the protection of children and introduce stronger sentences for crimes against children. This includes the prohibition of corporal punishment of children in schools.

Legislative Decree 15 of 2013 creating the Ministry of Social Affairs and the Ministry of Labor

This law separates the Ministry of Social Affairs and Labour into two separate ministries. Article 2 requires the Ministry of Social Affairs to undertake the specializations and tasks that were previously undertaken by the Ministry of Social Affairs and Labour related to social affairs in accordance with the texts in force. The Ministry of Labour undertakes the specializations and tasks related to labour and workers issues that were previously undertaken by the Ministry of Social Affairs and Labour in accordance with the texts in force. The rights and

¹²⁸ Sourced at: <http://www.syria.law/index.php/comprehensive-insight-syrian-family-law/>

¹²⁹ Sourced at: <http://www.syria.law/index.php/comprehensive-insight-syrian-family-law/>

obligations that relate to their new tasks resulting from the Ministry of Social Affairs and Labour's previous implementation of these tasks devolve to the aforementioned ministries.

Article 3. required existing directorates existing on the date of the publication of this legislative decree in the Ministry of Social Affairs and Labour to become attached to the two newly created ministries according to the competence and tasks of each of them, in coordination between the two ministers, with permanent and temporary workers, with their same wages and status. The numerical staffing of the Ministry of Social Affairs and Labour is distributed between the two newly created ministries.

Law 18 of 1974, the Juvenile Delinquent Act

The Juvenile Delinquent Act is primarily legislation governing the process for children brought into the juvenile justice system including placement in different forms of detention, fines and/or decisions to place back in the care of their parents with monitoring requirements. However, children who are identified as being 'vagrant' or 'begging' are also subject to this law and as a result, can be placed in juvenile detention centres.

One report¹³⁰ found a consensus among professionals in Syria that vagrant and begging children, as well as abused and sexually exploited girls, should not be seen as offenders but rather children at risk and in need of care and protection. The report went on to suggest that legislation should be amended so that it decriminalizes these children and instead, 'requires provision of temporary alternative care.'¹³¹

Legislative Decree 107 of 1970 on Foundling Care and Law 34 of 1980

Reference has been found in the literature¹³² to the Foundling Care Legislative Decree 107 of 1970, and the Law 34 of 1980 and how it provides a legal framework for the regulation of care arrangements for abandoned children.

The law requires anyone who finds a child (a 'foundling') must take them to the nearest police station with any articles found with the child. The officer in charge of the police station should prepare a report stating the time, place and circumstances of the discovery of the child, approximate age, distinguishing marks, and sex, and the full name, age, place of residence and address of the person who found the child. The report must also indicate that the parents were not present. An investigation should be carried out to try and find the parents. The police should hand over the children to relevant authorities in the governorate or into a foundling care home. If needed, the child could also be taken to hospital.

Article 4. requires a 'competent' foundlings care home to receive the child and prepares a 'receipt' for the child that is given to the body that delivered the child. The home should then organize a birth certificate and sent it to the relevant civil registry office in pursuant of provisions in the Civil Status law.

Articles 5. and 6. require the Ministry of Social Affairs to hold responsibility for the care, sponsorship and education of the child until they are old enough (18 years old) to become independent and earn a living. This includes the providing education, general education, vocational education, health and 'social control' and all other matters of caring for a foundling child.

Article 7. recognizes a foundling as an orphan with regard to the custody of his money or is subject to the will of the guardianship provisions contained in the Personal Status Law.

Article 8. states that foundlings care homes have a mission is to ensure foundlings are taken care of them in terms of health, education and social development and that the Ministry of Health undertakes supervision of health in these homes.

Article 9. refers to the establishment of Foundling Homes and bylaw of the Ministry of Social Affairs that includes all the provisions related to the administration of the home, its timetable, the organization of its services, its work programme, the role of its employees, and other matters related to its activities and tasks. Bylaws include

- Conditions for admission to the Home
- Sections in the house departments and their specializations.

¹³⁰ S12

¹³¹ S12

¹³² S5 and S12

- The powers and duties of each of the employees and employees of the house and the works assigned to them.
- Jobs that are assigned to employees from the relevant ministries.

Article 10 allows for the placement of a 'foundling' by the Minister of Social Affairs with a family, or a woman, provided they are able to care for and raise the child in a manner that is in the child's interest. The same article allows the Minister of Social Affairs to place a foundling child in an institution.

Article 11. states the number of employees in foundlings care homes, their roles and categories, shall be determined by a decree after the approval of the Economic Committee. These employees are subject to the basic personnel law. Article 12. requires the financial affairs of the foundlings' care home and the management of its supplies to be undertaken by an accountant assigned by the Ministry of Finance and responsible in accordance with the laws and regulations in force.

Articles 13 to 19 cover the status of the child. The Act provides that every foundling shall be deemed to be a citizen of the Syrian Arab Republic and a Muslim unless proven otherwise. (Article 13). Provisions relating to the recognition of the lineage contained in the Personal Status Law shall apply. If money is found with the child, or whatever the child is gifted, it belongs them. The child does not have to repay any money spent on them by the State

In Article 18. foundlings are considered, and the provisions of this legislative decree apply to them if:

- Children of unknown parentage who are not legally entrusted with their support.
- Children who go astray and do not have the ability to identify their families due to their young age or mental weakness or because they are deaf and deaf and their parents do not try to recover them.

It has not been possible to find **Decision 819 of 1981, Decision 1043, or Decision 114**. It is reported that they deal with alternative care families (defined as foster families) and social care institutions.

Legislative Decree 2 of 2013 - Creating institutions, homes and social care centers (translated from Arabic)

This Decree includes Articles relating to the setting up of residential care settings.

Article 1. refers to the need to take into account any other laws in force that contain provisions for establishing institutions, homes or social care centres. The Article goes on to state that social care centres are created by a decision issued by the Minister of Social Affairs in coordination with the Minister of Local Administration. The decision to create a centre includes the following:

1. The name of the center and its location.
2. The purpose of its creation.
3. The tasks assigned to it.

Article 2. requires there to be details regarding numbers of staff and rules of procedures to be issued by a decision of the Minister of Social Affairs in coordination with the Minister of Local Administration.

Article 3. requires the necessary funds for these centres to be allocated in the budget of the Ministry of Local Administration whilst Article 4. allows the acceptance of local and international donations according to laws and regulations already in force. Article 5. requires there to be a unified financial system for the social care centres based on provisions within this Decree by the decision of the Minister of Social Affairs in coordination with the Minister of Finance and should include:

- Revenues and expenditures.
- Mechanism for disposing of permanent capital.
- The basis for granting compensation and incentives for workers in the centers.
- The amounts allocated for the activities carried out by the centers.

9. Data collection and management information systems

The UN Guidelines for the Alternative Care of Children¹³³ advise that,

It is a responsibility of the State or appropriate level of government to ensure the development and implementation of coordinated policies regarding formal and informal care for all children who are without parental care. Such policies should be based on sound information and statistical data. They should define a process for determining who has responsibility for a child, taking into account the role of the child's parents or principal caregivers in his/her protection, care and development. Presumptive responsibility, unless shown to be otherwise, is with the child's parents or principal caregivers.

The necessity of accurate and systematic data collection for information on characteristics and trends of child protection and alternative child care is crucial for the development and application of appropriate and evidence-based policy and practice.¹³⁴

It has not been possible to find any data set that provides disaggregated quantitative and qualitative data regarding children without parental care or children in alternative care. There is constant reference in the literature indicating the lack of systematic data collection including information about children without parental care and children in alternative care.¹³⁵

Although one assessment¹³⁶ from southern Syria found 5% of surveyed households in camps were hosting a separated child, the study went on to say there remained a serious lack of data that could help provide an insight into the scale of child separation in Syria.

Recommendations were made in a 2011 study¹³⁷ urging the Ministry of Social Affairs to develop a comprehensive database of children in care in Syria and highlighting how such information would support better planning, support, monitoring and potential expansion of prevention and care measures. The lack of data on child protection was also noted in a study of 2015 and how this meant 'there is no reliable information with which to inform policy or decision making.'¹³⁸

It is apparent that to date, these recommendations have remained unheeded by Syria Government although, plans to develop a database on children were outlined in a Government response provided to the Committee on the Rights of the Child in 2019.

¹³³ UN General Assembly, Guidelines for the Alternative Care of Children : resolution / adopted by the General Assembly, 24 February 2010, A/RES/64/142, available at: <https://www.refworld.org/docid/4c3acd162.html>

¹³⁴ AlEissa, M.A. et al. (2009) A commentary on national child maltreatment surveillance systems: Examples of progress. *Child Abuse and Neglect*, 33, pp. 809-814; Boothby, N. and Stark, L. (2011) Data surveillance in child protection systems development: An Indonesian case study. *Child Abuse and Neglect*, 35, pp.933-1001.

¹³⁵ S4 and S5

¹³⁶ S5

¹³⁷ S12

¹³⁸ S4

10. Structures for system delivery, coordination and oversight

The UN Guidelines for the Alternative Care of Children¹³⁹ urge that,

All State entities involved in the referral of, and assistance to, children without parental care, in cooperation with civil society, should adopt policies and procedures, which favor information sharing and networking between agencies and individuals in order to ensure effective care, aftercare and protection for these children. The location and/or design of the agency responsible for the oversight of alternative care should be established so as to maximize its accessibility to those who require the services provided.

10.1 The role of State departments

Reports indicate a fragmented approach to the development and delivery of a national child protection system in part due to responsibilities for coordinating child protection being scattered across different government bodies.¹⁴⁰

National Committee on Alternative Care.

As mentioned previously in this study, a number of reports¹⁴¹ have referred to the National Committee on Alternative Care, established by the Ministry of Social Affairs. The National Committee is also mentioned in the January 2019 Committee on the Rights of the Child report that reviews the situation of children in Syria in response to the Syrian submission. However, it has not been possible to find any further information about the precise role and responsibilities of this Committee either through the literature search or through interviews.

The Syrian Commission on Family Affairs and Population

The Syrian Commission on Family Affairs was first established in 2003 pursuant to Act No. 42 of 2003, as an inter-sectoral policy-making body under the Prime Minister.¹⁴² The commission has a role in policy formulation on measures for the care and protection of children, which lies across various ministries. In the fifth periodic report submitted to the Committee on the Rights of the Child by the Syrian Arab Republic in 2017, the responsibility of the Commission was described as encompassing matters relating to the rights of Syrian children, including the development of reports submitted to the Committee on the Rights of the Child. The 2017 submission to the Committee goes on to say the Commission has the task of 'protecting and consolidating families, upholding family identity and values, monitoring and coordinating measures taken to implement the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and proposing amendments to legislation affecting families.'

The Commission has reportedly been given additional tasks including. 'dealing with issues affecting population, setting up family affairs and population departments in social affairs directorates at governorate level and cooperating with Arab and international organizations concerned with family and population affairs.' The Commission is recognized as having legal, financial and administrative independence. Other public institutions are required by law to cooperate with the Commission to help it achieve its goals.. The Government then provided power to the Director of the Commission, through Legislative Decree No. 5 of 16 January 2017, to set up independent offices in the governorates, to alter the composition of the Commission's board of directors, and increase the number and role of experts on the board.

The website for the Commission describes its work for children as, 'The Syrian Commission for Family Affairs has worked on the Childhood axis in several areas: in the field of international agreements, in the field

¹³⁹ UN General Assembly, Guidelines for the Alternative Care of Children : resolution / adopted by the General Assembly, 24 February 2010, A/RES/64/142, available at: <https://www.refworld.org/docid/4c3acd162.html>

¹⁴⁰ S4

¹⁴¹ S5

¹⁴² S12'

of strategies and plans, in the field of workshops and conferences, in the fields of studies, research and evidence, in the field of capacity building and awareness raising.¹⁴³

Information sourced on the UN Women website¹⁴⁴ indicates that as part of the Plan of Action of the Syrian Commission for Family Affairs, efforts were underway to establish a Family Protection Units as well as counselling helplines for women and children threatened with, or subjected to, violence or harm. It was also reported that the Plan of Action includes provision of training for police officers, in particular women officers, in combating violence against women.

Unit for Family Protection

It has only been possible to find information about the Unit for Family Protection through references found in reports sourced for this study. For example, information found on the UN Women website regarding the establishment of Family Protection Units, says this was planned as part of an integrated system for the protection of children against all forms of maltreatment and the protection and social rehabilitation of women. It was stated that through the unit, all protection cases will be investigated and referred to the competent authorities for processing but provides not further details.

In the fifth periodic report submitted to the Committee on the Rights of the Child by the Syrian Arab Republic in 2017, it was reported that in March 2017, the Family Protection Unit had been established by the Syrian Commission for Family Affairs and Population. This Unit had been given a remit to protect women and children, and are 'jointly administered by the Commission, relevant ministries and civil society.' The report goes on to state how the Unit is made up of three structures: the first for women, the second for children, and the third provides services such as physical and psychological therapy, professional training, and access to education for those wishing to resume regular schooling.

It was also stated in the periodic report that the Syrian Commission for Family Affairs and Population had provided training on family protection to multidisciplinary teams working in the Family Protection Unit. In order to facilitate the work of the Unit, the report went on to announce a study had been undertaken of how monitoring, reporting and referral mechanisms were being implemented in Syria with a view to strengthening legislation and standards in that field. It was further reported that as a result, an integrated case management and social service system has been drafted with the support of UNICEF. No evaluation of these Units has been found during the search for literature.

10.2 The role of non-governmental organisations

The role of UN bodies and non-governmental organisations play a key role in reporting on, and responding to, child protection concerns in Syria. They are also the primary providers of residential alternative care. It is also apparent that coordination of efforts has very much depended on the leadership of UN and international humanitarian organisations. As in other countries of acute and protracted crisis, inter-agency working groups have been formed. This includes:

The Whole of Syria - Child Protection Area of Responsibility

The Whole of Syria sub-working group for child protection is a network of over 60 child protection organisations, including UN, national and international NGOs, and government departments operating in 14 governorates. This initiative has been prompted by humanitarian agencies to work in a coordinated manner through the UN Cluster approach, which leads the coordination of child protection efforts in humanitarian settings in order to ensure children in emergencies are protected from abuse, neglect, exploitation, and violence.¹⁴⁵ As a sub-group, members of the 'Child Protection Area of Responsibility' agencies work together to prevent and respond to abuse, neglect, exploitation and violence against children. This working group are working in line with a strategic framework called 'No Lost Generation'. The No Lost Generation initiative comprises joint programming at country level in Syria, Turkey and Iraq and as part of its responsibility, undertakes joint advocacy at regional and global levels, led by humanitarian partners, to strengthen support 'to children and youth affected by both crises, recognizing that their safety, wellbeing, and education are essential'¹⁴⁶ to the future of Syria and the region. No Lost Generation is led jointly by UNICEF, Mercy Corps, Save the Children

¹⁴³ Sourced at: <http://www.scfa.gov.sy/category/%d9%85%d8%ad%d9%88%d8%b1-%d8%a7%d9%84%d8%b7%d9%81%d9%88%d9%84%d8%a9/>

¹⁴⁴ Sourced at: <https://evaw-global-database.unwomen.org/en/countries/asia/syrian-arab-republic/2009/plan-of-action-of-the-syrian-commission-for-family-affairs>

¹⁴⁵ See: <https://www.cpaor.net/>

¹⁴⁶ S21

and World Vision. The initiative brings together humanitarian and development partners from United Nations agencies, local and international non-governmental organizations, donors and host governments.¹⁴⁷

The No Lost Generation strategic framework is driven by two operational priorities

- Strengthening the quality of community-based child protection interventions
- Expanding the availability of quality specialized child protection services, including case management. This includes systematizing efforts to build a sustainable child protection workforce as a way to scale up reach

For further information, please see: <https://www.nolostgeneration.org/>

The Child Protection Area of Responsibility also contribute significantly to the regular collection, analysis and reporting of data as can be evidenced in the significant number of their reports referenced in this literature review. An example of this reporting can be found on the following dashboard: <https://www.humanitarianresponse.info/en/operations/whole-of-syria/child-protection-situation-monitoring-dashboard>

Overall, there is significant reliance on UN bodies and NGOs to deliver child protection services across the country - where access is possible. As an example of the magnitude of this provision, a 2018 map of services provided through partnership projects with UNICEF UNHCR and UNFPA providers drawn up in 2018 can be found at:

<https://app.powerbi.com/view?r=eyJrjoiMjRIMjA1M2MtOTY1NC00ZTZmLWJINjEtNWE3MTM3YmViMWFmliwidCI6ImZINWM3N2EzLTM0ZGQtNDQxOS1hMTk4LTA3YTQzZDQzOTJkYSIsImMiOiI9>

¹⁴⁷ S21

¹⁴⁸ S19

11. Gatekeeping and child protection case management

Gatekeeping is an essential component of a national child protection and alternative care system.¹⁴⁹ It involves a systematic process and use of tools and procedures that enables all those involved in the protection and care of children to make choices that are in the best interests of each child and meets their individual needs, circumstances and wishes.¹⁵⁰ Shared gatekeeping tools and processes enable multi-sectoral teams working together on case management should ensure:

- careful identification and referral of children and families at risk
- comprehensive and rigorous multi-sectoral assessments of circumstances and needs and wishes
- decision making procedures taken in consideration of the best interests of each child with full and meaningful participation of children, families and involvement of other relevant stakeholders
- development of child and/or family Support Plans that identify the community-based support services to be provided in a timely manner. If alternative care is necessary, each child should have an individual Care Plan.
- oversight and delivery of support services and/or alternative care.
- ongoing case monitoring and review of Support Plans/Care Plans and the changing situation of the child and their family
- procedures that facilitate and support family reunification or other permanent solutions for a child including adoption

It is important that all the above procedures respect a child's right to participate (see CRC Article 12) in decisions that affect their lives. This is a central premise to making effective and appropriate decisions about their protection and well-being. In addition, importance should be placed on the development of multi-sectoral assessments and other shared gatekeeping tools and mechanisms accompanied by joint training on these tools so that policy, practice and responsibility is owned by all relevant stakeholders and agencies (social welfare, education, health, judiciary, housing, employment etc.). This also helps create a holistic child-centred approach to child protection and alternative care.

Furthermore, in setting thresholds and parameters as part of assessment and decision-making processes, the 2019 UNGA Resolution on the Promotion and protection of the rights of children¹⁵¹ clearly states that,

financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from the care of his or her parents or primary caregivers and legal guardians, for receiving a child into alternative care or for preventing his or her reintegration, but should be seen as a signal for the need to provide appropriate support to their family, benefiting the child directly.

In light of the above guidance, this desk review has considered gatekeeping in Syria and the use of child protection case management processes and tools as illustrated in Figure 14. below.

149 Gale, C. & Csaky, C. (2014) (2015) Making Decisions for the Better Care of Children: The role of gatekeeping in strengthening family-based care and reforming alternative care systems. Better Care Network and United Nations Children's Fund (UNICEF)

150 Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012) Moving Forward: Implementing the Alternative Care Guidelines for Children. UK: CELCIS, University of Strathclyde

¹⁵¹ United Nations General Assembly (2019) 'Promotion and protection of the rights of children' adopted by the General Assembly at its 74th session, 19 November 2019, A/74/395

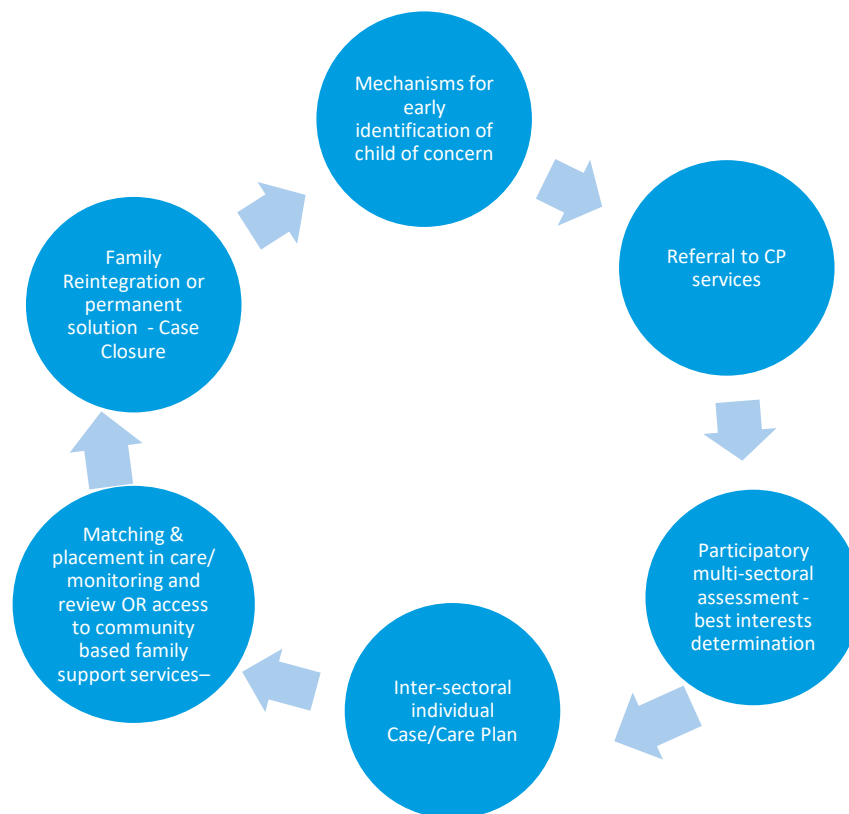


Figure 14 Steps of child protection case management

11.1 Referral and assessment and case/care planning procedures

In terms of applying child protection case management, a report in 2015¹⁵² acknowledged the limited capacity that had already existed prior to the onset of the Syrian crisis in 2011 which, by also impacted by a high staff turnover, continues to be a challenge. This is amplified by the reports of the growing number of child protection cases that has notably overwhelmed organisations and their capacity to respond. This situation has however, also ‘challenged organisations to develop more sophisticated case prioritization procedures.’

Analysis of reports studied for this desk review suggest that the development of child protection case management tools and Standard Operating Procedures for child protection has been undertaken principally with the lead of the humanitarian NGO sector in partnership with UN bodies.

For example, the NGOs that comprise the Cluster Child Protection Working Group in ¹⁵³ Northern Syria have collaborated on the development of a set of interagency standard operating procedures entitled, “**Practical Guidance for Child Protection Case Management**’ to be used by child protection organizations providing case management services with the aim of helping to ‘standardize the response to children in need of specialized child protection services, such as unaccompanied and separated children’. ¹⁵⁴ The working group has stated ¹⁵⁵ that child protection case management and the procedures will allow a collaborative process between protection actors and the clarification of roles and responsibilities of those involved in case management. The aim being, agreement on shared protocols and tools, while at the same time strengthening capacity to deliver case management procedures. The working group further describe the procedures as having established an understanding of “what to do” when a child experiences violence, abuse, neglect or exploitation’. The working group liken the procedures developed for Syria to the Child Protection Case Management procedures

¹⁵² S4

¹⁵³ S1

¹⁵⁴ S1

¹⁵⁵ *ibid.*

developed by the inter-agency working group entitled 'Area of Responsibility' in Jordan. It is not clear however, how this guidance relates to decision making and actions in relation to removing children from parental/family care.

In addition, a national training package supported by UNICEF and covering the implementation of case management and integrated social services, has been endorsed by the Cabinet of Ministers. The training focuses on the role of case managers, case management steps, and most importantly -the application of principles of social work that seek to empower families and their networks to find solutions¹⁵⁶.

Unfortunately, it has not been possible, even with an extensive search, to find a copy of the standard operating procedures in English - they are available in Arabic.¹⁵⁷ It is noticeable that Syrian standards uses the exact same graphics as the international Alliance for Child Protection in Humanitarian Action's, 'Minimum standards for child protection in humanitarian action'¹⁵⁸ and it is presumed therefore, these standards are in line with the template of case management procedures being used internationally. Based on the glossary, topics covered in the Syrian procedures for child protection case management include:

- Who does what, where, when and for whom
- Child Protection Area of Responsibility
- Case management
- Case Management Task Force
- Best interests' determination
- Core Humanitarian Standard on Quality and Accountability
- Community-based child protection
- Country Task Force for Monitoring and Reporting (on grave violations against children)
- Child protection in humanitarian action
- Child Protection Information Management System
- Accountability to affected population
- Alternative care in emergencies
- Children associated with armed forces or armed groups
- Child, early and forced marriage
- Child-friendly spaces
- Child-headed household
- Child protection
- Cash and voucher assistance
- Disaster risk reduction
- Early childhood development
- Explosive remnants of war
- Explosive ordnance
- Family tracing and reunification
- Gender-based violence
- Gender-based Violence Information
- Identification, documentation, tracing and reunification
- Infectious disease outbreaks
- Internally Displaced persons
- Information Management
- Inter-agency Network for Education in Emergencies
- Intimate partner violence
- Information-sharing protocol
- Lesbian, gay, bisexual, transgender and intersex
- Mental health and psychosocial support
- Monitoring and Reporting Mechanism (on grave violations of children's rights in situations of armed conflict)
- Programme cycle management
- Restoring family links
- Worst forms of child labour

¹⁵⁶ *ibid.*

¹⁵⁷ Sourced at: <https://www.humanitarianresponse.info/en/operations/whole-of-syria/document/child-protection-minimum-standards-cpms-handbook-arabic>

¹⁵⁸ These can be sourced at: <https://alliancecpa.org/en/child-protection-online-library/inter-agency-guidelines-case-management-and-child-protection>

However, the 'Practical Guidance for Child Protection Case Management' provides more of an overview of child protection principles and actions including reference to elements of case management, rather than detailed tools that can be adopted.

Since the outbreak of the COVID-19 pandemic, guidance on child protection case management procedures have been issued and they can be found at:

https://reliefweb.int/sites/reliefweb.int/files/resources/final_covid-19_gtp_nw_syria_guidance_note-10-sept_20.pdf

A further reference to the use of child protection case management in Syria is an evaluation undertaken in 2020.¹⁵⁹ that assessed the work of three local NGOs. The local NGOs did not have prior case management experiences and there were few services in the areas of implementation. The NGOs started to utilize the Alliance for Child Protection in Humanitarian Action Case Management Supervision and Coaching Package in 2019. As a result, staff of the NGOs started such tools as case file checklists, group meeting records, individual capacity assessments, and observation tools. The evaluation concluded that as the project evolves, social work supervisors will need further training and should be trained as trainers so they can cascade trainings to their teams.

Although the inter-agency NGO working group report that case management is being used in Syria, it is difficult to ascertain the extent to which all steps of the process are being implemented and which tools are being used successfully.

11.2 Care planning and review procedures

No information has been found in terms of the systematic process by which children are placed in alternative care. This includes lack of information on the role of those responsible for undertaking assessments and making decisions about a care placement, how a residential setting is chosen, and the process of actually taking a child to and admitting them into that facility. Neither is it clear to what extent families can relinquish their children directly into residential care centres. In addition, it has not been possible to find information about the use of care plans for children in alternative care in Syria, or any placement monitoring and review process.

¹⁵⁹ S22

12. Continuum of protection and suitable care services

12.1 Informal care

Informal Care as defined by the UN Guidelines for the Alternative Care of Children is when a 'child is looked after on an ongoing or indefinite basis by relatives or friends at the initiative of the child, his or her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body'.¹⁶⁰ The Guidelines describe kinship care as 'family-based care within the child's extended family or with close friends of the family known to the child'.¹⁶¹ It may be formal or informal in nature (it is considered formal when it has been ordered by a competent administrative body or judicial authority.)

It is understood that as with neighboring countries, the majority of children separated from their parents in Syria, live in informal kinship care arrangements in the community with children living in unrelated households as the exception.¹⁶²

However, there is no indication as to the number of children living in informal care in Syria¹⁶³. This may in part be due to caregivers not necessarily registering any changes in care arrangements with their local authorities, particularly in recent times.¹⁶⁴ Reports¹⁶⁵ do indicate that kinship care is usually provided in the extended family by maternal grandparents or aunts/uncles.

Data published in 2020, as seen in Figure 15, shows approximately 60% of respondents thought children without parental care were living with extended family..

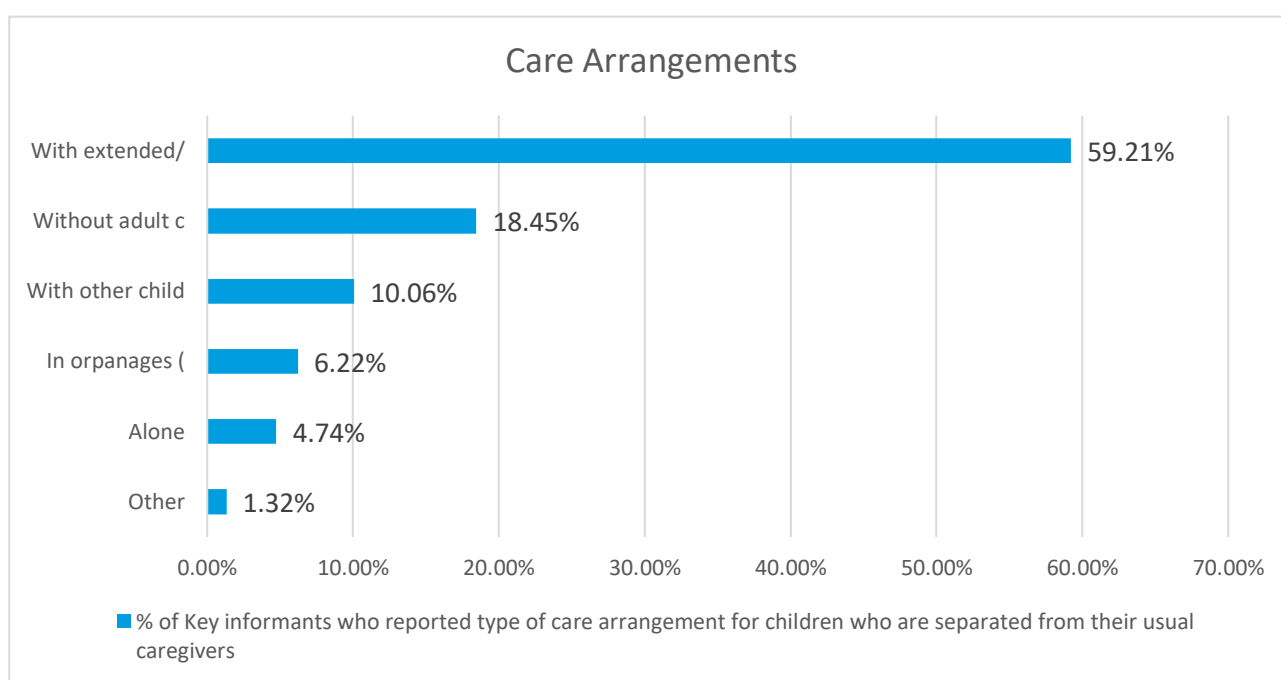


Figure 15. Key informant perceptions who reported care arrangements for children (2020)¹⁶⁶

A 2012 study¹⁶⁷ explained how interviewees had concerns regarding informal kinship care. Respondents noted how extended families generally become interested in a male child only when reaching the age he can become a productive member of the family. Girls are often seen as a burden, with marriage being the main option for

¹⁶⁰ UN General Assembly. *Guidelines for the Alternative Care of Children (2010) resolution / adopted by the General Assembly, 24 February 2010, A/RES/64/142.*

¹⁶¹ *ibid.*

¹⁶² S1 and S5 and S8 and S11

¹⁶³ S5

¹⁶⁴ S14

¹⁶⁵ S1 and S5 and S14

¹⁶⁶ Sourced at: <https://www.humanitarianresponse.info/en/operations/whole-of-syria/child-protection-situation-monitoring-dashboard>

¹⁶⁷ S12

them. It was also believed that extended families rarely accepted responsibility for a child who has been in conflict with the law, even if it only for a petty offence. This is due to concerns regarding societal attitudes and retribution. Poverty has also been highlighted as a reason some families are reluctant to take in more children. This is a growing factor as the economic situation of the country continues to deteriorate thus adversely impacting on extended family and community response to children needing alternative care.¹⁶⁸

A further report in 2019¹⁶⁹ explained that although focus group discussions had provided little information about violence or neglect when children are being cared for by kin, there was a perception that children may be more exposed to risk when in the care of aunt and uncles than when with grandparents. Neither were these children being treated equally to other children in the household, and were often engaged in risky situations such as child labour.

12.2 Children in formal alternative care

12.2.1 Residential care

The Ministry of Social Affairs has the remit for overseeing the provision of residential care in Syria. In this capacity, the Ministry directly manages a number of residential care settings as well as regulating and providing funding towards some run by NGOs and faith-based organisations.¹⁷⁰

Almost all children in formal alternative care in Syria are living in residential care settings which are overwhelmingly referred to across reports as 'orphanages' or 'institutions'.¹⁷¹ Only babies, known as 'foundlings', are being placed in family-based care settings. A study conducted in 2015¹⁷² said there were different forms of residential care facilities in the majority of governorates across the country.

Except for a study commissioned by UNICEF published in 2011¹⁷³ with lead researchers Cantwell & Jacomy-Vité, and an assessment conducted on behalf of the international child protection working group (AOR) in Syria in 2017¹⁷⁴, there is very little detailed information about residential care settings across the country. The findings reported in the remainder of this section are therefore, predominantly sourced from these two documents. The 2011 report coincided with the very beginning of the crisis in Syria and it has been difficult to confirm the extent to which the situation for children in residential care has changed since then. It is understood a number of international agencies are planning to undertake an evaluation of alternative care in Syria in the near future as TORs have been issued for this work.

As previously discussed in this study, children are being placed in residential care for a variety of reasons including those directly related to poverty, stress and lack of coping mechanisms, breakdown of family structure including divorce, death and disappearance of a parent, as well as protection concerns. The 2017 study¹⁷⁵ reported 'material deprivation' and 'rejection' of children due to remarriage as some of the principle reasons. Conclusions also point to the fact assessments of risks to a child and their family circumstances are not being undertaken in a systematic or qualitative manner.

The 2017 study confirmed a lack of any systemic source of data that would provide information on children in residential care, including quantitative data,¹⁷⁶ and during the literature review for this study, it has not been possible to obtain an up-to-date list of residential care facilities in Syria. The 2017 study did report there to be a total of 33 residential care facilities across Syria which corresponds to finding in the 2011 study of 32 settings, 30 under the administrative supervision of the Ministry of Social Affairs and two under the responsibility of the Ministry of Religious Affairs. It has also been noted that religious leaders provide care for children in mosques and there are concerns regarding an increasing number of residential facilities that are not regulated.

¹⁶⁸ S14

¹⁶⁹ S19

¹⁷⁰ S12

¹⁷¹ S11 and S12

¹⁷² S11

¹⁷³ S12

¹⁷⁴ S5

¹⁷⁵ S5

¹⁷⁶ S12

A report in a Syrian newspaper reported that, 'the number of children in Syrian orphanages has risen to 32,000, including 22,000 children in Damascus and its countryside according to the Services Director in the Assad regime's Ministry of Social Affairs, Maysa Midani'.¹⁷⁷ These numbers are significantly far higher than any other report.

Due to the lack of a centralized data information system in Syria, the information in Table 4. has been gathered from a number of different documents.

Table 4. Data on children in residential care (extracted from a study published in 2011)¹⁷⁸

Year of reported data/ year of publication	Age Group	Care setting as described in the literature'	Number of residential care settings	Number of children	Source
2000		children held in temporary custody due to their status as child vagrants and beggars		47	¹⁷⁹
2000		children in residential care for 'foundlings'		128	ibid
2000	8-16 years old	in residential care (denoted in Syria as 'orphanages')		2,725	ibid
2001		children held in temporary custody due to their status as child vagrants and beggars		76	ibid
2001		children in residential care for 'foundlings'		209	ibid
2001	8-16 years old	in residential care (denoted in Syria as 'orphanages')		2,502	ibid
2002		children held in temporary custody due to their status as child vagrants and beggars		92	ibid
2002		children in residential care for 'foundlings'		148	ibid
2002	8-16 years old	in residential care (denoted in Syria as 'orphanages')		3,217	ibid
2007		children in residential care for 'foundlings'		130	ibid
2009	8-16 years old	in residential care (denoted in Syria as 'orphanages')		3,122	ibid
2010		children in residential care for 'foundlings'		176	ibid
2011		children held in temporary custody due to their status as child vagrants and beggars		266 (noted missing data for the year)	ibid
2011		'orphanages'	30		ibid
2011		'institutional care'	33	3,500	¹⁸⁰
2018		'orphanages'		32,000	¹⁸¹

A survey based on the perceptions of respondents available at the time of writing this study, was found on the inter-agency Northern Syrian Child Protection Situation Monitoring Dashboard,¹⁸² . Figure 16. has been extracted from this dashboard. It shows the percentage of key informants who reported newly established

¹⁷⁷ Sourced at: https://syrianobserver.com/EN/features/46137/orphanages_syria_are_operating_and_over_capacity.html

¹⁷⁸ S12

¹⁷⁹ S12

¹⁸⁰ S5

¹⁸¹ Sourced at: https://syrianobserver.com/EN/A/46137/orphanages_syria_are_operating_and_over_capacity.html

¹⁸² Sourced at: <https://www.humanitarianresponse.info/en/operations/whole-of-syria/child-protection-situation-monitoring-dashboard>

institutions for children without their usual caregiver. Figure 17. from the dashboard also shows almost 73% of key informants reported the availability of existing institutions for children without their usual caregiver.

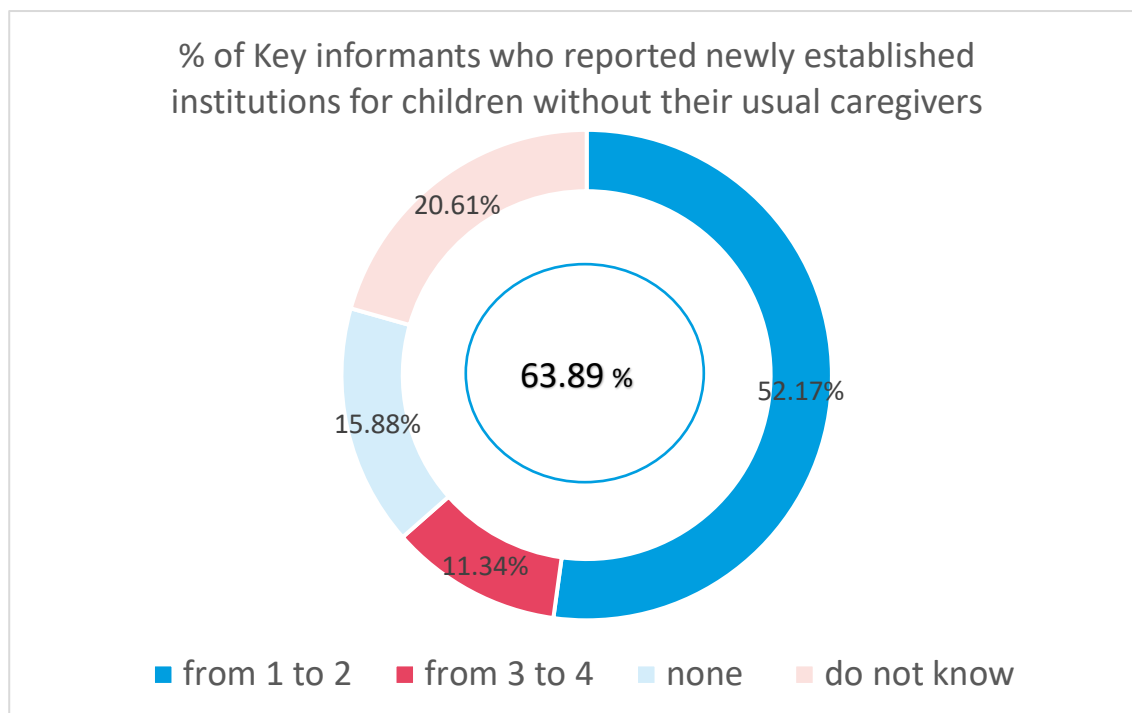


Figure 16. Percentage of key informants who reported newly established institutions for children without their usual caregiver (published 2020)¹⁸³

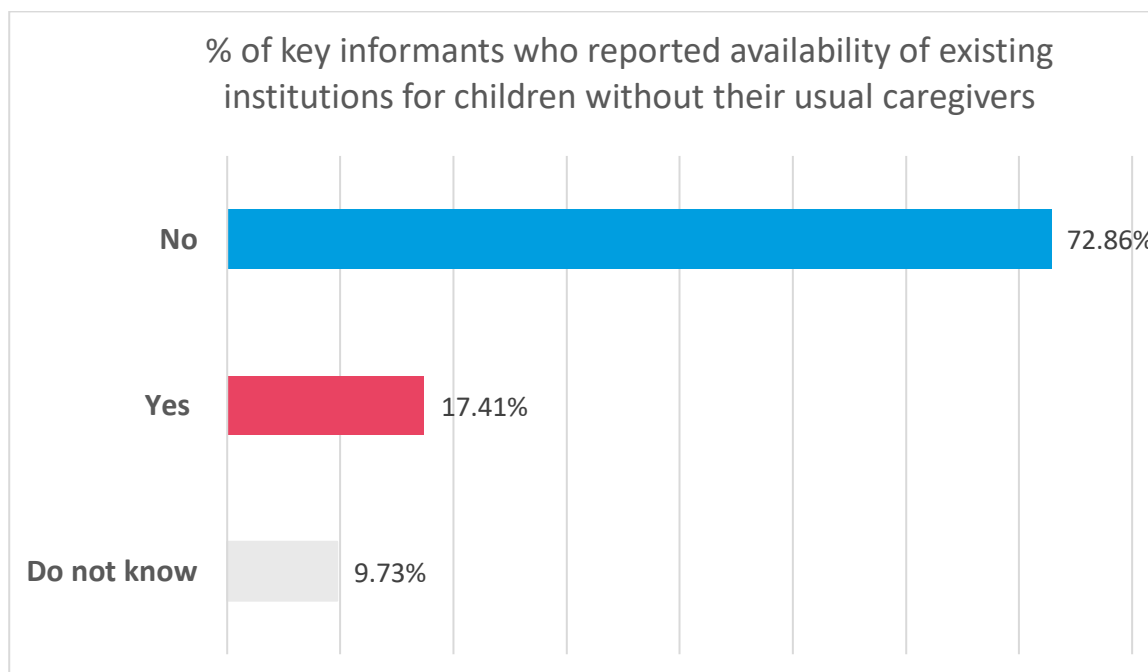


Figure 17. Percentage of key informants who reported availability of existing institutions for children without their usual caregiver (published 2020)

¹⁸³ Sourced at: <https://www.humanitarianresponse.info/en/operations/whole-of-syria/child-protection-situation-monitoring-dashboard>

In terms of funding residential care run by non-state organisations, the only reference that has been found is once again in the 2011 report. At the time of reporting it was understood that the government paid for much of the available residential care with additional funds being raised by NGOs through donations through kafala and from other charitable sources.

In Syria, **kafala** enables individuals to 'sponsor' children through the provision of financial and material support. This can be for children remaining in their own family as well as those living in residential care. In accordance with Islamic traditions, people may send money, food, clothes or presents.¹⁸⁴ An example of this use of kafala was described in a 2011 evaluation¹⁸⁵ of alternative care. The authors of the evaluation visited a residential care facility that had a number of kafil (sponsor) each supporting a child. The kafil not only provides financial and material support but was also allowed to visit the centre. However, this particular care setting did not allow the kafil to identify the particular child they were supporting but to make it a general visit.

What has been difficult to clarify during the review of literature for this study, is the exact process, or indeed different processes - pathways into care - that are being followed. This includes lack of information regarding who and how decisions are taken whether or not a child (except those that go before judges because they are found homeless or begging) should be placed in care, who is responsible for this decision, whether children are being directly relinquished into residential care - whether legal or not - and how it is decided which children are placed in which particular residential settings.

Residential care for 'foundlings'

In 2011, there were two residential settings specifically for children identified as 'foundlings' known as 'Foundling Institutes'¹⁸⁶: one in Damascus and one in Aleppo. They receive any child without identified parents and children can remain there until the age of 18 years old. This includes children that have been abandoned, or lost and unable to identify their family. It was reported that the vast majority of children enter when they are babies after being brought there by police or staff of maternity hospitals. It is the responsibility of these Institutes to provide the child with a name, and it is understood, also play a role in trying to trace families. (However, providing a child with a 'fake' family name is against Islamic law and was considered by Cantwell and Jacomy-Vité (2011), to be problematic for the child.

Children of unknown parentage placed in these facilities can be registered for placement in family-based care known as 'el haq' (described in further detail later in this report). When the authors of the 2011 report visited the Institute in Damascus they noted children were divided into living quarters by age groups and lived in rooms of 6 to 8 each with a 'surrogate mother' that worked 5 days a week whilst 'surrogate aunts' worked the remaining 2 days.

At the time of reporting in 2011, children left the Institute to attend local schools in the neighborhood, except those for whom a sponsor, a 'kafil', paid for private education. At the age of 18 years old, boys had to go into military service and the Institution would then help them find employment. At the beginning of 2010, the institution in Damascus housed 176 children and at the time of the researchers' visit, there were 10 infants (03- months), 7 toddlers (4 months - 1 year old), 90 children of up to end of compulsory school age (1 - 11 years old) and 46 children aged 12 - 18-years old, (16 girls and 30 boys, including 9 with special needs). The researchers considered the physical condition of the building to be good. Each section had its own kitchen, study and recreation room. However, the authors also noted that, 'while the living conditions are decent, it is indeed striking that the Foundling Institute is less furnished and more crowded than the two privately run institutions for orphans visited in Damascus.' The authors thought this might reflect the lower social status that foundlings traditionally have, in comparison to other children in care, as well as these facilities being the direct responsibility by the Ministry of Social Affairs.

Residential care for children with disabilities

One reference indicating there may be specialized facilities for children with disabilities is the reference in the 2011 study to a visit made by the researchers to a Special Education Institute for the Rehabilitation of the Blind. These authors felt this particular facility was working towards reintegrating children back into the community but it during the literature review for this study, it has not possible to assess how typical this is of other facilities.

¹⁸⁴ S12

¹⁸⁵ *ibid.*

¹⁸⁶ *ibid.*

However, due to the lack of available information relating to the specifics of care offered in residential settings in Syria, it is not possible to verify any further information regarding specialized facilities, if they exist, how many children they house, and which children they offer care to.

Residential care for children defined as ‘delinquents’

A concern noted earlier in this study is the manner in which, under the Law 18 of 1974, the Juvenile Delinquent Act, children found to be homeless and begging, and considered vagrants, can be sent to juvenile detention centres as well as juvenile observation centres. They can also be sent to specialized centres for homeless children.¹⁸⁷

Reporting in 2011, Cantwell and Jacomy-Vité wrote about an example of a Centre for Homeless Children in Damascus. This Centre housed children considered lost or homeless and found on the streets by police. They had been referred to the centre by order of a magistrate, for an initial duration of 15 to 20 days. During this time, it was expected that a process of family tracing would be carried out. It was also incumbent on staff to fulfil a ‘social inquiry’ (on a half-page social inquiry form) which would form the basis on which a judge would decide and order a ‘care measure’ as per the Juvenile Delinquent Act. The institute also had a mandate to undertake follow-up home visits after release, when feasible. The authors provided a snapshot of the profile of 250 children that had been in the institute, as well as in a near-by facility for abused and exploited girls. This profile illustrated how, between May and September 2010, of the children housed in these two facilities, 83% were illiterate, 81.2% had been forced to work (or beg) by their families, 7.2% had lost either one or both parents due to their deaths, 3.2% were from ‘dysfunctional’ families (divorce, neglect, etc.) and 9.2% were reported to be there due to ‘other’ special conditions.¹⁸⁸

Residential settings for children in contact with the law, including children that are homeless or begging, are provided for and regulated under Section 7 of the Bylaw of Juvenile Delinquents Institutes that specifies the status and function of the Centres. Article 79. allows for a special ward to be established in the Juvenile Detention Institute for the juveniles whom the judge decides to detain under trial according to Article 2 of Law 60 on Juveniles Rehabilitation Institutes. Article 80. requires Observation Centres to:

- Collect information on the juveniles history including family, personal and social records
- Study the juvenile especially in relation to his/her health and mental status, education and vocational abilities.
- Investigate the factors leading him/her to delinquency
- Propose suitable measures to rehabilitate him/her

Article 97. allows for detained juveniles to join those convicted of crime in all instructional, social and entertainment activities and programs according to a program prepared by the manager.¹⁸⁹

Article 14 of the Bylaw specifies the duty of social workers to, notably build a good relation between the juveniles and society by allowing them to take part in social events outside the Institute and, to cooperate with a Care Committee to find employment for the juveniles when they leave. However, it has been noted that in practice, children do not leave these premises and authorization from the attorney general is required to do so.¹⁹⁰

The authors of the 2011 study also explained how after the initial observation period, the judge can decide on non-custodial options for the child including return to their parents, placement with extended family or provision in a residential care facility. However, it was understood that these decisions were taken without a hearing, without any legal representation and without consultation with the child. Furthermore, it was reported that most of the time, the decision is to send the child back to his/her family but without any further support or follow-up measure. If there was a decision to place the child in the extended family, this would only apply to the father’s side of the family and apparently these cases are rare. In practice, children who cannot be sent to their family, have their stay at the centre. It was also reported how at least 50% of the children repeatedly enter the Institutes.

¹⁸⁷ S12

¹⁸⁸ *ibid.*

¹⁸⁹ S12

¹⁹⁰ *ibid.*

12.2.2 Regulation, monitoring and quality of Care

The Ministry of Social Affairs has responsibility for inspection of all residential care facilities for children except for two settings under the supervision of the Ministry of Religious Affairs. During the 2011 assessment¹⁹¹ of alternative care, key respondents working for non-governmental organisations that manage and run the vast majority of residential care in Syria, said they only had a 'routine administrative' relationship with the Ministry rather than that of being regularly inspected.

Legislative Decree 2 of 2013 on 'Creating institutions, homes and social care centers' lays out terms relating to the setting up of residential care settings. Details of the content of the Decree can be found in Section 8. of this study.

Under Article 38 of the 'Juvenile Law for Delinquents', children that have come before a judge and placed in care because they were found homeless or begging, are supposed to have their placement monitored by that judge, including visits every three months to the residential facility they have been placed in. In 2011, it was reported however, that these visits were not happening. In addition, bylaws stipulate that residential setting should have an independent Committee to review the institution's activities but once again, the authors of the 2011 report were told that at that time this had not been activated.

The authors of the 2011 study also concluded that care settings were not meeting children's needs, their best interests or their right to protection. They wrote that facilities were not always equipped to provide for the holistic needs of children and "lacked regular monitoring systems to safeguard the quality of care provided to children."¹⁹² They did agree that a number of general principles of alternative care enumerated in the UN Guidelines for the Alternative Care of Children were being applied in Syria either spontaneously, or through established processes and practice, in residential settings. For example, they understood that the practice of keeping siblings together to avoid separation by placement had been established. Furthermore, due to the provision of residential care facilities across the country, they felt the principle of keeping children as close as possible to his/her habitual place of residence was often being achieved with a notable exception of the institutes for foundlings because there were only two and only one centres specifically for children considered vagrants or beggars.

The authors of the 2011 study also concluded that the principles and practice of child protection was not reflected sufficiently in regulations for, or practice in, residential settings with no standards in place at that time to prevent, report, address and redress potential abuse or neglect that may take place. Recommendations were made that specific child protection policy and rules of procedure should be urgently developed so that everyone working in the child protection and care system know what is permitted, what should be reported and what interventions and sanctions are foreseen in case of violation of the established child protection rules. Furthermore, the two authors raised concerns about how facilities were being managed by the different communities and civil organizations and resulting disparities in quality, organization of care and different admission criteria. They also recommended an in-depth survey of all residential care facilities be undertaken as their ability to visit sufficient residential facilities was limited.

The aforementioned report published in 2017¹⁹³ also raised concerns regarding an increase in unregulated residential care facilities as well as in demand for provision of residential settings. An example was provided of a newly opened facility supporting 250 children whose parents had either died or were in detention. There were also suggestions from respondents that participated in the study to open more such facilities.

12.2.3 Deinstitutionalisation

As far as it is possible to ascertain, the Government of Syria has not issued a specific strategic plan for deinstitutionalization.

12.3 Family-based alternative care

Foster care, as a form of alternative care, is described in the UN Guidelines for the Alternative Care of Children as 'Situations whereby children are placed by a competent authority for the purposes of alternative care in the domestic environment of a family, other than children's own family, that has been selected, qualified, approved

¹⁹¹ *ibid.*

¹⁹² S12

¹⁹³ S5

and supervised for providing such care.¹⁹⁴ The Handbook 'Moving Forward'¹⁹⁵ produced as a tool to assist with implementation of the Guidelines, identifies the use of foster care as a form of short- or longer-term placement, depending on suitability and circumstances. In reality, the term 'foster care' used in different countries to describe a range of formal, and sometimes informal, care settings.

There is no alternative family-based care in Syria that meets international standards for foster care, particularly in relation to the temporary nature of such placement.

Legislative Decree 107 of 1970 on Foundling Care and Law 34 of 1980 is described in detail in Section 7. Under this law a child of unknown parentage - a 'foundling' - can be placed with a family, or a woman, that have the ability to care for the child. This Decree also refers to conditions within the Personal Status Law. It has not been possible to find **Decision 819 of 1981, Decision 1043, or Decision 114**, which it is understood, also deal with alternative care families (defined as foster families) and social care institutions including selection criteria, accreditation conditions, monitoring etc.

Relevant issues that are understood to be missing in legislation as they apply to family-based care (known in Syria as foster care but is actually a permanent form of care for only certain children of unknown parentage) include guidance on:

- The matching process of child and alternative families
- Preparation of prospective families
- Preparation of child for placement in alternative family
- Government support to alternative families

The Syrian Personal Status Law allows for placement of children in alternative families however, this is a permanent placement more akin to adoption but without many legal safeguards, and the inability for the child to take the name of their 'adoptive' family or to claim inheritance. This has also been referenced in documents as a form of '**kafala**'.

El haq is another form of family-based alternative care that constitutes 'attachment contracts' with couples, but is applicable only to abandoned children, and not those relinquished by identified parents and other children without parental care. These arrangements are supported through the 'Foundling Care Legislative Decree No. 107 of 1970'. In 2011, it was reported an average of 5 children per month - generally newborns - were being placed this way.¹⁹⁶

Coverage of the subject of 'El haq' in the 2011 study includes information relating to the implementation of 'Foundling Care Legislative Decree No. 107 of 1970'. This includes the requirement of potential carers under 'el haq' to fulfil the criteria laid down in the Law and in Decisions 819 (1981), 1043 and 1014 and 1046. The process as reported in 2011 required applicants to submit all necessary information to the Zaid Bin Haretha House for Foundlings in Damascus or Kafalat Al Tufula Association for Foundlings in Aleppo. A specialized committee in the institutions prepared detailed case studies of the families requesting a child through the 'el haq' system and was responsible for granting initial approval. Afterwards, the application was referred to the Ministry of Social Affairs for the signature of the 'el haq' contracts.

In some cases, the Ministry also conducted second interviews with the family to guarantee the child's best interest. Ministry staff would then meet with the applicants before allowing the process to proceed. However, the authors of the 2011 study indicated a lack of preparation with these prospective carers in terms of their responsibilities as the child's carer. During the matching process, the applicants' wishes in terms of gender and age are taken into account, and the authors were told that three children corresponding to a request are generally presented to the prospective carers. They can then select a child, 'meaning that there is no professional 'matching' between the capacities of the applicants and the particular needs of the child. This said the authors, 'is to be regretted.'¹⁹⁷ The authors of the study were also told that the institutes would follow-up contacts for two to three years, through quarterly visits by the family to the institutes. However, they were also informed that some families return the children back to the institutes.

The authors of the 2011 report also concluded that, as far as they could determine,

¹⁹⁴ UN General Assembly. *Guidelines for the Alternative Care of Children (2010) resolution / adopted by the General Assembly, 24 February 2010, A/RES/64/142*

¹⁹⁵ Cantwell, N., Davidson, J., Elsley, S., Milligan, I. & Quinn, N. (2012) *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'*. UK: Centre for Excellence for Looked After Children in Scotland. Centre for Excellence for Looked After Children in Scotland, University of Strathclyde, Glasgow: Scotland.

¹⁹⁶ S5

¹⁹⁷ S12

under present conditions, the role of and the potential for developing family-based care appears to be rather limited in the country. We recognize that the way the family in Syria is perceived may well imply a number of restrictions on the role it can play in alternative care, particularly with regard to fostering unrelated children. One respondent indeed opined that such family substitute care is in principle against Islamic traditions and values. At the same time, we note that the Syrian Authorities have to some extent accepted that, under certain conditions, foster care can be envisaged in the country - although this may be intended to refer in present practice more specifically to el haq (for foundlings only), which would in fact be a form of “foster care” to be seen as closer to adoption in terms of the permanency and emotional ties that it implies... The lack of temporary or long-term family-based solutions in Syria for those who cannot live in their family and are not eligible for el haq is nonetheless striking. We believe there is room for considering certain additional options that could be culturally acceptable and compliant with Islamic Shariah. It is our understanding that forms of foster care also exist in certain other countries with Islamic Law or traditions and are proving successful overall.

13. Reintegration, ageing out of care and adoption

13.1 Reintegration

Global best practice on reintegration is articulated in the Guidelines for the Reintegration of Children,¹⁹⁸ endorsed by international and national organisations. The guidelines state that reintegration should be seen as a process, involving: assessment, preparation, gradual reconnection with families, and post-reunification follow-up support. The guidelines indicate that reintegrating children require a full package of support, covering: efforts to address stigma and discrimination; child protection measures to counter abuse and violence; support accessing health and education services and with catch-up schooling; and household economic strengthening. Each child has differing needs and support should be tailored accordingly. Children often need support for many months and sometimes years after they have returned home

The aforementioned study of 2011¹⁹⁹ highlighted a concern as to the lack of efforts to reintegrate children back with their families and the longevity of time children remained in residential care, viewing it as 'excessive'.²⁰⁰ They found that except for those children eligible to be placed in permanent alternative family-based care when still infants, 'the overwhelming majority of children who enter residential care do not exit before they turn 18 years of age.' The report went on to note how children who enter residential care are usually perceived as integrating into a big 'new family' to which they would belong until they reached 18 years of age. The authors of the report only learnt of two cases of family reunification that had taken place within the previous five years. Key informants told the authors that promoting biological links to avoid children remaining in care was a challenge.

Respondents in the 2011 study said judges for whom they had taken a decision about children that came before them because they were considered vagrants, did often takes decision to return children to parental care but 'without a hearing, without taking into account the views of the child, and in most cases without considering the availability of any further support or follow-up measures.' According to another key informant, decisions to return a vagrant child to his/her family may be based more on the lack of non-custodial alternatives than on the capacity and willingness of the parents to provide care. The authors were told that, due to the absence of community- based services, it was undoubtedly preferable that judges order more rehabilitation placements, since many children are simply picked up again from the street only a few hours or days after returning home. At the time of the study, such community-based services and appropriate rehabilitation programmes were understood to be almost non- existent. The authors were also told that that in some cases parents actually refuse to take their child, especially those deemed to be in conflict with the law back, even when they are obliged to do so by judicial order.

13.2 Ageing out of care

The UN Guidelines for the Alternative Care of Children²⁰¹ call on:

Agencies and facilities should have a clear policy and should carry out agreed procedures relating to the planned and unplanned conclusion of their work with children to ensure appropriate aftercare and/or follow-up. Throughout the period of care, they should systematically aim at preparing children to assume self-reliance and to integrate fully in the community, notably through the acquisition of social and life skills, which are fostered by participation in the life of the local community.

¹⁹⁸ Delap, E> & Wedge, J. (2016) *Guidelines of Children's Reintegration*. Inter-agency Group on Children's Reintegration

¹⁹⁹ S12

²⁰⁰ *ibid.*

²⁰¹ UN General Assembly, Guidelines for the Alternative Care of Children : resolution / adopted by the General Assembly, 24 February 2010, A/RES/64/142, available at: <https://www.refworld.org/docid/4c3acd162.html>

The UN Guidelines also urge that all efforts should be made to ensure a participatory process in planning the pathway and transition from care to independent living should begin well before a young person is leaving care. In particular the UN Guidelines call attention to provision of a 'specialized person' who can be there to support young ageing out of care as well as a focus on additional support for those with special needs including a disability. There should also be access to ongoing education and vocational training opportunities.

Likewise, the 2019 UNGA Resolution on the Promotion and protection of the rights of children²⁰² requires States to ensure,

adolescents and young people leaving alternative care receive appropriate support in preparing for the transition to independent living, including support in gaining access to employment, education, training, housing and psychological support, participating in rehabilitation with their families where that is in their best interest, and gaining access to after-care services consistent with the Guidelines for the Alternative Care of Children.

The legal age of majority in Syria is 18 years old. As explained earlier in this study, most children remain in residential care until they reach the age of 18 and/or until they are married, or join the army. No specific reports were found during the literature review for this study that provided information on the process that residential care facilities undertake in Syria when preparing young people to age out of care, enter semi-independent living, and gain full independence.

13.3. Adoption

The laws of the Syrian Arab Republic do not recognize the system of adoption for Muslim Families. As noted above, there is a process of permanent placement of children with alternative families but this is not an adoption process and children do not have the same legal protection as children who are adopted in other countries. In this respect, upon ratification of the CRC, Syria notified a reservation on Articles 20 and 21 to clarify that it did not recognize and/or permit the system of adoption. It is understood that this reservation was withdrawn in 2007. Furthermore, in Syria's report to the CRC Committee, submitted in 2009, there is reference to the fact that adoption is permitted in Christian communities in accordance with their laws of personal status. No further information has been found regarding the number of children that are adopted by Christian families.

²⁰² United Nations General Assembly (2019) 'Promotion and protection of the rights of children' adopted by the General Assembly at its 74th session, 19 November 2019, A/74/395

14. A skilled workforce

The 2019 UNGA Resolution on the Promotion and protection of the rights of children²⁰³ urges States,

to strengthen child welfare and child protection systems and improve care reform efforts, which should include increased multisectoral collaboration, inter alia, between child welfare and health, education and justice sectors, active coordination among all relevant authorities, improved cross-border systems and improved capacity-building and training programmes for relevant stakeholders

The Resolution also asks States to ensure,

adequate and systematic training in the rights of the child, including by encouraging States to take the Guidelines for the Alternative Care of Children into account for professional groups working with and for children, including with children without parental care, including specialized judges, law enforcement officials, lawyers, social workers, medical doctors, care professionals, health professionals and teachers, and coordination among various governmental bodies involved in the promotion and protection of the rights of the child

14.1 Professional capacity of the social service workforce

There is no indication in any of the reports sourced for this study in terms of size of the total social service, child protection and alternative care workforce - whether working within government or non-governmental agencies.

There were no reports sourced for this study that provided an assessment of the skills, knowledge and capacity of those providing alternative care services. In contrast, numerous reports refer to the need for ongoing capacity building of those with a responsibility for child protection. It is understood investment is needed to address high staff turnover, low morale, low pay, insufficient training and supervision.

The Syrian inter-agency child protection group (the Area of Responsibility) undertook an assessment of workforce capacity published in 2016.²⁰⁴ This report noted how the child protection system even prior to the onset of the conflict in 2011, already 'had weaknesses with few dedicated and skilled child protection workers and limited specialized services available beyond the major cities.'²⁰⁵ The report also described how, in the five years prior to the assessment, child protection organisations had placed considerable investment in building skills and expertise of those providing children's protection services. Indeed, 83% of respondents for the study had delivered or received some form of child protection training since 2014. The majority (59%) of this training had targeted those in front line child protection service delivery positions.

Respondents in the survey were asked about their familiarity with child protection minimum standards in humanitarian settings. As illustrated in Figure 18, only 37% were very familiar with the standards.

²⁰³ United Nations General Assembly (2019) 'Promotion and protection of the rights of children' adopted by the General Assembly at its 74th session, 19 November 2019, A/74/395

²⁰⁴ S9

²⁰⁵ *ibid.*

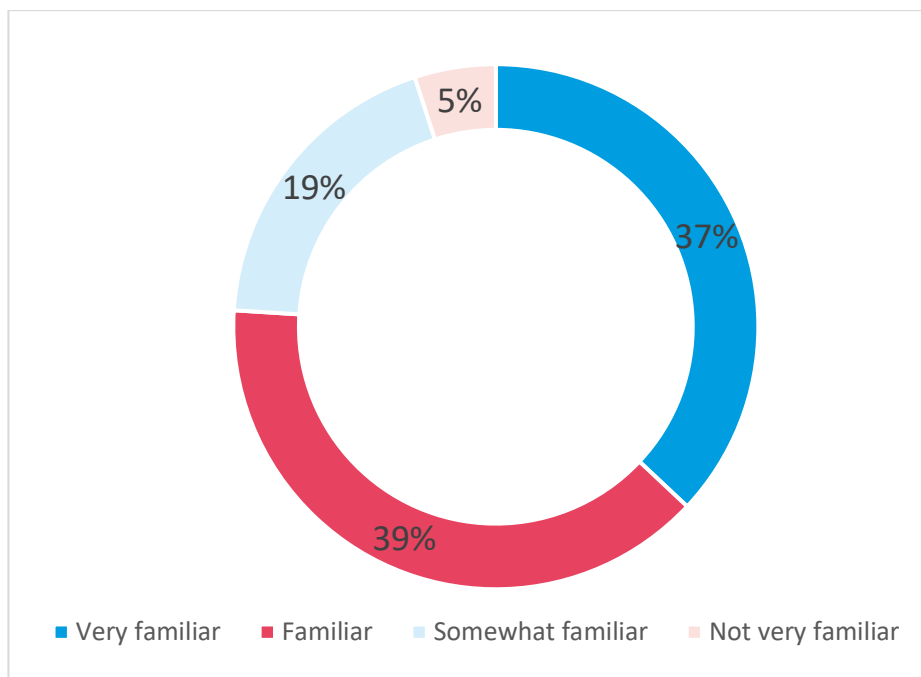


Figure 18. Percentage of respondents that were familiar with child protection minimum standards in humanitarian settings (published 2016)²⁰⁶

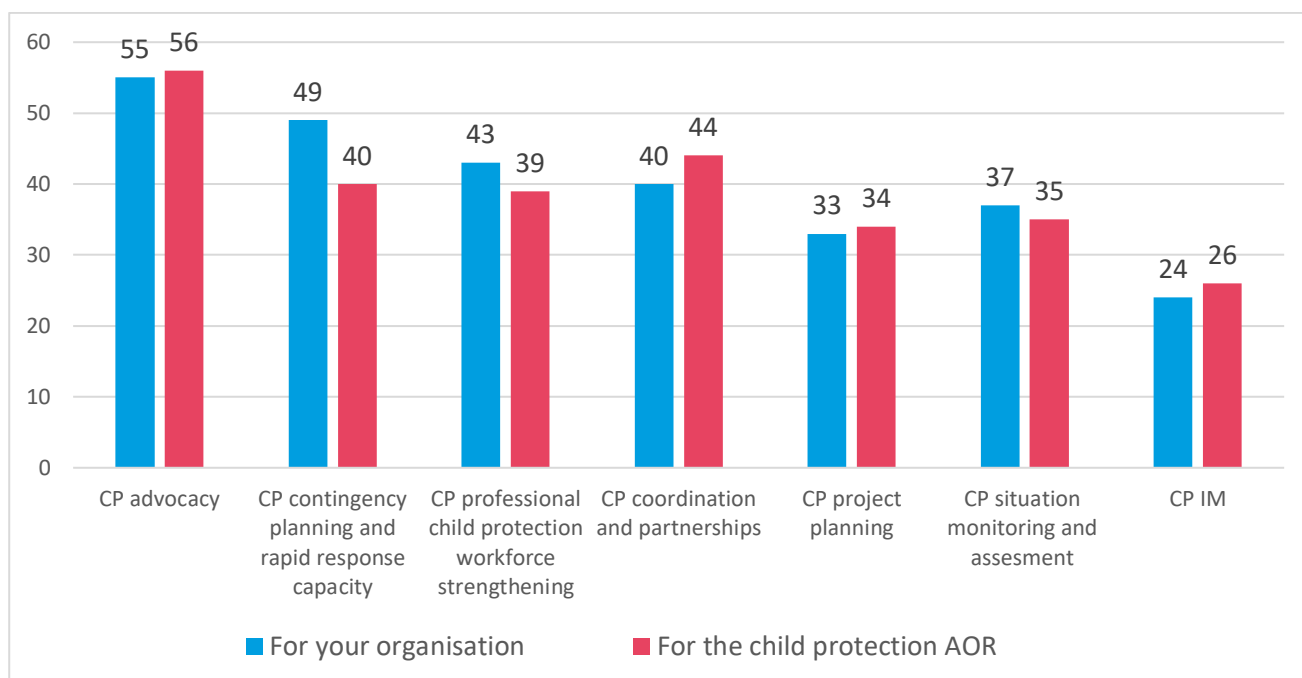


Figure 19. Respondent responses when asked to identify the capacity gaps as of the highest urgency and priority to ensure a quality child protection response in Syria (published 2016)²⁰⁷

Respondents were also asked to identify the capacity gaps they felt were most urgent to address in order to ensure a quality response to child protection concerns. The answers can be seen in Figure 19.

²⁰⁶ S9

²⁰⁷ S9

Respondents were specifically asked to rate their level of competency and skills in relation to child protection case management. The results can be seen in Figure 20.

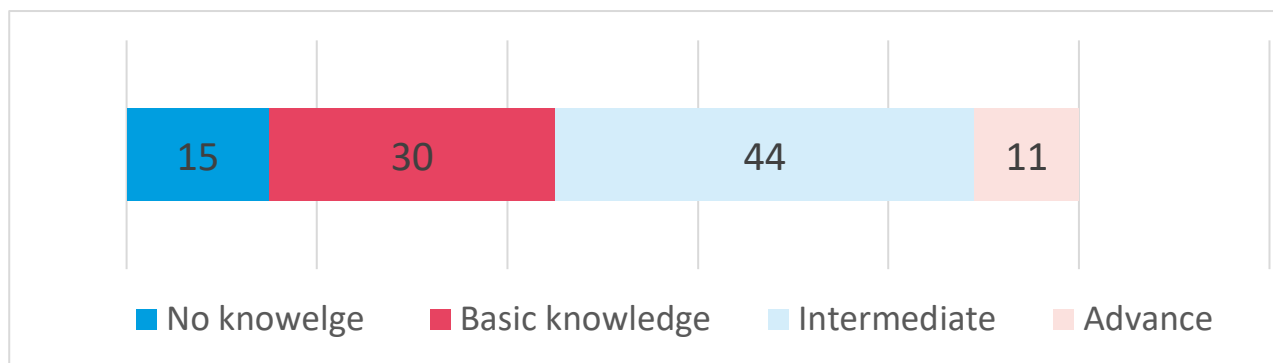


Figure 20. Respondents own rating of level of competency and skills related to case management (published 2016)²⁰⁸

In 2016 the Child Protection working group (the Area of Responsibility) committed to reaching 6,500 child protection actors with capacity building initiatives²⁰⁹

Further assessments of training identified in various reports identified the need for capacity building that would address the following:

- Limited ability to respond in timely manner to specific cases for instance, limited emergency response capacity among national agencies
- A need for understanding of, and skills to implement, child protection case management such as interviewing, undertaking assessments and conducting follow-ups.
- A need to develop and understand child protection policies, safeguarding policies or code of conducts that will keep children safe
- A need to develop better understanding and specialized skills to respond to specific protection risks such as child marriage, GBV, child labour etc.
- A need for more understanding about the foundations of child protection (e.g. basics, minimum standards)
- Lack of training on community-based child protection interventions

14.2 The professional capacity of the judiciary

In many countries, the role of the court in alternative child care is one of primary gatekeeping, provision of regulatory oversight and, monitoring of administrative decision making.

Although the judiciary are an important decision maker in terms of certain children in need or protection and alternative care, including those that are considered vagrants, no documents sourced for this literature review provided an insight into the skills, knowledge and capabilities of judges. There was a recommendation in the 2011 assessment²¹⁰ of the alternative care system that the role of the judiciary, in relation to decisions on the alternative care of children, should also be enhanced in terms of the formal approval, periodic review and potential appeal of placements e.g. by another family member challenging the legal guardian's decision to place the child in residential care. There was also an observation regarding the failure of the judiciary to consult with children and families during any decision-making process as well as a failure to undertake their mandated duty to visit and follow up on cases of supposedly homeless and 'vagrant' children they have placed in institutions.²¹¹

²⁰⁸ S12

²⁰⁹ S9

²¹⁰ S12

²¹¹ *ibid.*

15. Attitudes and awareness raising

With regard attitudes toward the use of residential care, in 2011, the authors Cantwell & Jacomy-Vité shared what they described as the 'sincere beliefs' of several key informants working in residential settings. This included a belief that children were 'better off living in the orphanage than in their own family'.²¹² The authors also expressed their concern when a respondent working in a residential centre for children classified as 'vagrants', thought it 'inconceivable' they should consult and work with the parents of these children with a view to family reunification. They consider those parents to be wholly responsible for their child's situation. Thus, conveying the 'blame' mentality harbored by some care staff.

As noted in Section 5 of this study, there are prevailing negative attitudes toward children born out of wedlock and/or sexual exploitation, children associated with 'delinquent' behavior. Furthermore, stigma is attached to mothers of these children, and the fear of family and societal retribution and honour crimes. This is resulting in children being abandoned and relinquished into care. Reference is also made to the stigmatization attached to children who have spent their childhood in residential care.

A systematic culture of family privacy and pride, non-intervention by the State in family life, and some beliefs upheld by religious leaders, is also resulting in children who are at risk and in need of protection, not being identified or provided protective care.²¹³

Furthermore, as noted in Section 5, some children placed in informal kinship care are not regarded in the same way as the siblings of the new household. As a result, it understood they may be more exposed to violence, abuse and neglect, not receiving equal treatment as other children in the household, and being forced into exploitative situations such as child labour.²¹⁴

²¹² S12

²¹³ *ibid.*

²¹⁴ S1

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