



**International Convention
on the Protection of the
Rights of All Migrant
Workers and Members
of Their Families**

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COMMITTEE ON THE PROTECTION OF THE
RIGHTS OF ALL MIGRANT WORKERS AND
MEMBERS OF THEIR FAMILIES

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 74 OF THE CONVENTION**

**Concluding observations of the Committee on the Protection of the Rights
of All Migrant Workers and Members of Their Families**

SYRIAN ARAB REPUBLIC

1. The Committee considered the initial report of the Syrian Arab Republic (CMW/C/SYR/1) at its 72nd and 73rd meetings (see CMW/C/SR.72 and SR.73), held on 15 and 16 April, and adopted the following concluding observations at its 85th meeting, held on 24 April 2008.

A. Introduction

2. The Committee welcomes the timely submission of the initial report of the State party and thanks the State party for its written replies to the list of issues (CMW/C/SYR/Q/1/Add.1). The Committee is gratified by the frank and constructive dialogue with the competent high-level delegation, which expressed their willingness to further improve compliance with the provisions of the Convention.

3. The Committee recognizes that the Syrian Arab Republic is mainly, but not exclusively, a country of origin for migrant workers and their families. With regard to the large influx of Iraqi nationals into Syria since 2003, the Committee, while expressing its appreciation for Syria's efforts to provide necessary facilities and services, notes the State party's position that they do not fall within the scope of the Convention.

4. The Committee takes note of the fact that the major countries of destination for Syrian migrant workers are not yet parties to the Convention, which may constitute an obstacle to the enjoyment by those workers of the rights provided for under the Convention.

5. The Committee also takes note of the State party's position with regard to the continued necessity of the state of emergency, which has been in force since 1962, but remains concerned that the state of emergency may affect the full enjoyment of certain rights and freedoms provided for under the Convention.

B. Positive aspects

6. The Committee welcomes the recent ratification by the State party of some of the major international human rights treaties, including in particular the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment as well as the two Optional Protocols to the Convention on the Rights of the Child.

7. The Committee takes note of the State party's recent efforts to regulate the employment and recruitment of non-Syrian female domestic workers, including through Prime Ministerial Decision No. 81 of 2006 and Presidential Decree No. 62 of 2007.

8. The Committee notes the State party's recent efforts to improve the situation of non-Arab migrant workers with regard to the enjoyment of their rights in connection with the freedom of association, including through the inclusion of relevant provisions in Act No. 25 of 2000.

9. The Committee also takes note of the State party's intention to harmonize other areas of its legislation with the provisions of the Convention, including through the incorporation of relevant stipulations in its new draft Labour Code, such as stipulations on the regulation of private agencies recruiting Syrian nationals for employment outside their country.

10. The Committee appreciates the efforts undertaken by the State party to promote and protect the rights of the large number of Syrian migrant workers and their families abroad, including through the establishment of a Ministry of Expatriates by legislative decree No. 21 of 2002 and the planned establishment of a new department for migrant workers in the Ministry of Social Affairs and Labour.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation (arts. 73 and 84)

(a) Legislation and application

11. The Committee notes that the Syrian Arab Republic has not yet made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and individuals.

12. The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.

13. The Committee, while appreciating the ratification by the State party of several important conventions of the International Labour Organization (ILO), including Convention No. 111 on Discrimination (Employment and Occupation) of 1958; Convention No. 118 on Equality of Treatment (Social Security) of 1962; and Convention No. 182 on the Worst Forms of Child Labour of 1999, notes that the Syrian Arab Republic has neither acceded to ILO Convention No. 97 on Migration for Employment of 1949 nor to Convention No. 143 on Migrant Workers (Supplementary Provisions) of 1975.

14. The Committee invites the State party to consider acceding to ILO Conventions No. 97 and No. 143 as soon as possible.

15. The Committee notes that the State party has signed, but not ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

16. In the light of the importance of the Protocols to the effective implementation of the provisions of the Convention, including those contained in article 68, the Committee recommends that the State party proceed to ratify the Protocols as soon as possible.

(b) Data collection

17. The Committee regrets the lack of adequate information and statistics on migration flows and other migration-related issues. The Committee recalls that such information is indispensable to an understanding of the situation of migrant workers in the State party and to an assessment of the implementation of the Convention.

18. The Committee encourages the State party to compile information and create a sound database as a tool for the monitoring of effective migration policies and for the effective application of the various provisions of the Convention.

(c) Promotion of the Convention

19. The Committee is concerned that migrants who do not speak Arabic may not be in a position to easily access information on their rights under the Convention in the State party.

20. The Committee encourages the State party to consider measures aimed at ensuring that both Arab and non-Arab migrants are provided with equal access to information concerning their rights under the Convention.

21. The Committee is concerned about the lack of participation of non-governmental organizations in the dissemination and promotion of the Convention, and in the elaboration of the State party's report.

22. The Committee encourages the State party to take every effort to work with civil society organizations to promote the Convention and its implementation.

2. General principles (arts. 7 and 83)

(a) Non-discrimination

23. While noting that Syrian law does not generally discriminate between Syrian nationals and Arab migrant workers in the areas covered by the Convention, the Committee remains concerned that non-Arab migrant workers and their families, in some instances, may be discriminated against in practice, especially at the local level, in their enjoyment of rights and freedoms under the convention and in their ability to access employment, housing, health care and education.

24. The Committee encourages the State party to intensify its efforts:

(a) To ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction enjoy the rights provided for in the Convention without any discrimination, in conformity with article 7;

(b) To promote information campaigns for public officials working in the area of migration, especially at the local level, and for the general public on the elimination of discrimination against migrants.

(b) Right to an effective remedy

25. The Committee notes the information received from the State party that every individual, whether citizen or alien, has access to the courts of law and enjoys full protection with regard to the rights laid down in the legislation. The Committee is concerned, however, that undocumented migrant workers, as acknowledged by the State party, are not entitled to seek redress through the Syrian labour commissions, bearing in mind also that this is the only means of seeking redress without incurring legal fees. The Committee is also concerned that migrant workers, irrespective of their legal status, may have limited access to justice in practice, due to a lack of awareness concerning the administrative and judicial remedies that are available to them.

26. The Committee encourages the State party to strengthen its efforts to inform migrant workers about available administrative and judicial remedies and to address their complaints in the most effective manner. It recommends that the State party ensure that in legislation and in practice, migrant workers and members of their families, including those in an irregular situation, have the same rights as nationals of the State party to file complaints and to obtain effective redress mechanisms before the courts as well as the labour commissions.

3. Human rights of all migrant workers and members of their families (arts. 8-35)

27. The Committee is concerned about reports of instances in which migrant workers and members of their families found to be in violation of immigration regulations are detained and deported without due process.

28. **The Committee recommends that the State party consider policies under which the detention of migrant workers in an irregular situation would generally be envisaged only as a measure of last resort and that, in all circumstances, necessary law enforcement measures, including deportation, are carried out with respect for due process. The Committee also recommends that adequate training be provided to all judicial personnel and law enforcement officials on respect for human rights and non-discrimination on ethnic or racial grounds and on the rules of due process in connection with detention and deportation.**

29. The Committee notes the State's party's position that those Iraqi nationals who have sought refuge in the Syrian Arab Republic since 2003 are neither to be considered refugees nor migrant workers falling within the ambit of the Convention. The Committee also notes the information that only some 500 of those Iraqi nationals have received a work permit in Syria.

30. **While acknowledging the challenges with which the State party is confronted as a result of the large influx of Iraqis since 2003, the Committee wishes to recall that, in accordance with the definition of "migrant workers" in article 2, paragraph 1, of the Convention, Part III of the Convention is to be applied to all non-nationals engaged in a remunerated activity, including those in an irregular situation. In the light of the State party's position that the said Iraqi nationals are not to be considered refugees, and as they are not therefore excluded from the scope of the Convention under article 3 (d), the Committee encourages the State party to consider according to all Iraqi workers in an irregular situation, to the largest extent possible, and insofar as this is not already the case, the rights provided for in Part III of the Convention.**

31. While noting the State party's explanation that passports of migrant workers are neither withheld by the authorities nor allowed to be withheld by private employers, the Committee is concerned about the State party's acknowledgment that, in practice, some private employers, including those of domestic workers, do not comply with this rule. The Committee is also concerned about the acknowledgment by the State party that passports of non-Syrian female artists are in fact being withheld by the authorities during the period of their stay in the Syrian Arab Republic.

32. **The Committee recommends that the State party ensure that private employers comply with the rule that passports of migrant workers may not be withheld for any reason. The Committee also recommends that the State party reconsider its practice concerning the withholding of passports of non-Syrian female artists during their stay in the Syrian Arab Republic.**

33. While welcoming the State party's ongoing efforts to protect the rights of Syrian migrant workers seeking to work abroad, the Committee notes that the public information made available to migrant workers rarely refers to their rights arising out of the Convention.

34. **The Committee encourages the State party to pursue its efforts to raise awareness of the rights arising out of the Convention among migrant workers and those seeking to migrate abroad to work.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36-56)

35. The Committee regrets that, under the current monetary policy in the Syrian Arab Republic, migrant workers are entitled to remit only a portion not to exceed 60 per cent of their wages in foreign currency.

36. **In the light of article 47 of the Convention, the Committee recommends that the State party reconsider its current policy of limiting the amount of remittances allowed to be made by migrant workers in Syria.**

5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64-71)

37. In the light of the large number of Syrian nationals working abroad, the Committee is concerned about the information received from the State party that bilateral agreements on the subject of migrant workers have been concluded with only some of the major countries of destination for Syrian workers.

38. **While appreciating the difficulties with which the State party may be confronted in its efforts to negotiate and conclude agreements with the major countries of destination for Syrian workers, including those in the Arab Gulf region, the Committee encourages the State party to further pursue and strengthen these efforts in order to ensure the best possible protection for Syrian migrant workers abroad.**

39. While noting the increasing attention paid by the State party to the phenomenon of human trafficking, as evidenced by the recent holding of a series of workshops in Damascus on the subject of migration and trafficking, the signing of a memorandum of understanding with the International Organization for Migration (IOM) concerning the running of a shelter for victims of human trafficking in the Syrian Arab Republic as well as the elaboration of a draft law to combat trafficking in persons, the Committee is concerned that no specific anti-trafficking legislation has been adopted so far.

40. **In the light of the provisions of article 68 of the Convention concerning the trafficking and smuggling of persons, the Committee urges the State party:**

- (a) **To adopt the draft law on trafficking in persons; and**

(b) To step up its efforts to counter migrant-smuggling and trafficking in persons, especially women and children, including by taking appropriate steps to detect the illegal or clandestine movements of migrant workers and their families and punish the criminals and/or groups who orchestrate or assist such movements.

6. Follow-up and dissemination

(a) Follow-up

41. While the Committee takes note of the information provided in the initial report on laws and regulations related to the provisions of the Convention, the Committee requests the State party to provide detailed information in its second report on how these laws and regulations are implemented in practice.

42. The Committee requests the State party to include in its second periodic report detailed information on measures taken to follow up on the recommendations made in these concluding observations. The Committee recommends that the State party should take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to members of the Government and Parliament, as well as local authorities.

(b) Dissemination

43. The Committee likewise requests the State party to disseminate these concluding observations widely, including to public agencies and the judiciary, non-governmental organizations and other members of civil society, and to inform Syrian migrants abroad and foreign migrant workers in transit or residing in Syria of the rights they and members of their families enjoy under the Convention.

7. Next periodic report

44. The Committee requests the State party to submit its second periodic report by 1 October 2011.
