



**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 the combined second and third periodic  
reports submitted by the Syrian Arab Republic under  
article 73 of the Convention, due in 2011 and 2016\* \*\***

[Date received: 23 December 2019]

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\* The present document is being issued without formal editing.  
\*\* The annexes to this report may be consulted on the Committee's web page.



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## I. Introduction

1. In accordance with article 73 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as “the Convention”), the Syrian Arab Republic hereby submits its combined second and third periodic reports to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as “the Committee”).
2. This report was prepared by an interministerial committee established by Decision No. 19 of 5 March 2019. The Syrian Commission for Family and Population Affairs coordinated the preparation of the report in accordance with its intersectoral mandate.
3. The preliminary version of the report was shared between the interministerial committee and all stakeholders, including members of the People’s Assembly, civil society organizations such as the Bar Association, the General Federation of Trade Unions and the Chamber of Commerce, academics, researchers and non-governmental organizations (NGOs), through a series of workshops held on 9 February 2019, 6 August 2019 and 4 September 2019. A final workshop was held on the outcomes of the previous workshops, which are reflected in this report.
4. The report provides updated information on the measures taken between 2007 and 2019 pursuant to the provisions of the Convention and in light of the guidelines for the submission of periodic reports (CMW/C/2008/1) and the recommendations (CMW/C/SYR/CO/1) that were adopted by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families at its 85th meeting held on 24 April 2008 following the discussion of the initial report of the Syrian Arab Republic.
5. The Syrian Arab Republic submitted its initial report (CMW/C/SYR/1) on 21 November 2006 and it was considered on 11 July 2007.
6. A wide range of human rights are enshrined in the **Constitution of the Syrian Arab Republic, which was promulgated in 2012**, and the State is a party to most international instruments for the protection and promotion of human rights.
7. The Syrian Arab Republic has undergone an exceptional period during which it has endured a war launched by countries that choose terrorism as a tool to implement their aggressive agendas. They have created, funded and armed terrorist groups, providing them with diverse forms and degrees of support. They have sought to demolish the humanitarian and moral values that underpin Syrian society and to obliterate the distinguished achievements of the Syrian Arab Republic in the regional environment in terms of development and human progress.
8. The terrorist war forced a large number of Syrians to leave the regions in which they lived or to depart from the country. Although displacement within Syrian territory during the years of the war was generally towards areas controlled by the Syrian Government, the terrorist groups consistently endeavoured to surround certain areas and separate them from the Syrian interior in order to compel the residents to flee abroad in certain directions. The issue was exploited at the international level to back up certain countries’ agendas, namely to insult and defame the Syrian State, notwithstanding the human suffering caused by their support for these groups and their practices and the grave violations perpetrated against the Syrian people.
9. The unilateral coercive measures imposed by States and international entities affected a wide range of vital sectors, such as the commercial, financial, banking, energy and transport sectors, all of which play a crucial role in providing basic services, for instance in the areas of education and health care. The measures thus had a profound adverse impact on all areas of life and on economic and social development.
10. The difficulties of daily life imposed by this combination of terrorist practices and unilateral coercive measures forced many Syrians to leave the country as refugees and migrants. Some of them opted for illegal means such as forged documents or large-scale payments to smuggling networks in border areas that were used by some countries as a passage for terrorists into the Syrian interior.

11. The Syrian Arab Republic has taken vigorous action to address the impact of the terrorist war and its adverse repercussions on the Syrian people and on human and economic resources, infrastructure and the labour market with a view to restoring economic and social stability.

12. It is also taking all necessary steps to facilitate the safe return of citizens who were displaced from their homes by the practices of terrorist groups or compelled to leave the country, building a solid platform for the restoration of development pathways with the active and productive participation of all Syrians.

13. Diverse programmes were launched with a view to stimulating the production cycle, revitalizing the labour market and imposing decent work standards in the very difficult circumstances created by the limited availability of human and material resources due to the terrorist war waged against the Syrian Arab Republic, the unilateral coercive measures imposed on it, and the persistent exploitation by some countries of humanitarian issues to impede revival and reconstruction measures.

14. The National Programme for Post-War Syria, which was adopted by a decision of the President of the Council of Ministers in 2018, constitutes a framework for the planning process and the development of visions for reconstruction, not only in economic terms but in terms of overall development. The Programme is a long-term strategy comprising all economic and social development issues, including the development and strengthening of social protection networks. Work is under way to develop a comprehensive vision for each component prior to the elaboration of specific implementation programmes.

15. The Syrian Arab Republic has submitted its first national report on the 2030 Agenda for Sustainable Development. The report outlines existing achievements and challenges pertaining to the goals and objectives of the plan, including goals 8 and 10.

16. In 2018 the International Labour Organization (ILO) resumed its cooperation programmes with the Syrian Arab Republic, which had been suspended in 2011, with a view to reviving joint action aimed at promoting the protection of workers' rights and the return of all Syrians to their homes through ILO support in areas related to its mandate.

17. Workers belonging to our people in the occupied Syrian Arab Golan continue to be subjected to racist and repressive measures by the Israeli occupation authorities, such as denial of benefits from their agricultural properties, water sources and natural resources, imposition of exorbitant taxes, and denial of any opportunity to launch their own economic or productive activities. Furthermore, persistent Israeli settlement policies such as expropriation of property and land and demolition of homes with a view to altering the physical character, demographic composition and legal status of the occupied Syrian Golan have a major impact on their rights.

18. The occupied Syrian Arab Golan will remain Syrian Arab land, and this fact will not be altered or undermined by any unilateral decision by a State that seeks to legitimize the Israeli occupation and practices that breach relevant United Nations resolutions. It should be underscored that recovery of the Golan is a right sustained by the will and determination of the Syrian people.

19. The Syrian Arab Republic reaffirms its commitment to protecting and promoting the rights of migrant workers and members of their families, regardless of their migration status. It wishes to clarify at the outset that it aspired to take more effective action in response to the Committee's recommendations following the dialogue on its initial report and to enhance its commitment to the provisions of the Convention. However, the exceptional circumstances that it encountered undermined all national efforts to address urgent humanitarian and human rights issues. Nevertheless, action is currently being undertaken to implement the recommendations, and the submission of this report should perhaps be acknowledged as evidence of the eagerness of the Syrian Arab Republic to fulfil its obligations under the Convention.

## II. Information of a general nature

The Syrian Arab Republic has taken a number of steps in recent years to implement the Convention, for instance through the enactment and expansion of legislation, and the adoption of a set of measures aimed at promoting respect for and implementation of the rights of migrant workers and members of their families.

### A. Characteristics and nature of migratory flows affecting the Syrian Arab Republic

20. Migrants and refugees who are registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Syria are permitted to work after obtaining a residence and work permit. According to the records of the Ministry of the Interior, 1,440 Arabs and foreigners were issued with work permits in 2018.

21. There are currently no statistics available on the number of Syrian workers abroad.

22. Many Arab and foreign residents left the country on account of the prevailing circumstances. The number of residence permits granted to Arabs and foreigners totalled 15,706 in 2018.

23. The number of passports issued by the Department of Immigration and Passports within the Syrian Arab Republic and abroad was estimated at about 800,000 in 2018.

### B. Unaccompanied or separated migrant children in the Syrian Arab Republic

24. All children are permitted to leave the territory of the Syrian Arab Republic when they are accompanied by their parents. In all other cases, they must obtain prior legal authorization from the non-accompanying parent or parents.

25. The Ministry of Social Affairs and Labour gives high priority to family reunification and the tracking of separated children. It adopts an integrated approach when dealing with children who are unaccompanied or separated from their families, drawing on the experience of the United Nations Children's Fund (UNICEF), with which it implements joint cooperation programmes. A case management and referral system has also been adopted at the national level. Unaccompanied or separated children constitute a group that benefits from integrated protection services under the system, which provides organized and coordinated assistance and protection to individuals in vulnerable situations.

### C. Steps taken to harmonize national immigration laws with the Convention

26. More detailed information in this regard will be provided in response to paragraph 14 of the Committee's concluding observations.

### D. Steps taken to sign human rights treaties or international instruments related to the implementation of the Convention, or to accede to or ratify such treaties or instruments, in particular ILO Migration for Employment Convention, 1949 (No. 97), and ILO Convention concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143)

27. The Syrian Arab Republic is a party to a large number of international instruments that enshrine rights and obligations aimed at ensuring respect for human dignity and fundamental rights. They include the following instruments:

- The International Covenant on Civil and Political Rights, adopted on 16 December 1966, to which the Syrian Arab Republic acceded on 21 April 1969;
  - The International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, to which the Syrian Arab Republic acceded on 21 April 1969;
  - The Slavery Convention, adopted in 1926, to which the Syrian Arab Republic acceded on 25 June 1931;
  - The Protocol amending the Slavery Convention signed in Geneva on 25 September 1926, adopted on 7 December 1953, to which the Syrian Arab Republic acceded on 4 August 1954;
  - The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted on 7 September 1956, to which the Syrian Arab Republic acceded on 17 September 1958;
  - The International Convention on the Suppression and Punishment of the Crime of Apartheid, which entered into force in 1976 and to which the Syrian Arab Republic acceded on 18 June 1976;
  - The International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 31 December 1965, to which the Syrian Arab Republic acceded on 21 April 1969; it accepted the amendment to article 8 thereof in 1998;
  - The International Convention against Apartheid in Sports, adopted on 10 December 1985, to which the Syrian Arab Republic acceded on 28 November 1988;
  - The Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948, to which the Syrian Arab Republic acceded on 25 June 1955;
  - The International Convention for the Suppression of the Traffic in Women and Children, concluded in Geneva on 30 September 1921 and amended by the Protocol signed in New York on 12 November 1947, to which the Syrian Arab Republic acceded on 17 November 1947;
  - The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and its Final Protocol, adopted in New York on 21 March 1950, to which the Syrian Arab Republic acceded on 12 June 1959;
  - The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime;
  - The Protocol Amending the International Convention for the Suppression of the Traffic in Women and Children, concluded in Geneva on 3 September 1921, and the International Convention for the Suppression of the Traffic in Women of Full Age, concluded in Geneva on 11 October 1933, to which the Syrian Arab Republic acceded on 17 November 1949;
  - The Convention on the Elimination of All Forms of Discrimination against Women, adopted on 28 December 1979, to which the Syrian Arab Republic acceded on 27 March 2003;
  - The Convention on the Rights of the Child, adopted on 30 November 1989, to which the Syrian Arab Republic acceded on 15 July 1993;
  - The first Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to which the Syrian Arab Republic acceded on 17 October 2003;
  - The second Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to which the Syrian Arab Republic acceded on 17 October 2003.
28. The Syrian Arab Republic has also acceded to a number of international conventions concerning cultural rights within the framework of the United Nations Educational,

Cultural and Scientific Organization (UNESCO) and to a number of international humanitarian law conventions.

29. The Syrian Arab Republic is a party to 50 ILO conventions concerning workers' rights and trade union freedoms, in particular the following:

- The Hours of Work (Industry) Convention, 1919 (No. 1);
- The Unemployment Convention, 1919 (No. 2);
- The Rights of Association (Agriculture) Convention, 1921 (No. 11);
- The Weekly Rest (Industry) Convention, 1921 (No. 14);
- The Workmen's Compensation (Accidents) Convention, 1925 (No. 17);
- The Forced Labour Convention, 1930 (No. 29);
- The Holidays with Pay Convention, 1936 (No. 52);
- The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- The Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- The Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, 1962 (No. 118);
- The Worst Forms of Child Labour Convention, 1990 (No. 182).

30. The possibility of acceding to other treaties is being studied in the context of the committees tasked with monitoring the development of legislation and the fulfilment of obligations stemming from the above-mentioned treaties.

**E. Specific procedures for dealing with mixed migratory flows, in particular to ascertain the special protection needs of asylum seekers and victims of human trafficking, and to determine whether national legislation provides for the application of the Convention to refugees and/or stateless persons**

31. Immigrants who enter the Syrian Arab Republic are treated in accordance with the legislation in force that is applicable to the entry and residence of Arabs and foreigners. Needless to say, the conditions that the country is experiencing have had an impact on the nature and trend of migration flows.

32. Although there is no explicit provision in domestic legislation concerning the application of the Convention to refugees and stateless persons, the Syrian Arab Republic has consistently hosted and continues to host refugees from a number of countries and has endeavoured to ensure that their human rights are fully protected. It has cooperated with UNHCR in providing protection and assistance for refugees and asylum seekers in its territory, in accordance with the mandate of UNHCR.

33. It should be noted that Syrian society is based on maintenance of the human dignity of every individual (article 19 of the Syrian Constitution). Furthermore, the fact that the Syrian Arab Republic has ratified most international human rights treaties requires it to establish a general framework for the protection of such groups in a manner that is consistent with its international obligations.

34. The Syrian Arab Republic has implemented joint plans and projects with international organizations on behalf of refugees and asylum seekers, whom it continues to host notwithstanding the conditions that it has been experiencing. It has fervently taken all necessary measures to protect them and provide them with basic services such as education and health care.

35. Victims of human trafficking are treated in accordance with the **provisions of Legislative Decree No. 3 of 2010 containing the Prevention and Combating of**

**Trafficking in Persons Act**, one of the key goals of which is to protect and assist trafficking victims, to provide them with appropriate care and to guarantee respect for their fundamental rights (article 2 (2)). Steps are being taken to amend some provisions of the Act in order to bolster the core guarantees of protection, particularly on behalf of women and children. It should be noted that, prior to the exceptional conditions that it has experienced, the Syrian Arab Republic was ranked third in the world in terms of freedom from crimes of trafficking in persons.

36. Following the promulgation of the Act, a National Committee was established to combat trafficking in persons and provide protection for victims. Civil society was encouraged to play an important and effective role in its work.

37. The National Plan to Combat Trafficking in Persons, which was developed in response to the Act, is based primarily on prevention and protection. These two core components are interlinked with national mechanisms such as the case management and referral system, which is supervised by the Ministry of Social Affairs and Labour, and the Family Protection Unit, which is run by the Syrian Commission for Family and Population Affairs, in order to provide protection for victims, especially women and children.

38. Other components of the National Plan include criminal prosecution and partnership building and cooperation at the national, regional and international levels.

39. Capacity-building workshops have been organized on behalf of personnel tasked with combating trafficking in persons in the relevant ministries, especially the Ministry of Justice, the Ministry of the Interior, the Ministry of Social Affairs and Labour, and the Ministry of Health, and on behalf of civil society organizations, in cooperation with a number of international organizations operating in the Syrian Arab Republic.

40. The Ministry of Labour and Social Affairs has received technical support from a number of international organizations operating in Syria for national capacity-building in the management of centres for hosting trafficking victims in the Syrian Arab Republic. The Ministry has established, with the support of United Nations organizations, a shelter for trafficking victims that hosts foreign women who have been subjected to such crimes pending the settlement of their status with the Department of Immigration and Passports of the Ministry of the Interior. They have access to a variety of services in addition to residence, such as medical care, legal advice and psychological support.

41. Special psychological, social and legal care programmes have been put in place for victims of trafficking in persons in order to guarantee strict compliance with the articles of the law aimed at ensuring protection for victims, supporting their psychological and social rehabilitation, and providing access to appropriate care, while ensuring confidentiality and privacy.

42. A number of field studies on human trafficking issues were conducted in order to ascertain the facts and propose appropriate solutions.

43. Action to combat the phenomenon included the dismantling of a number of cross-border trafficking networks. A total of 648 criminal cases of trafficking in persons were considered during the period from 2010 to 2015.

44. A bill on illegal immigration is currently being drafted and the final stages of the drafting process have been reached.

45. The Syrian Arab Republic hosted the first INTERPOL Global Conference on Trafficking in Human Beings in 2010, which was attended by representatives of 50 States and 11 international organizations.

46. Attention should be drawn in this context to the challenges relating to trafficking practices that are faced by Syrian citizens in countries of asylum and in camps located in neighbouring countries. Humanitarian needs are being exploited by certain criminal networks that claim to be humanitarian organizations and operate in border areas or within the camps.

**F. Steps taken to ensure that migrant children who are detained, including for violations of provisions relating to migration, are held separately from other adult detainees; specific procedures to determine the age of juvenile migrants and data on the number of detained migrant children**

47. As a general rule, a normative framework is applied in the Syrian Arab Republic that regulates the detention of minors and ensures that they are held separately from adults. All children benefit from these norms, regardless of whether they are detained in connection with migration. Some aspects of the framework are set out below.

48. Juvenile justice in the Syrian Arab Republic is regulated by **Juveniles Act No. 18** of 1974 and the amendments thereto, in particular Legislative Decree No. 52 of 2003, which raised the age of criminal responsibility to 10 years so that children in the 10 to 18 age group may be liable to prosecution. The Act established rules of procedure and special courts, which seek to reform children, to promote their best interests and to rehabilitate them so that they can be reintegrated into society. The Act prohibits the detention of children under 15 years of age. They must be placed instead in juvenile reform centres and institutes. Children in the 15 to 18 age group who are charged with criminal offences are tried before the juvenile courts and mitigating measures are applied with a view to their rehabilitation.

49. Children who are in conflict with the law are placed in facilities that are commensurate with their situation and age and with the type of offence committed, that is to say special institutes supervised by the Ministry of Social Affairs and Labour and the Ministry of Justice.

50. Many civil society organizations provide strong support for governmental efforts to provide the requisite care and protection. For example, the Association for the Rights of the Child provides support, in coordination with the Ministry of Social Affairs and Labour, for the Al-Ghazali Reform Institute for Juveniles in Rif Dimashq Governorate, which is run by the Ministry. It refurbished the Al-Ghazali Reform Institute, providing it with the necessary equipment to look after the resident juveniles. It also helped to organize educational programmes, computer and vocational training courses, and entertainment programmes.

51. The Association conducted a quadruple SOWT analysis of the Institute to assess its needs. A special database was prepared in early 2011 for the Khaled Bin Al-Waleed Institute for the Reform of Juvenile Delinquents in Qudssaya, which is run by the Ministry of Social Affairs and Labour, and was completed in 2012 in order to serve as a model that would be used in due course by all juvenile reform institutes in the Syrian Arab Republic. The programme is designed to ascertain the number of children entering the Institute (as a result of placement or conviction), their activities and training courses, legal information concerning their arrest or judgment and recidivism, as well as information concerning their family and education. Individual reports are based on the juvenile's activities, age and name. Acting in accordance with the principle of the best interests of the child, the Association succeeded through its legal interventions in reducing the average number of juveniles by 30 per cent (during the pre-crisis period).

**G. Special programmes to address the special needs of migrant children, particularly unaccompanied and separated children**

52. The division of the Department to Combat Human Trafficking that is responsible for receiving women and children has been reorganized in cooperation with the Syrian Commission for Family and Population Affairs. A psychosocial support guidebook has been issued for women and child victims of the crime of trafficking in persons, especially for persons recruited by armed terrorist groups.

53. Steps are being taken to amend the Prevention and Combating of Trafficking in Persons Act promulgated by Decree No. 3 of 2010 in order to provide additional protection for children and women, in accordance with the observations of the Committee on the

Rights of the Child and the Committee on the Elimination of Discrimination against Women.

54. The Ministry of Social Affairs and Labour is implementing, in cooperation with UNICEF, a family reunification and tracking project on behalf of separated and unaccompanied children. It is based primarily on the development of special questionnaires for children and on interaction with all relevant governmental and private bodies in order to provide the requisite assistance, safe havens and care.

55. Civil society organizations play an active role, in partnership with the Ministry of Social Affairs and Labour, in providing support for children in reform institutions by organizing training courses on child psychological support and counselling as well as training and rehabilitation courses for the staff of reform institutions. For example, the Syrian Association for Social Development has organized training courses for the staff of the Khaled Bin Al-Waleed Institute for the Reform of Juvenile Delinquents, and the Association for the Rights of the Child has provided effective services for the children in the Institute.

56. The Child Culture Directorate of the Ministry of Culture undertakes various activities on behalf of juveniles with a view to expanding their knowledge and developing their skills through workshops (clay-related skills, drawing, craftwork, drawing on ceramics, Arabic calligraphy, reading), theatrical and cinema shows, seminars and awareness-raising sessions (human rights, and social, cultural and psychological themes).

#### **H. Legislation and practical provision for mechanisms to monitor the situation of migrant women, including those employed as domestic workers, and safeguards and guarantees to protect them from exploitation and violence**

57. **Act No. 65 of 2013 was promulgated to regulate the recruitment and employment of non-Syrian domestic workers** and to guarantee their rights. The Ministry of Social Affairs and Labour issued Decision No. 2644 of 2013 governing the work of private agencies used for the recruitment and employment of non-Syrian female workers.

58. As noted above, the division of the Department to Combat Human Trafficking that is responsible for receiving women and children has been reorganized in order to boost the standards of care and protection that it provides.

#### **I. Procedures for assisting victims of trafficking, especially women and children**

59. The Family Protection Unit of the Syrian Commission for Family and Population Affairs was established as a centre for receiving and monitoring complaints regarding cases of ill-treatment of children and women and for referring them to the competent authorities.

60. The Commission produced a psychosocial support guidebook for women and child victims of trafficking in persons and provided training on how to use the guidebook and to interact with victims.

#### **J. Measures taken by the Syrian Arab Republic to provide assistance to its migrants abroad**

61. The statutes governing associations of Syrian Arab expatriates issued by Decision No. 16 of 16 January 2007 specify the purpose and objectives of such associations, the most important of which are the following:

- Bolstering links between expatriates and the homeland, and fostering relations between members of the community;

- Promoting political, economic, tourism and cultural relations between the homeland and the country of expatriation in the interests of the two countries;
- Looking after the interests of expatriate citizens and seeking appropriate solutions to problems encountered by expatriates and their families with the homeland through the Ministry of Expatriates;
- Seeking to resolve problems and address expatriate issues in the country of residence in cooperation with the Syrian diplomatic mission in accordance with applicable laws and regulations;
- Engaging in cultural, social and artistic activities aimed at acquainting people with the homeland's history, civilization, aspirations and international positions, and presenting a correct and radiant image;
- Participating as an association (and organized community) in events that take place in expatriate countries, and in activities and events involving official, popular and community bodies, the aim being to confirm Syrian expatriates' loyalty to the country that has hosted them and provided them with opportunities for education and employment, thereby successfully promoting the integration of expatriates into their new countries of residence in order to build an active and effective force for the future;
- Participating in all political, social and cultural activities and events in the country of expatriation with a view to influencing public opinion and relevant institutions in a manner that serves the interests of the homeland;
- Taking vigorous action, in coordination and cooperation with the diplomatic mission, to organize visits of economic, cultural and commercial delegations and businessmen to the homeland with a view to developing relations between the homeland and the country of expatriation, and taking steps to establish friendship associations in order to strengthen relations between the two peoples.

62. Articles 99 to 107 of the **General Elections Act (Act No. 5 of 2014)** regulate the exercise of electoral rights by Syrians who are not resident in Syrian territory. The articles stipulate that polling stations shall be located in the embassies of the Syrian Arab Republic and they specify the procedures governing the electoral process. For instance, Syrian embassies are required to invite Syrian citizens to announce their desire to vote and to register their names with the embassies in order to participate in the electoral process. Thousands of Syrians living abroad participated in the last presidential elections, which were held in 2014. Some countries prevented the Syrian embassies accredited to them from organizing the elections, thereby depriving thousands of Syrian citizens who were registered on the electoral lists from exercising their right to participate in the management of public affairs in their country, which is a fundamental right enshrined in the Universal Declaration of Human Rights.

63. The website of the Ministry of Foreign Affairs and Expatriates on the Internet contains a special link that enables expatriates to express their views and to submit proposals regarding the elaboration and development of national policies, particularly those concerning expatriate affairs.

64. The Civil Status Act has been amended on several occasions, and a number of administrative decisions have been adopted with a view to simplifying and facilitating the issuance of civil status documents and the registration of relevant facts. Reference to the decisions will be made in this report in response to articles 29, 30 and 31 of the Convention.

## **K. Measures taken to facilitate migrants' reintegration if they return to the Syrian Arab Republic**

65. The Constitution of the Syrian Arab Republic and the laws in force guarantee the right of citizens of the Syrian Arab Republic to return to their country at any time, provided that they present one of the documents mentioned below to prove their Syrian Arab nationality:

- Holders of Syrian passports, even if they have expired, are allowed to enter the country after they have been checked and registered by means of a computer, and their passports have been stamped at the point of entry (by land, sea or air).
  - Holders of a laissez-passer for return granted by Syrian diplomatic missions accredited abroad are allowed to enter the country after the laissez-passer has been registered by means of a computer and stamped. They are then referred for review to the Department of Immigration and Passports so that their status can be resolved.
  - Holders of identity cards, authenticated personal data forms or any document proving that they have Syrian Arab citizenship are allowed to enter the country after the authenticity of the documents is verified and they are registered online. They are then referred for review to the Department of Immigration and Passports so that their status can be resolved.
  - The status of Syrians returning to the country who do not possess any document that provides evidence of their Syrian Arab citizenship is verified through the civil status database and the Department of Immigration and Passports. Alternatively, they are identified by relatives or witnesses on presentation of a document that is recognized by the mayor of the place of residence.
  - The status of citizens who departed illegally is immediately regularized at the border posts.
  - Syrian children born outside the country are permitted to enter with their parents (father or mother) on the basis of a birth certificate that has been certified by the source country. In such cases, the parents are required to proceed with a civil affairs review in order to confirm the birth and have it registered (see in this connection the information provided below concerning amendments to the Civil Status Act).
66. Syrian citizens are required to contact the Department of Immigration and Passports or one of its branches in the governorates in the following cases:
- If they lose their passports and travel documents when they are abroad;
  - If they have been subjected to counterfeiting of their personal documents while abroad;
  - If they are entitled to have their status reviewed.

**L. Multilateral or bilateral agreements concerning migration, including regional agreements, that have been concluded by the Syrian Arab Republic**

67. Information in this regard will be provided in the response to paragraph 38 of the concluding observations adopted by the Committee following the discussion of the initial report.

**M. Efforts made, including in cooperation with other States, to prevent migrant loss of life in land and maritime border areas**

68. The Syrian Arab Republic has not taken the kind of action in response to humanitarian emergencies stemming from an influx of refugees or migrants that it took in response to the influx of Iraqi refugees, primarily in 2003, and persons displaced from Lebanon as a result of the Israeli aggression in 2006.

69. The land border areas became a special tool in the war waged against the Syrian Arab Republic. Some countries exploited their joint frontiers to transfer and facilitate the passage into Syria of foreign terrorist fighters from around the world so that they could join the ranks of armed terrorist groups. They turned the borders into a logistic supply line for the transport of internationally banned weapons and materials, for arranging meetings on behalf of the leaders of terrorist groups, and for moving combatants and the wounded

across borders, for instance the northern frontier, to receive treatment and to engage in human trafficking. The borders thus became a hotbed for supporting terrorism and organized crime, as was revealed by numerous international reports and confirmed by confessions made upon arrest by the terrorists themselves when their groups began to collapse.

70. The tragedy of Rukban camp was one example of the exploitation of border areas for criminal purposes, with the support of the American occupation forces, who turned the camp into a focus for human trafficking and the smuggling of weapons and ammunition, and turned the lives of the camp's residents into a living hell.

71. Since the beginning of the war waged against the Syrian Arab Republic there has been no coordination whatsoever, including on issues related to the Convention, with some neighbouring countries, and control over certain border areas has been lost. Now that most of the country's territory has been liberated and the security situation has improved, there has been a marked decline in cases of illegal cross-border migration. When they do occur, the issue is addressed without loss of life, in accordance with the regular procedures applicable to such cases.

## **N. Measures to prevent clandestine movements and employment of migrants in an irregular situation**

72. The Syrian Arab Republic is a party to a number of international instruments aimed at preventing illegal migration, in particular the United Nations Convention against Transnational Organized Crime and its two Protocols (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).

73. Article 3 of the **Act concerning the Entry, Exit and Residence of Foreigners in Syria (Act No. 2 of 2014)** stipulates that: "No person may enter or leave the Syrian Arab Republic save from places specified by a decision of the Minister and with the permission of the competent border authority. The passport or alternative document shall be stamped with an entry or exit stamp." Article 31 of chapter VIII of the aforementioned Act stipulates that persons who breach the provisions of article 3 of this Act shall be deported from the country pursuant to a decision handed down by the Minister or by a person authorized to do so.

74. Article 32 of chapter VIII of the above-mentioned Act No. 2 of 2014 provides for the imposition of a fine on anyone who exceeds the period specified for residence or for a visa, and stipulates that it shall be collected in accordance with the applicable laws and regulations.

75. As mentioned above, a bill is currently being drafted on combating illegal migration, preventing people smuggling and strengthening protection for migrants. It is based on the provisions of relevant instruments to which the Syrian Arab Republic is a party.

76. The Syrian Arab Republic participated in the discussions on a Global Compact for Safe, Orderly and Regular Migration, which was adopted in 2018. It voted in favour of General Assembly resolution A/RES/73/195 on the adoption of the text of the Compact, and proclaimed its willingness to cooperate with the United Nations and its Member States in implementing the Global Compact for Safe, Orderly and Regular Migration.

### III. Information concerning each article of the Convention and concerning implementation of the recommendations contained in the concluding observations issued by the Committee following the discussion of the initial report

#### Part II of the Convention: Non-discrimination with respect to rights

77. We should first like to inform the Committee of the following developments with respect to paragraph 5 of the Committee's concluding observations:

- Adoption of **Decree No. 161 of 2011** terminating the state of emergency;
- Adoption of **Legislative Decree No. 53 of 2011** abolishing the Supreme State Security Court;
- Adoption of **Legislative Decree No. 54 of 2011** recognizing the right to peaceful protest as a fundamental human right guaranteed by the Syrian Constitution.

#### Articles 1 (1) and 7: Non-discrimination with respect to rights

78. The articles of the Syrian Constitution are applicable to all and the guarantees they provide make no reference to nationality. This demonstrates their compatibility, in letter and in spirit, with the Convention and its objectives, since they make no distinction between Syrians and others.

79. Given that most foreign workers in the Syrian Arab Republic are Arabs, it should be noted that the Syrian Arab Republic abides by the Arab Labour Mobility Convention No. 4 of 1975, which it ratified by Act No. 70 of 2001.

80. It should also be noted in this connection that article 12 (a) of the **Agricultural Relations Act of 2004** stipulates that: "Arab workers shall be treated in the same way as Syrian workers when it comes to the implementation of this Act, provided that they obtain a work permit from the Ministry."

81. Furthermore, the Syrian Arab Republic is a member of the ILO, and the conventions that it ratifies have acquired the force of domestic law and take precedence over it when there is any conflict between them.

82. These and other factors confirm the invalidity of any employment contract, or any condition that it imposes, which is based on discrimination.

83. General courts and labour tribunals in the Syrian Arab Republic are the crucial authorities in this domain. It should be noted that, during the history of these judicial bodies, no case has ever focused on discrimination based on nationality, race, belief, sex or other grounds.

84. Generally speaking, these issues are basically linked to human rights, which are explicitly safeguarded by the Constitution, without reference to any nationality or other factors.

85. It should be noted that the Syrian Arab Republic was one of the first States to accede to the international conventions against apartheid, including the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Suppression of Apartheid in Sports. It has also ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women.

86. As firmly established in case law, in the event of a conflict between domestic law and a ratified international convention, the provisions of the international convention take precedence.

87. The Syrian Arab Republic wishes to reaffirm in this context its condemnation of all acts and manifestations of racism, racial discrimination and xenophobia, as well as migrant-

related intolerance, stereotypes and hate crimes, including those perpetrated on grounds of religion and belief. It underscores the need to address the expansion of such phenomena in a number of countries that receive migrants and claim to comply with their human rights obligations and the fundamental principle of non-discrimination.

#### **Paragraph 24 (a) of the concluding observations**

88. As already noted, the principle of equality and non-discrimination is enshrined in the Syrian Constitution and in many domestic laws. Furthermore, article 2 (a) of the **Labour Code (Act No. 17 of 2010, as amended)** guarantees equality for migrant workers. It stipulates that the Code prohibits any breach or infringement of the principle of equality of opportunity or equal treatment on any ground whatsoever and, in particular, it prohibits discrimination against workers on the basis of race, colour, gender, marital status, belief, political opinion, trade union membership, nationality, social descent, clothing or dress style in conformity with personal freedom, and discrimination in respect of any matter relating to employment, work organization, vocational training, wages, promotion, eligibility for social benefits, disciplinary measures and actions, and dismissal.

89. Article 6 (a) of the Labour Code stipulates that: “(a) Any condition or agreement that breaches the present Code shall be null and void, even if it was concluded prior to its entry into effect, if it derogates from the rights guaranteed to workers under the Code.” Aggrieved workers are entitled to file a claim before the competent court, in accordance with the provisions of the Code, in order to secure compensation for any material or moral damages suffered.

90. Article 67 of the Labour Code stipulates that: “(a) Employers may not dismiss workers on any of the following grounds: [...] (iv) Race, colour, gender, marital status, family responsibility, pregnancy, religion, belief, political opinion, nationality, social descent, clothing or dress style in conformity with personal freedom. (b) Dismissal on the aforementioned grounds shall be considered to be unjustified. In such cases, the competent court shall order the reinstatement of the worker and full payment of his or her wages for the period of dismissal.”

91. Article 75 of the Labour Code stipulates that: “(a) Employers shall apply the principle of equal pay for work of equal value to all workers, without any discrimination on the basis of race, colour, gender, marital status, belief, political opinion, trade union membership, nationality or social descent.”

92. Article 1 of the **Private Associations and Institutions Act No. 93 of 1958** contains a definition of associations and article 3 lays down the conditions for the establishment of an association. In general, migrant workers have the right to establish an association without any discrimination between them and Syrian workers.

93. A further distinguishing feature of the Syrian Arab Republic is its sound and comprehensive trade union system, represented by the General Federation of Trade Unions and professional associations, with branches in the governorates. Article 25 of the **Trade Union Act No. 84 of 1968, as amended**, states that foreign workers who are not Arabs have the right to join a trade union.

94. Mention should be made of some decisions by the Registration and Deregistration Committee of the Bar Association of the Syrian Arab Republic, pursuant to which a number of non-Syrians were registered in the Bar Association as trained lawyers.<sup>1</sup>

#### **Paragraph 24 (b) of the concluding observations**

95. Officials employed by the Department of Immigration and Passports of the Ministry of the Interior are informed of the Convention by the following means:

- Organization of training courses and workshops on the subject;

<sup>1</sup> These decisions were: Basic Decision 38 No. 17 of 2013; Basic Decision 62 No. 1 of 2015; Basic Decision 53 No. 3 of 2015; Basic Decision 19 No. 2 of 2015; Basic Decision 52 No. 5 of 2015; Basic Decision 54 No. 6 of 2015; Basic Decision 56 No. 8 of 2015.

- Participation in international conferences on the subject;
- Inclusion in the officials' curricula of the United Nations Convention against Transnational Organized Crime and its two Protocols, and topics relating to international human rights law.

#### **Article 84: Duty to implement the Convention**

##### **Paragraph 12 of the concluding observations**

96. Each State party is free, pursuant to the text of the Convention, to make the declarations provided for in articles 76 and 77. The matter is currently being studied in the context of a review of the treaties to which the Syrian Arab Republic has acceded.

##### **Paragraph 14 of the concluding observations**

97. As mentioned earlier in this report, the question of acceding to ILO Conventions No. 97 and No. 143 is being studied in the context of the committees tasked with monitoring the development of legislation with a view to promoting the fulfilment of international obligations in that area.

98. Although the Syrian Arab Republic has not acceded to the ILO Conventions No. 97 and No. 143, **the provisions of a number of its laws are consistent with their objectives**, for instance the provisions of the 2012 Constitution of the Syrian Arab Republic, Legislative Decree No. 3 of 2010 containing the Prevention and Combating of Trafficking in Persons Act, the Labour Code Act No. 17 of 2010, and Decree No. 65 of 2013 regulating the recruitment and employment of non-Syrian domestic workers, and its implementing regulations, as amended by Act No. 40 of 2017.

##### **Paragraph 16 of the concluding observations**

99. The Syrian Arab Republic ratified the two Protocols to the United Nations Convention against Transnational Organized Crime (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) by Act No. 14 of 2008.

### **Part III of the Convention: Human rights of all migrant workers and members of their families**

#### **Article 8: The right to leave any State, including one's State of origin, and to return**

100. This matter is regulated by **Act No. 2 of 2014 concerning the Entry, Exit and Residence of Foreigners in Syria, as amended**. The Minister of the Interior issued the following two regulatory decisions based on the Act:

- Decision No. 1233 of 6 June 2014 concerning Palestinian Arab nationals;
- Decision No. 1235 of 6 June 2015 concerning nationals of Arab and foreign countries.

101. Article 16 of the Act specifies the following types of residential status:

- Special residential status: granted for a period of five years;
- Regular residential status: granted for a period of three years;
- Temporary residential status: granted for a period of one year;
- Tourist residency: granted for a maximum period of three months;
- Employment residency: granted for a maximum period of one year after securing the approval of the Ministry of Social Affairs and Labour.

102. It should be noted that holders of special, regular, temporary and tourist residence permits are not entitled to work in the territory of the Syrian Arab Republic, since an employment residence permit is required for the purpose.

103. Article 2 of Act No. 2 of 2014 stipulates that: “No persons may enter or leave the Syrian Arab Republic unless they hold a valid passport or, alternatively, a document according them the right of return issued by the competent authorities in their country or any other recognized authority.” Accordingly, entry without such documents is unlawful. The status of the persons concerned is decided by the judiciary and they may be required to return to their country.

104. Persons who hold an employment residence permit but engage in certain work without obtaining permission are referred to the judiciary for violating the laws and regulations. They then apply for the necessary work permit and the corresponding residence permit. Article 23 of Act No. 2 of 2014 stipulates that: “An Arab or foreigner who is authorized to enter or reside for a specific purpose is prohibited from acting in violation of that purpose, save with the approval of the Minister or a person authorized to grant approval.”

105. Article 21 of Act No. 2 of 2014 stipulates that: “Employment residence permits are granted to Arabs and foreigners who obtain the approval of the Ministry of Labour in accordance with the laws in force.”

106. Persons who do not possess a residence permit at the outset and who work unlawfully are deemed to have violated residence regulations and are treated as follows, according to article 32 of Act No. 2, as amended:

- A fine of 1,000 Syrian pounds (LS) is imposed on persons who exceed the period specified in the residence permit or visa for each day up to six months (violations of less than six months);
- A fine of LS 500,000 is imposed if the period of violation exceeds six months;
- Persons who hold an employment residence permit may not leave the country until they have received an employment clearance in order to ensure that there are no obligations towards the State and that the worker has received all due benefits.

#### **Paragraph 28 of the concluding observations**

107. The **Labour Code (Act No. 17 of 2010, as amended)** contains a full chapter regulating the work of non-Syrians in Syria. Every employer who violates the provisions of the chapter, especially articles 27, 28, 29 and 30, is liable to a fine of not less than LS 100,000 and not more than LS 500,000. The Ministry of the Interior, based on a proposal by the Minister of Social Affairs and Labour, deports any worker who violates the provisions of the chapter, at the employer’s expense.

108. Decision No. 888 of 2016 requires non-Syrian workers to pay a sum of money for the granting or renewal of a work permit. If they fail to pay the sum, they cannot be issued with a work permit and their work in the Syrian Arab Republic is unlawful and constitutes an infringement by the employer. The worker is then deported by the Ministry of the Interior, based on a proposal by the Minister of Social Affairs and Labour.

109. We have already mentioned a number of measures aimed at raising awareness of the provisions of the Convention among law enforcement officers and building their capacity (in particular staff of the Department of Immigration and Passports).

#### **Articles 9 and 10: The right to life; the prohibition of torture; the prohibition of cruel, inhuman or degrading treatment or punishment**

110. The right to life is safeguarded in the Syrian Constitution, the Criminal Code and other domestic legislation. There are also provisions that explicitly prohibit torture and other cruel, inhuman or degrading treatment. The following are some of these provisions. Article 53 (2) of the Constitution stipulates that: “No one may be subjected to physical or mental torture or to degrading treatment, and the law shall prescribe the penalties for the commission of such acts.” Article 33 (1) of the Constitution stipulates that: “Freedom is a sacred right. The State shall guarantee citizens’ personal liberty and safeguard their dignity and security.”

111. Article 533 of the **Criminal Code** prescribes the penalty for premeditated murder: “Anyone who deliberately kills another person shall be liable to a penalty of 15 to 20 years of hard labour.” The following articles specify the severity of the penalty in terms of aggravating circumstances and its duration. Articles 555 and 556 of the Criminal Code prescribe a term of imprisonment of six months to two years for anyone who deprives another person of his or her personal liberty by any means. The penalty is increased if the perpetrator physically tortures the person deprived of his or her liberty. Article 559 prescribes a term of imprisonment of up to six months for anyone who threatens another person with a weapon. If the weapon is a firearm and is used by the perpetrator, the prescribed penalty is a term of imprisonment of two months to one year. Article 568 of the Syrian Criminal Code prescribes a penalty of up to three months’ imprisonment for anyone who defames another person. Article 570 prescribes a penalty of one week to three months’ imprisonment for anyone who maligns or vilifies another person.

112. **Legislative Decree No. 20 of 2013** prescribes a penalty of lifelong hard labour for kidnapping.

#### **Article 11: The prohibition of slavery and servitude**

113. Freedom is a sacred human right and there are no manifestations of slavery or servitude in the Syrian Arab Republic. Although practices that fall into this category were perpetrated by armed terrorist groups in the areas where they were deployed, especially criminal practices perpetrated against victims who were kidnapped and subjected to forced labour in areas under their control, the high level of general cultural awareness of such phenomena helped to render communities that were exposed to the oppression of these groups immune to their ideology, which is hostile to human values and which has disappeared together with their elimination.

114. Furthermore, all aspects of forced labour are subject to very strict legal provisions, such as articles 555 and 556 of the **Criminal Code** which were mentioned above in connection with articles 9 and 10 of the Convention.

115. It can also be affirmed, without any reservations, that the **Syrian Labour Code** provides safeguards for all workers, regardless of their nationality, as well as solid guarantees. This is due to the nature of the political system, which aspires to protect the rights of the working class in the Syrian Arab Republic.

116. Article 357 of the **Criminal Code** stipulates that: “Any official who arrests or detains a person under conditions other than those stipulated by law shall be liable to a term of imprisonment with hard labour.”

117. Article 391 of the **Criminal Code** stipulates that: “Anyone who subjects a person to a beating of a severity that is not permitted by law in order to extract a confession to an offence or information pertaining thereto shall be liable to a term of imprisonment of three months to three years.”

118. The **Suppression of Prostitution Act No. 10 of 1961**, which was designed to combat sexual exploitation, prescribes a penalty for anyone who incites, promotes or facilitates the engagement of any person, whether male or female, in acts of debauchery or prostitution or who employs, entices or seduces another person for the purpose of that person’s engagement in debauchery or prostitution. The Act prescribes a term of imprisonment of one to three years for such acts and an appropriate fine.

119. The Syrian Arab Republic has ratified the eight core ILO conventions, in particular the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105).

120. Syria submits periodic reports to the International Labour Office in accordance with the observations of the Office’s committee of legal experts.

**Articles 12, 13 and 16: Freedom of thought, conscience and religion; the right to hold opinions without interference; liberty and security of person**

121. We shall present evidence below of provisions that recognize these freedoms. Mention has already been made of the right of foreigners to join trade unions. It should be underscored that guarantees of freedom of expression cannot be permitted to undermine the beliefs or freedoms of others.

122. Articles 3, 33, 36, 37, 42, 43, 53 and 54 of the Syrian Constitution.

123. Article 462 of the Criminal Code stipulates that:

(a) Anyone who, by any means, expresses contempt for religious rites performed in public or who encourages mockery of such rites shall be liable to a term of imprisonment ranging from two months to two years;

(b) These means include:

(i) Actions and gestures in a public place or a place that is accessible to the public or open to public view, or that are witnessed by someone who has nothing to do with the act because of an error on the part of the perpetrator;

(ii) Speech or cries that are clearly audible or are broadcast by mechanical means;

(iii) Writing or images displayed in a public place or a place that is accessible to the public or open to public view, or that are offered for sale or distributed to one or more persons.

124. Article 463 of the **Criminal Code** prescribes a term of imprisonment ranging from one month to one year for:

(a) Anyone who disrupts or uses force or threats to impede the celebration of a religious rite, a religious holiday or related observances;

(b) Anyone who destroys, damages, defaces, desecrates or defiles a place of religious worship, a religious symbol or any other object that is venerated by members of a religious community or group.

125. Article 307 of the **Criminal Code** stipulates that any act, piece of writing or speech that is aimed at or results in the provocation of sectarian or racial division or the instigation of conflict between confessional groups and the different constituent elements of the nation shall be punishable by a term of imprisonment of six months to two years and a fine.

126. The **Media Act promulgated by Legislative Decree No. 108 of 2011** regulates the work of the press, libraries and publishers, and specifies the rules and procedures applicable to the granting of licences for periodicals. It contains chapters specifying categories of publications that are legally prohibited, and chapters concerning the presentation and distribution of publications.

127. There are no legal provisions that prevent a religious community from exercising the right to its own culture, to manifest its religion and to use its own language. The freedom of worship enjoyed by all religious communities is also manifested in their freedom to publicly manage their religious affairs. These communities are governed by their own personal status laws, which are administered by their religious leaders.

128. The right to religious education is guaranteed for every religious community, even in prisons. Article 118 of the Syrian Prison Code requires the Minister of the Interior to appoint, for every prison and every religion, in response to the governor's recommendation, clerics who are permitted to visit prisoners at the latter's request.

**Articles 14 and 15: Prohibition of arbitrary or unlawful interference with the privacy, family, correspondence or other communications of migrant workers, and prohibition of arbitrary deprivation of their property**

129. With regard to the Constitution, it should be noted that privacy, the inviolability of property, the confidentiality of correspondence, and the immunity of funds are safeguarded by explicit provisions of articles 15, 36 and 37 of the **Syrian Constitution**.

130. In addition, article 375 of the **Criminal Code** prescribes penalties for anyone who defames, vilifies or insults another person, and article 557 prescribes penalties for violating the sanctity of the home. Article 565 prescribes penalties for disclosing secrets without a legitimate reason, and for using secrets for one's own benefit or the benefit of a third party, by persons who learn of the secrets by virtue of their status, functions or profession. There are other detailed provisions concerning this matter.

**Article 16 (paras. 1–4) and articles 17 and 24: The right to liberty and security of person and to effective protection against arbitrary arrest and detention; the right to recognition as a person before the law**

131. The following provisions address matters covered by the above-mentioned articles of the Convention:

- Articles 33 (a), 50 and 51 of the **Syrian Constitution**;
- Legislative Decree No. 20 of 2013, which criminalizes kidnapping;
- Article 559 of the **Criminal Code**, which stipulates that “Anyone who threatens another person with a weapon shall be liable to a penalty of up to six months’ imprisonment; the term of imprisonment shall range from two months to one year if the weapon is a firearm and was used by the perpetrator”;
- Article 560: Anyone who, whether in writing, even if anonymously, or through a third party, threatens another person with a serious crime that is punishable by the death penalty, over 15 years’ imprisonment or life imprisonment, shall be liable to a term of imprisonment of one to three years, if the threat entails an order to perform an act, even if lawful, or to refrain from an act;
- The period of custody in flagrante delicto cases should not exceed 24 hours, unless otherwise stipulated in a judicial order. According to article 105 of the **Code of Criminal Procedure**, anyone held in custody beyond this period of time must be brought before the competent court for consideration of his situation. Any infringement of this rule is deemed to constitute unlawful deprivation of liberty and an arbitrary act entailing prosecution of the perpetrator for the offence of deprivation of personal liberty pursuant to article 358 of the Criminal Code.

**Article 16 (paras. 5–9) and articles 18 and 19: The right to procedural guarantees**

132. The procedural safeguards enshrined in the **Code of Criminal Procedure** are applicable to Syrians and foreigners without any discrimination and are consistent with the international treaties that have been ratified by the Syrian Arab Republic. We wish to refer, in particular, to the provisions of chapter III, section IV, of the Code (arts. 102–105).

133. Article 108 of the Code of Criminal Procedure stipulates that persons who are arrested must be informed forthwith of the reasons for their arrest and, on being brought before the Department of Public Prosecutions, they must be informed of the charges against them. The same applies when persons are questioned by the investigating judge. The information must always be communicated, through a sworn interpreter, in a language that they understand. The court invariably grants defendants an ample period of time, set at its discretion, to prepare their defence, and they are entitled to engage a lawyer as soon as they are referred to the judicial authorities. Lawyers are given ample time to study the case and prepare their pleas. Defendants have no legal obligation to disclose the names of their witnesses before the case goes to trial.

134. The Code of Criminal Procedure requires that a lawyer be appointed to defend the accused. Otherwise the trial shall be null and void.

135. Freedom is the rule and detention is the exception. All detainees can be released pursuant to articles 117 to 130 of the Code of Criminal Procedure and they may apply to the courts to secure their release.

136. Article 57 of the Code of Criminal Procedure permits any person who considers himself to be the victim of a felony or a misdemeanour to file a complaint, in the form of a personal action, with the competent investigating judge, in accordance with article 3 of the Code.

137. Article 358 of the **Syrian Criminal Code** prescribes a term of imprisonment of one to three years for any warden or guard of a prison or a disciplinary institution or reformatory who admits an inmate without a court writ or order or detains a person for longer than the prescribed term.

138. Syrian law regards decent treatment of prisoners as mandatory; any form of abuse or degrading treatment is a punishable offence under article 391 of the Criminal Code.

139. Article 422 of the **Code of Criminal Procedure** requires investigating judges, justices of the peace and presidents of criminal courts to monitor detainees in custody centres and prisons in order to ensure that they are receiving decent treatment.

140. The **Prison Code** devotes an entire chapter to the importance of segregating different categories of prisoners, including males from females and juveniles from adults. Chapter III of the Prison Code stipulates that all prisons must segregate detainees belonging to the following categories:

- Suspects and accused persons remanded in custody on account of a legal debt, insolvency or an indecent act;
- Persons sentenced to a prison term of less than one year for a lesser indictable offence;
- Young detainees.

141. Reference may be made to articles 32 to 42 of the Prison Code.

142. Article 108 of the **Code of Criminal Procedure** stipulates that all persons who are arrested must be informed of the grounds for their arrest, the nature of the offence for which they were arrested, and the legal provision under which the offence is punishable. The accused must be provided with copies of the arrest warrant and detention order.

143. When accused persons appear before an investigating judge, the judge must verify their identity, inform them of the charges against them, ask how they plead and advise them of their right not to respond without a lawyer being present. This advice must be entered into the investigation record. If the accused refuses to appoint a lawyer, or if a lawyer is not appointed on behalf of the accused within 24 hours, the investigation proceeds without one.

144. If accused persons in a criminal case cannot afford a lawyer, the Bar Association or the judge may appoint a lawyer on their behalf.

145. Syrian law ensures expeditious proceedings in the interests of the accused. Pursuant to article 104 of the Code of Criminal Procedure, the investigating judge must promptly question an accused person who has been served with a writ of summons. Persons brought in pursuant to an arrest warrant must be questioned within 24 hours of their arrest. The law requires the interrogation to be conducted, by means of a sworn interpreter, in a language that the accused understands.

146. The Code of Criminal Procedure specifies time limits and procedures for filing appeals, which is a right guaranteed to all accused persons.

147. Article 164 of the **Civil Code** requires anyone who causes harm to another person to pay compensation for the act. According to article 138 of the **Criminal Code** and article 4 of the Code of Criminal Procedure, anyone who is the victim of an offence is entitled to have recourse to the courts to seek redress for the damages suffered. This right is affirmed in articles 129 to 146 of the **Criminal Code** and is accorded to everyone without discrimination.

148. Article 181 of the **Criminal Code** stipulates that: “A single offence can be prosecuted only once. Accordingly, a person cannot be tried and convicted or acquitted for the same offence on two occasions.”

149. Article 1 of the **Criminal Code** stipulates that no penalty or preventive or reform measure may be imposed in respect of an act that was not a legal offence when it was committed.

150. Article 3 of the Code stipulates that any law which modifies the conditions of criminality in a manner that benefits the defendant shall be applied to offences committed prior to the entry of the law into force, unless a final judgment has already been handed down.

151. Article 8 of the Code stipulates that any new law that abolishes or mitigates a penalty shall be applicable to offences committed prior to its entry into force, unless a final judgment has been handed down.

152. According to Syrian lawmakers, the principle of individualized punishment means that the personality of the offender must be a primary consideration in criminal law and that the penalty must be tailored to the personality. Accordingly, the legislature prescribes maximum and minimum sentences and leave it to the court’s discretion to select an appropriate punishment for individual offenders, leaving plenty of scope for the use of mitigating and aggravating factors.

153. In addition to what has already been stated in the report regarding the legal framework for dealing with juveniles pursuant to **Act No. 18 of 1974, as amended**, we wish to draw attention to article 3 of the Act, which stipulates that:

“(a) Juveniles between 10 and 18 years of age who commit any offence shall be subject only to the reform measures prescribed in this Act. Several reform measures may be imposed cumulatively.

(b) With regard to offences committed by juveniles aged 15 years or older, the penalties prescribed in this Act shall be imposed.”

154. Article 4 lists the following reform measures:

- Supervision of the juvenile by one or both parents or the legal guardian;
- Placement of the juvenile with a family member;
- Placement of the juvenile with an institution or an association that is licensed to care for young people;
- Placement of the juvenile in a supervised facility;
- Placement of the juvenile in a reformatory;
- Placement in a custodial facility;
- Probation;
- Restriction of residence;
- A ban on frequenting places of ill-repute;
- A ban on performing work of any kind;
- A care order.

155. Article 31 of the Act stipulates that:

“(a) Juveniles shall be tried before special courts known as juvenile courts, consisting of:

- Full-time and part-time district courts with jurisdiction to hear cases concerning serious crimes and major offences for which the penalty is more than one year’s imprisonment;
- Disciplinary tribunals which, in their capacity as juvenile courts, hear cases concerning other offences.

(b) Full-time district courts shall be established by decree, based on a recommendation by the Minister of Justice, in the seat of each governorate where there is a need for such a court. The territorial jurisdiction of such courts shall extend to the governorate's administrative boundaries.

(c) It is possible, by means of a decree, to establish more than one full-time district court in each seat of a governorate."

156. Article 32 of the Act stipulates that:

"Full-time and part-time district courts shall consist of a presiding judge and two highly qualified members appointed by the Minister of Justice, together with two reserve members who shall be State employees nominated by the Ministry of Higher Education, the Ministry of Social Affairs and Labour and the Women's Federation. These persons shall be appointed by decree based on a proposal by the Minister of Justice.

The full-time and reserve members of the juvenile courts shall serve for a renewable two-year term. When their mandate ends, they shall continue to discharge their functions until another decree is issued.

District juvenile courts shall convene in the presence of a representative of the Department of Public Prosecutions."

#### **Paragraph 24 (b) bis of the concluding observations**

157. This right is guaranteed by article 51 (3) of the **Constitution of the Syrian Arab Republic**: "The right of litigation, appeal, retrial and defence before the judiciary shall be protected by law, and the State shall guarantee legal aid to those who are incapable of doing so, in accordance with the law." Article 3 of the **Trial Procedures Act No. 1 of 2016** stipulates that: "The Syrian courts shall have jurisdiction in cases brought against Syrians, whether they are resident within or outside the Syrian Arab Republic." Article 5 of the Act stipulates that: "The Syrian courts shall have jurisdiction in cases brought against non-Syrians who have no domicile or residence in the Syrian Arab Republic in the following circumstances: [...] (b) If the lawsuit relates to movable or immovable property in the Syrian Arab Republic, or is the result of a contract that was concluded, implemented or requires implementation in the Syrian Arab Republic [...]."

158. The provisions cited above thus entitle persons to institute proceedings and have recourse to the Syrian courts, regardless of whether the worker is a Syrian or a foreigner and regardless of whether the employer is a Syrian or a foreigner.

159. Article 2 of **Act No. 17 of 2010** stipulates that: "(b) [...] Aggrieved workers shall have the right to claim compensation for material and moral damages sustained before the competent court established pursuant to this Code."

160. Article 204 of the Labour Code stipulates that: "If an individual labour dispute arises concerning the implementation of this Code, the worker or the employer may have recourse to the competent court established in accordance with the following article in order to settle the dispute."

161. The subsequent articles of Act No. 17 of 2010 contain the following provisions:

- Article 206 stipulates that: "The competent court shall promptly resolve individual labour disputes on the basis of the provisions of this Code and the individual employment contract concluded between the parties."
- Article 207 stipulates that: "The judgment handed down by the competent court may be challenged in the court of appeal, the judgment of which shall be final. The court shall apply the provisions of the Trial Procedures Act."
- Article 208 stipulates that: "(a) Whenever the dispute concerns a worker's dismissal or notice of discharge, the worker or the trade union concerned, acting at the worker's request, may solicit mediation by the competent directorate within ten days of the date of notification of dismissal or of receipt of the notice of discharge."

(b) The competent directorate shall act as a mediator between the employer and the worker, and endeavour to settle the dispute within a maximum period of one month.

(c) If the mediation fails, the worker shall be entitled to institute legal proceedings.

(d) If the worker institutes legal proceedings, the court referred to above shall, during litigation, order the employer to pay the worker 50 per cent of his or her monthly wage, provided that such payment does not exceed the minimum wage payable for the worker's occupation and is not payable for a period of more than one year."

**Article 20: Prohibition of the imprisonment of workers, deprivation of their authorization of residence and/or work permit, and expulsion merely on the ground of failure to fulfil an obligation arising from a work contract**

162. The obligations arising from employment contracts are civil obligations that are binding on both parties. There are no penalties in the Syrian Labour Code, the Civil Code or any other law that would result in the imposition of criminal penalties or deprivation of liberty or in the expulsion of a person from the country due to a civil obligation.

163. All workers are equal in this respect, regardless of their nationalities. According to article 88 (1) of the **Criminal Code**, the expulsion of foreigners from Syrian territory is possible if they are sentenced to a criminal penalty pursuant to a special clause in the judgment.

**Articles 21, 22 and 23: Protection against the confiscation and/or destruction of personal identity documents and other documents; protection from collective expulsion; the right to have recourse to consular or diplomatic protection**

164. The confiscation or destruction of civil status documents is a criminal offence, no matter who is the perpetrator. As a general rule, acts such as these constitute an infringement of individual rights and are punishable under the Criminal Code.

165. No provision is made for collective expulsion in Syrian law. The law refers only to the (discretionary) expulsion of individuals who have been convicted of major offences. Furthermore, Syrian law is based on the principle of personal criminal liability.

166. The right of recourse to consular or diplomatic protection is regulated by bilateral and international agreements to which the Syrian Arab Republic is a party. Moreover, Syrian law does not impede workers, regardless of their nationality, from exercising that right.

**Articles 25, 27 and 28: The principle of equal treatment with respect to the following: remuneration, other conditions of work and employment, and social security; the right to emergency medical care**

167. The provision of educational, health-care and social services is one of the social principles on which the Syrian Arab Republic is based and a bedrock of society-building (article 25 of the Syrian Constitution).

168. The **Labour Code (Act No. 17 of 2010)** does not discriminate between Syrian and migrant workers, regardless of whether the latter are Arabs or foreigners. Accordingly, migrant workers residing in the Syrian Arab Republic are subject to the same laws as Syrians in terms of remuneration, working hours and family allowances. Foreign workers who are legally resident in the Syrian Arab Republic are also entitled to social security. Migrant workers face no difficulties when leaving or returning to the country, but must simply comply with legal procedures which are the same for nationals and foreigners. The children of migrant workers are entitled to enrol in State schools. In addition, all public hospitals in the country offer full medical care to everyone in the Syrian Arab Republic without distinguishing between nationals and foreigners.

169. The Syrian legislature treats Syrian, Arab and foreign citizens equally by providing relief services free of charge pursuant to Decision No. 24/T of 29 May 2007.

170. Migrant workers who are insured with the General Organization for Social Insurance are guaranteed treatment in accordance with the **Social Insurance Act No. 92 of 1959, as amended**, which requires employers to insure their workers against work-related risks and injuries.

171. Article 94 of the **Labour Code (Act No. 17)** requires employers to provide workers with all necessary means of medical relief and treatment. If the worker is treated in a governmental or charity hospital, the costs of treatment, medicines and accommodation are paid to the hospital administration. The Code also permits employers to cover treatment, medical and accommodation expenses through health insurance funds or private insurance institutions.

**Articles 29, 30 and 31: The right of children of migrant workers to a name, to registration of birth and to a nationality; their right of access to education on the basis of equality of treatment; the right to respect for the cultural identity of migrant workers and members of their families**

172. Article 29 of the **Syrian Constitution** guarantees the right to education, free of charge, at all levels. It adds that the law shall regulate cases in which education cannot be free of charge in universities and governmental institutions, and declares that education shall be compulsory until the end of the basic education stage.

173. Syrian law requires everyone to have a first name and a family name. There are no children in the Syrian Arab Republic without a name. This principle is enshrined in article 40 of the **Syrian Civil Code**, which stipulates that: “Every person shall have a name and a surname and the surname shall be passed on to the person’s children.” Children of unknown paternity are named by their mother, and foundlings are registered and named by the Civil Registrar. There is nothing in Syrian law to prevent the same rule from being applied to migrant workers.

174. The registration of all births that take place on Syrian territory, regardless of nationality, is mandatory under Syrian law, and penalties are prescribed for non-registration or for delays in the registration of births.

175. The Government has taken a number of steps aimed at facilitating measures relating to civil status, particularly the registration of births. It has adopted several amendments to the Civil Status Act in order to facilitate and simplify the relevant procedures for its citizens at home and abroad. Thus, the **Civil Status Act promulgated by Decree No. 26 of 2007** was amended by Act No. 20 of 2011, Act No. 24 of 2015 and Act No. 4 of 2017. The directives regulating civil status work were also amended.

176. With regard to births that take place outside the Syrian Arab Republic, the closure of a number of Syrian embassies necessitated amendments to the Civil Status Act in order to enable citizens outside the country to register their civil status. Accordingly, **Legislative Decree No. 26 of 2007** was amended on several occasions to incorporate new procedures aimed at facilitating the registration of events. The basic content of the amendments may be summarized as follows:

- Events relating to civil status shall be registered at the Syrian embassy or consulate, or at the embassy or consulate mandated to act on behalf of Syrians, in the location in which the events occurred or in the place of residence.
- If the citizen resides in an area that is located at some distance from the embassy or consulate, it is sufficient to send a certificate of the event, such as a birth or death, or a true copy thereof, to the Directorate of Civil Affairs in the place of registration, through the person’s relatives or legal representative.
- Embassies may register births up to the age of 18 years. They had previously been prohibited from registering the birth of persons over the age of 14 years.
- All events may be registered, regardless of the delay, at the Syrian embassy or consulate.

- On 2 April 2019, the Ministry of the Interior issued Decision No. 182/M.N., which permits unregistered persons whose parents were registered in the civil status records and who are over 18 years of age to submit documents for registration to Syrian embassies and consulates in the country of birth or the place of residence and to the embassy or consulate that is authorized to complete, check and forward the documents through the Ministry of Foreign Affairs and Expatriates to the relevant directorate of civil affairs so that the unregistered person may be registered without being required to provide papers and documents to the directorates of civil affairs.

177. **Legislative Decree No. 11 of 2019** was issued to exempt Syrian citizens who were late in registering civil status events or in obtaining a personal or family identity card from the payment of fees and fines, if the delay was due to the subjection of their regions to terrorist acts or to their displacement within or outside the Syrian Arab Republic due to terrorist acts.

178. All children living in the Syrian Arab Republic, regardless of their origin, enjoy the same protection without any form of discrimination, and are enrolled in schools on an equal basis.

179. The Syrian Ministry of Education has issued instructions for the enrolment and admission into basic education classes of students who dropped out or who are migrants. Students coming from outside the Syrian Arab Republic who meet the conditions for enrolment laid down in the instructions are admitted in accordance with article 10 of the rules of procedure governing basic education schools, as amended by Decision No. 13/443 of 23 August 2015. Non-Syrian students are admitted when they meet the conditions for enrolment in public schools.

180. Students from Arab or foreign countries are enrolled, on a conditional or final basis, at the basic education and secondary levels pursuant to Ministerial Communication No. 543/4375 (9/4) of 10 November 2008. Ministerial Communication No. 543/271 (4/9) of 25 January 2009 also specifies the conditions for admitting students with non-Syrian documents and the educational documents required to enrol them in the schools of the Syrian Arab Republic.

181. Migrant workers residing in the Syrian Arab Republic may be granted licences to open educational establishments for pre-university education based on Ministerial Communication No. 843/1827 (4/8) of 17 May 2016. The curriculum may be enhanced with supplementary textbooks or courses in a foreign language with the approval of the Ministry of Education.

**Articles 32 and 33: The right of migrant workers to transfer their earnings and savings, to transfer their personal property to their country of origin, to be informed of the rights arising from legal instruments and to the dissemination of information**

182. According to article 94 of the **Social Insurance Act No. 92 of 1959, as amended**, pensioners, the beneficiaries of pensioners or insured persons who leave the Syrian Arab Republic can request that the pension be remitted to the country in which they live, provided that they pay the transaction costs and, if they are not Syrians, subject to the condition of reciprocity and in accordance with the regulations in force.

183. Furthermore, experts who have been recruited may transfer up to 60 per cent of their total salary and allowances, in a foreign currency, to their country of origin (paragraph (b) of Communication No. 104/B of 3 September 1983, 15/4801).

184. It should also be noted that unilateral coercive measures have had an impact on Syrian banks. They have impeded financial transfers to and from Syria, led to an increase in costs and rendered the procedures more complex, so that some of them are impossible to implement. This has had a profound impact on Syrian workers abroad, whose remittances are a source of support for economic and social development. It has also affected migrant workers in Syria, especially in terms of the increased commissions to be paid on remittances if, as already mentioned, the procedures can be implemented.

### **Paragraph 36 of the concluding observations**

185. In addition to what has been stated above, article 37 of **Investment Act No. 10, as amended**, permits experts, workers and technicians from Arab and foreign countries who are working on an approved project to transfer 50 per cent of their net wages, salaries and bonuses and 100 per cent of their end-of-service compensation abroad in a convertible currency, provided that the taxes on the wages, salaries and bonuses have been paid. The transfer is made through duly licensed banks.

186. Chapter III of the **Labour Code (Act No. 17 of 2010)** regulates the work of non-Syrians, regardless of whether they are employed in the private, public, cooperative, community or mixed sector or in civil society organizations.

## **Part IV of the Convention: Other rights of migrant workers and members of their families who are documented or in a regular situation**

### **Article 37: The right to be informed, before their departure, of the conditions applicable to their admission to the State of employment and to the remunerated activities in which they engage**

187. This article is applicable to Syrian workers who leave the country to work abroad. They require an entry visa for the destination country and an employment contract specifying the legal terms of their employment. The provisions of the Arab Labour Mobility Convention, especially paragraphs 6 to 8 of article 3, should also be taken into account.

### **Articles 38 and 39: The right to temporary absence without an effect upon one's authorization to stay or to work; the right to liberty of movement and freedom to choose one's residence in the territory of the State of employment**

188. Article 30 of the **Labour Code (Act No. 17 of 2010)** stipulates that: "Employment of non-Syrian workers in any of the following instances shall be deemed contrary to the present Code: (a) employment by a different employer from the one mentioned in the work permit, unless permission has been granted by the competent directorate; (b) employment in a different occupation from that mentioned in the work permit."

189. Non-Syrians who possess a work permit and wish to move to a workplace in a different governorate are required to consult the Directorate of Social Affairs and Labour in the governorate in which they wish to be employed in order to obtain permission to work there until the end of the period specified in their permit.

190. However, if they wish to change their occupation, they must apply for a new work permit, in accordance with the provisions of Ministerial Decision No. 888 of 2016 regulating the employment of non-Syrians in the Syrian Arab Republic.

191. We also wish to draw attention to what was stated in response to paragraph 28 of the concluding observations and article 8 of the Convention.

### **Articles 40, 41 and 42: Workers' right to form associations and trade unions and to participate in the public affairs of their State of origin**

192. Article 10 of the **Syrian Constitution** contains basic guarantees for the formation of trade unions, civil society organizations and associations. We wish to underscore that the organization of trade unions in the Syrian Arab Republic is a voluntary activity. We also wish to draw attention to what was stated in the response to paragraph 24 (a) of the concluding observations.

**Articles 43, 54 and 55: The principle of equal treatment with nationals of the State of employment in respect of: protection against dismissal; unemployment benefits; access to public works schemes; access to alternative employment in the event of loss of work or termination of another remunerated activity**

193. As already stated, the **Syrian Labour Code** does not grant or withhold any privilege on the ground of nationality, regardless of whether the worker is a Syrian or non-Syrian. This is evident from article 1 of the Code, which states quite unequivocally that a worker is: “Any natural person who works for an employer, under the employer’s authority and supervision, in return for remuneration of any kind.”

194. Foreign workers with an employment contract enjoy all the legal and constitutional protection standards enshrined in the relevant laws, on the same basis as Syrian workers.

195. In addition, workers are protected against expulsion and arbitrary dismissal. Legislative Decree No. 49 of 3 July 1962, as amended, regulates the issue of dismissal by requiring prior authorization for such action from the committee that is authorized to handle such cases.

196. The Decree contains very strict rules governing dismissals, which must be based on legitimate grounds determined by the above-mentioned committee.

197. With regard to unemployment benefits, this type of insurance is not provided under the Social Insurance Act in the Syrian Arab Republic either for Syrians or for foreign workers. The principle of equality is therefore applied to all.

198. With regard to access to public work schemes, public announcements are issued calling for the submission of tenders. The scheme is awarded to the contractor who submits the best bid in technical and financial terms. It should be noted in this connection that non-Syrian workers do not have the profile, qualifications or financial resources to undertake public work schemes because they are, for the most part, ordinary workers.

199. Furthermore, when employment contracts are terminated, the workers receive severance pay, whether or not they are Syrian.

200. We wish to draw attention to what was stated concerning paragraph 24 (b) bis of the concluding observations on the right to an effective remedy.

**Articles 44 and 50: Protection of the unity of the families of migrant workers and the reunification of their families; the consequences of the death or dissolution of the marriage of migrant workers**

201. The Syrian Constitution (article 20) states that the family is the nucleus of society and the law shall preserve its existence and strengthens its ties. The State shall protect and encourage marriage, and shall take steps to remove any material and social impediments thereto. The State shall also protect maternity and childhood, take care of young people, and create conditions conducive to the development of their capacities.

202. As has already been stated, most migrant workers in the Syrian Arab Republic are Arabs. According to the regulations of the Department of Immigration and Passports, Arabs entering the Syrian Arab Republic require an entry visa, with the exception of Lebanon and Jordan, who do not require such a visa. This is consistent with the principle of reciprocity.

203. Syrians can apply for and collect a new Syrian passport from the Department of Immigration and Passports based on first-degree kinship, without an intermediary, for a six-year period of validity.

204. As the system does not prevent migrant workers from being accompanied by their families, family unity is protected. Furthermore, non-Arab workers (if there are any) are perfectly free to bring their families with them.

205. Neither death nor dissolution of marriage has any adverse consequences for family members, since these are private matters and there is no place for discrimination in such humanitarian circumstances.

**Articles 45 and 53: Equality of treatment for members of the family of migrant workers and measures to facilitate the integration of their children into the local school system**

206. As mentioned in the report in the section referring to articles 30 and 31 of the Convention, education in Syrian governmental schools is completely free of charge. Private schools charge all enrolled students the same fees. There is nothing to prevent the children of migrant workers in Syria from enrolling in any school.

**Articles 46, 47 and 48: Exemption from import and export duties and taxes in respect of personal effects; the right to transfer their earnings and savings from the State of employment; avoidance of double taxation**

207. The rules governing personal effects and payment of duties that are applicable to Syrians are also applicable to all non-Syrians, in accordance with the customs regulations. With regard to the transfer of earnings and savings, this matter has been addressed in several paragraphs of the report. The issue of avoidance of double taxation is addressed through bilateral agreements in accordance with the principle of reciprocity. Furthermore, all natural and legal persons, whether they are Syrian or foreign, must fulfil their tax payment obligations, which depend on the type of economic activity in which they engage. Foreign nationals and their family members are subject to the same tax regulations as citizens, which means that they incur the same tax burden.

**Articles 51 and 52: The right to seek alternative employment; conditions and restrictions in that regard**

208. Chapter III of the **Labour Code (Act No. 17 of 2010)** regulates the work of non-nationals. Article 27 stipulates that: “The employment of non-national employers and workers in the public sector or any ministry, administration, public authority, public institution, public firm, local or municipal administrative unit or any other public-sector institution, or in the private sector, cooperative sector, community sector, mixed sector, civil society organizations or professional associations, shall be subject to the provisions regulating the employment of non-nationals under Chapter III of this Code.”

**Articles 49 and 56: Authorization of residence and to engage in remunerated activity; prohibition of the expulsion of workers**

209. This issue was addressed in the response to paragraphs 28 and 30 of the concluding observations.

**Part V of the Convention: Provisions applicable to particular categories of migrant workers and members of their families**

210. There are no provisions applicable to particular categories of workers, whatever their nationality. The case of the occupation of part of the territory of the Syrian Arab Republic does not fall within this framework.

**Part VI of the Convention: Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families**

211. As stated above, the Syrian Arab Republic is not a country that attracts foreign workers, so that they have always been few in number. Nonetheless, they are protected by humane legislation, which treats citizens and foreigners equally without any form of discrimination.

212. The general legal norms and their implementing regulations are not conducive to any real problems.

213. As already mentioned, the Syrian Arab Republic has proclaimed its willingness to cooperate with the United Nations and its Member States in implementing the Global Compact for Safe, Orderly and Regular Migration.

#### **Paragraph 18 of the concluding observations**

214. No data are currently available concerning migrant workers in Syria or Syrian workers abroad. The Committee will be provided with this data as soon as it becomes available.

215. As already stated, the difficulties of daily life imposed by the combination of the practices of terrorist armed groups and unilateral coercive measures, which led to employment difficulties in a number of key sectors, forced many Syrians to leave the country. As a matter of course, this situation had the same impact on migrant workers in Syria as on Syrian citizens. Ever since the war began, the Syrian Arab Republic has implemented measures aimed primarily at delivering humanitarian aid to all needy persons, without discrimination and regardless of their location, and guaranteeing the protection of humanitarian workers, in accordance with its international obligations. It has taken vigorous action to preserve vital sectors and fundamental services in order to thwart the impact of unilateral coercive measures.

#### **Paragraph 20 of the concluding observations**

216. The Ministry of Social Affairs and Labour is preparing a plan to familiarize migrant workers with the provisions of the Convention by means of the audio and print media and by organizing seminars and workshops.

217. Article 47 of the **Labour Code (Act No. 17 of 2010)** stipulates that: “(a) Employers shall conclude written employment contracts with employees in the Arabic language. One copy shall be provided to each party and an additional copy in a foreign language shall be provided to non-Arab workers. [...]”

#### **Paragraph 22 of the concluding observations**

218. The Ministry of Social Affairs and Labour organized many capacity-building activities for the staff of the Ministry and its departments in the governorates, with the participation of the General Federation of Trade Unions, the General Federation of Farmers and the Damascus Chamber of Industry, and in cooperation with the ILO, in order to familiarize labour inspectors with the provisions of Labour Code No. 17.

219. This report was prepared jointly by representatives of ministries and governmental bodies and representatives of civil society, including NGOs, the General Federation of Trade Unions, the Federation of Syrian Chambers of Commerce, the Bar Association, academics and researchers.

#### **Paragraph 26 of the concluding observations**

220. The right to seek legal redress is guaranteed by law.

221. With regard to the right to file complaints when criminal offences are perpetrated against migrant workers, aggrieved parties can file complaints reporting the offences committed against them. Every official authority must then inform the competent public prosecutor and the officers of the judicial police, in accordance with articles 1, 6, 25 and 27 of the **Code of Criminal Procedure**.

222. Decision No. 888 of 2016 regulates the employment of non-Syrians in the Syrian Arab Republic. Employers are required to provide financial guarantees, and seizure of material is permissible solely in order to guarantee the rights of employees. Employers are required to register workers with the General Organization for Social Insurance and record mandatory contracts specifying the type and hours of work and remuneration. The requisite clearance may not be granted until it has been ascertained that employees have received all their entitlements. Otherwise employees may have recourse to the departments of social affairs and labour in the governorates.

223. A Department for Combating Trafficking in Persons was established in the Ministry of the Interior pursuant to **Decree No. 3 of 2010 promulgating the Prevention and Combating of Trafficking in Persons Act**. The Department receives complaints concerning cases in which employers fail to pay the entitlements of their employees and those of domestic workers who are recruited through offices that are licensed for the purpose. Regular employment contracts that specify remuneration are recorded with the prior approval of the Ministry of Social Affairs and Labour.

224. Article 46 of Decision No. 2644 of 2013 stipulates that the departments of social affairs and labour in all governorates may receive complaints from female employees, beneficiaries or employment agencies and address them in accordance with the provisions of the laws and regulations in force. In other cases, domestic workers may have recourse to their country's embassies in the Syrian Arab Republic to file complaints concerning Syrian employers. The Ministry of Social Affairs and Labour is contacted by means of a letter from the domestic worker's embassy to the Ministry of Foreign Affairs and Expatriates in the Syrian Arab Republic. The Ministry of Social Affairs and Labour then investigates the complaint and takes the necessary legal action against the employers concerned to ensure that appropriate fines are imposed and that each case is handled separately in a manner that guarantees all workers' rights.

#### **Paragraph 30 of the concluding observations**

225. The **Labour Code (Act No. 17 of 2010)** does not contain a specific definition of employment of migrants or of non-Syrians in general. Its provisions are nonetheless comprehensive, particularly article 1, which defines a worker as follows: "Any natural person who works for an employer in return for remuneration of any kind, subject to the employer's authority and supervision." A work permit must, however, be obtained for any non-Syrian worker employed in the Syrian Arab Republic.

#### **Paragraph 32 of the concluding observations**

226. Passports may never be withheld by an employer under Syrian law. The penalty varies in terms of the case. It may lead to the revocation of a licence, and it can be deemed to constitute deprivation of liberty if the worker is prevented from leaving. It may also be treated as an offence of trafficking in persons pursuant to **Legislative Decree No. 3 of 2010**.

227. Passports belonging to domestic workers and childminders are not seized but handed over to the employer by the office that recruited them. If a complaint is filed concerning the withholding of a passport, the necessary measures are taken against the perpetrators of the offence by the Department for Combating Trafficking in Persons, which also takes appropriate action vis-à-vis the employers.

228. Decision No. 81 of 2008 regulates the work of female artists in the Syrian Arab Republic. Their passports are withdrawn by the immigration centre when they enter the country and they remain with the competent immigration branch until the end of their employment contract, which is legally specified as a period of six months, following which they must leave the country. The passports are not handed over to the employer. They remain with the immigration and passport authorities and are returned to the artist if she wishes to travel, based on a release agreed between the Artists Association and the employer.

#### **Paragraphs 34 and 38 of the concluding observations**

229. The Government of the Syrian Arab Republic signs bilateral agreements concerning labour and the workforce with other Governments in order to safeguard the rights of Syrian workers abroad.

230. The **Labour Code (Act No. 17 of 2010)** contains a chapter concerning the licensing of private employment agencies, which seek job opportunities for Syrians abroad, organize their recruitment and safeguard their rights.

231. The following are the most important bilateral agreements signed by the Syrian Arab Republic with other countries concerning labour and the workforce:

- The Bolivarian Republic of Venezuela: An agreement on cooperation in the fields of labour, the workforce and social security was signed on 26 October 2010 and ratified by Decree No. 468 on 26 October 2010;
- The Islamic Republic of Iran:
  - A joint cooperation programme in the areas of social welfare, rural development, microfinance, labour, employment and entrepreneurship;
  - A Memorandum of Understanding on joint cooperation in the areas of social affairs, labour, and vocational and technical training was signed on 19 May 2004;
- The United Arab Emirates: An agreement on the recruitment and employment of Syrian workers in the Emirates was signed on 23 December 2008 and ratified by Act No. 24 of 2009;
- The State of Qatar:
  - An agreement regulating the employment of Syrian workers in the State of Qatar was signed on 23 October 2003 and ratified by Decree No. 21 of 2004;
  - A protocol to the agreement regulating the employment of Syrian workers in the State of Qatar was signed on 30 June 2008 and ratified by Decree No. 11 of 2009;
  - A Memorandum of Understanding on employment was signed on 30 June 2008 and ratified by Decree No. 9 of 2009;
- The State of Kuwait: An agreement regulating employment and development of the workforce was signed on 12 February 2008 and ratified by Decree No. 43 of 2008;
- The Hashemite Kingdom of Jordan: An agreement regulating the recruitment of workers was signed on 30 December 2007 and ratified by Decree No. 44 of 2008;
- The Kingdom of Bahrain: An agreement concerning employment and vocational training was signed on 25 April 2005 and ratified by Decree No. 363 of 2005;
- The Lebanese Republic: A bilateral agreement concerning employment was signed on 8 October 1994 and ratified by Act No. 7 of 1995.

232. In addition to the international treaties to which the Syrian Arab Republic has acceded, article 15 of the **Labour Code (Act No. 17 of 2010)** stipulates that:

- Without prejudice to ILO labour conventions, the Ministry shall regulate the employment of Syrian workers and persons of similar status outside the Syrian Arab Republic and secure their welfare and rights through bilateral and multilateral agreements.
- The Ministry shall, in cooperation with the Ministry of Foreign Affairs, monitor the implementation of international agreements regarding Syrian labour abroad, and strive to settle any disputes arising therefrom following discussions in the Advisory Council on Labour and Social Dialogue referred to in article 177 of this Code.

#### **Paragraph 40 of the concluding observations**

233. As stated on several occasions in this report, the Syrian Arab Republic has made great strides in the implementation of paragraph 40 by enacting a number of laws, in particular the Prevention and Combating of Trafficking in Persons Act (Decree No. 3 of 2010). It established the National Committee to Combat Trafficking in Persons, which is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and Expatriates, the Ministry of Social Affairs and Labour, the Ministry of Religious Endowments and the Ministry of Health, as well as representatives of the General Authority for forensic medicine, the Syrian Commission for Family and Population Affairs and a number of civil society organizations. It also adopted the National Plan to Combat Trafficking in Persons in the Syrian Arab Republic. As already mentioned, a bill on illegal immigration is currently being drafted.

The Syrian Arab Republic has also acceded to a number of international instruments in response to the Committee's recommendations during the discussion of the initial report.

## **IV. Follow-up and dissemination**

### **(a) Follow-up**

234. The legislative and executive steps concerning the Convention that have been described in this report were designed to ensure that the provisions of the Convention are implemented in practice.

### **(b) Dissemination**

235. A number of workshops were held during the preparation of this report in order to generate awareness of the provisions of the Convention. Furthermore, the Convention forms part of the human rights curriculum of a number of colleges and training institutes attended by authorities tasked with its implementation.

## **V. Concluding remarks**

236. It should be noted in conclusion that, notwithstanding the vigorous action taken at the international level, impediments to the full achievement of current goals persist, since certain countries continue to support armed terrorist groups and pursue policies of occupation and aggression on Syrian territory. In addition, they continue to impose illegal unilateral coercive measures, notwithstanding the resolutions adopted by the United Nations General Assembly, the Human Rights Council and the Human Rights Committee, and the decisions and resolutions adopted at many United Nations conferences. Some countries continue to implement such measures despite their adverse impact on humanitarian activities and on the economic and social development of targeted countries. Furthermore, their extraterritorial impact impedes the enjoyment of all human rights by the peoples of the targeted countries.

237. Despite these challenges, the Syrian Arab Republic will continue its efforts to protect and promote human rights and to incorporate its international obligations into national legislation and policies. It underscores the importance of cooperation and dialogue at the bilateral, regional and international levels on migration issues highlighted in the Convention. The Syrian Arab Republic hopes that the discussion of its report will provide an opportunity for a meaningful and constructive dialogue with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in order to reinforce its commitment to ensuring the protection, respect and fulfilment of all rights enshrined in the Convention.

**Annexes:**

1. The Constitution of the Syrian Arab Republic adopted in 2012
  2. The Prevention and Combating of Trafficking in Persons Act promulgated by Legislative Decree No. 3 of 2010
  3. Decree No. 65 of 2013 regulating the recruitment and employment of domestic workers
  4. The Labour Code (Act No. 17 of 2010)
  5. The Syrian Criminal Code
  6. Decision No. 888 of 2016
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