



**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

Eighth session

SUMMARY RECORD OF THE 72nd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 15 April 2008, at 3 p.m.

Chairperson: Mr. EL JAMRI

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 73 OF THE CONVENTION (agenda item 3) (*continued*)

Initial report of the Syrian Arab Republic (CMW/C/SYR/1; CMW/C/SYR/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Syrian Arab Republic took places at the Committee table.*

2. The CHAIRPERSON welcomed the delegation, whose #large size demonstrated the State party's great interest in the Convention and the Committee's activities, and he thanked Syria for its report and replies to the list of issues. Regrettably, Syria had not ratified a number of International Labour Organization (ILO) conventions and had still to ratify one of the Arab conventions on social security for workers. Further, the report did not contain all the information, such as statistics and legislation, needed for the Committee to form a precise idea of how the Convention was applied in the country. In examining the situation regarding migrant workers' rights the Committee had based itself on the report and Syria's replies and on information from civil society and other treaty bodies. The aim of the dialogue between the Committee and a State party was to help the State party to improve the condition of migrant workers, the application of the Convention and the respect of migrants' rights. The fact that Syria had ratified the Convention and submitted its initial report was proof of its good will and he hoped therefore that the Committee would have a frank and sincere exchange with the delegation.

3. Mr. MALDAON (Syrian Arab Republic) thanked the Chairperson for his welcome and said that Syria had set itself the objective of improving the situation of migrant workers and members of their families. For the Government, the situation of such workers in Syria was not as good as it would like, but it was counting on the Committee to help improve it. His delegation would therefore pay the greatest attention to the Committee's comments and was grateful for the comprehensive and thoughtful recommendations and remarks it had already made. Syria had striven since its independence to defend human rights, as was shown by the fact that it had ratified the seven major conventions in that regard. It was an important destination for migrant workers, with a large, inexpensive and diverse workforce. However, since 2000 it had attracted domestic workers from South-east Asia and the Prime Minister had therefore promulgated Decree No. 81, which governed the activities of recruiting agencies and guaranteed the respect of domestic workers' rights. A further decree-law had been promulgated on 1 December 2007 and then Regulation 69/08 had ordered the closure of illegal recruiting agencies. Syria was also the country of origin of skilled migrant workers such as teachers and doctors and bilateral agreements concerning their employment had therefore been signed with the governments of receiving countries. Those agreements provided in particular for the deposit of a standard employment contract with the accredited embassy. However, private employment contracts were sometimes concluded without the authorities being informed of them. For that reason, his Government had adopted a law on human trafficking, as well as other legislation; that should help to bring Syrian law into line with the international conventions. He stressed the importance of a constructive dialogue between his country and the Committee that would highlight the universal nature of human rights, which must be exercised without any discrimination. Syria wished to contribute to the building of a world where justice, freedom and dignity prevailed.

4. Mr. EL-BORAI (Country Rapporteur) thanked Syria for its report and its written replies to the Committee's questions. Syria was one of the first countries to have ratified the Convention and submitted a report. It clearly shared the Committee's aim and wished to improve the situation of migrant workers and members of their families. The Committee had noted that Syria was unable to provide it with statistics, but hoped the situation could be remedied as without quantitative information it was difficult to assess the application of the Convention. While the written replies contained some figures, they were not very useful. For example, knowing that 550 Iraqis had obtained work permits gave no real idea how the Convention was enforced. Similarly, without the texts of the laws, agreements and decisions mentioned in Syria's replies the Committee could not check that they complied with the Convention. Clearer answers were needed to some of the Committee's written questions, such as question 5 concerning the role of NGOs in implementing the Convention and preparing the report. The reply to question 14 failed to show how Syrians working abroad could obtain consular assistance. The reply to question 15 concerning the return of Syrian expatriates was so vague that it was not apparent what reasons, other than evasion of military service, could prevent Syrian citizens from returning freely to the country. As paragraph 45 of the written replies contradicted paragraph 9, which said that the state of emergency did not affect migrants, he wished to know whether the existence of the state of emergency could affect the application of the Convention. The reply to question 20 concerning access by migrant workers' children to education contravened the Convention. Since the reply to question 23 concerning the rights of non-Arab workers to join trade unions referred to a decree, No. 84 of 1968, of which the Committee had no copy, he wished to know whether that decree restricted foreign workers' membership of trade unions.

5. Mr. TAGHIZADE, welcoming the large Syrian delegation, said he hoped that it would take the Committee's questions and comments as a sign of willingness to work with it to improve the application of the Convention. He shared Mr. El-Borai's view that some of the Syrian replies were incomplete. According to some sources, Syria contained almost as many migrants as Syrian citizens. In view of the significance of migration for Syria, he would like more precise statistics concerning the country's migratory flows. Regarding question 22, he wished to know whether Syrian migrants, particularly those going to work in Arab Gulf countries, were sufficiently informed of their rights under the Convention, which, according to some reports, there were difficulties in protecting. In view of the large number of Syrian emigrants, he would like more information in response to question 24 concerning their right to vote and to be elected.

6. Ms. DIEGUEZ ARÉVALO said that the high level of the Syrian delegation showed the importance the country attached to the Committee's work. She expressed surprise that the report gave the impression that, unlike other countries, Syria had no migration problems, except perhaps with respect to domestic employees from South-east Asia. As the practice of requiring Syrian expatriates who had evaded military service to obtain visitors' permits to return home seemed so frequent that it was mentioned in the report, she asked to how many people it applied. She also wished to know about progress in negotiating the agreement with Indonesia, whether Syria had information showing that most migrant workers were from that country and whether it intended to conclude similar agreements with other South-east Asian countries whose nationals came to it to work as domestic employees.

7. Syria had said that there was no slavery in the country. However, employers' confiscation of the passports of migrant women working as domestic employees with a view to forcing them to remain in service and accept certain working conditions could be considered human trafficking, which was a form of slavery. Asking whether human trafficking existed in Syria, what the State did to prevent it and whether the particular purpose of the agreement to be signed with Indonesia was to prevent such trafficking, she expressed surprise that only migrant workers from South-east Asia seemed to have problems in Syria.

8. Expressing surprise that hardly any NGOs were conducting migration-related activities in Syria, she requested more information on the number of NGOs present in the country and asked whether the current situation or law there impeded their work. With reference to the striking assertion that no country registered migrant workers' children born in its territory, she asked how children born to migrant workers in Syria could be integrated in the school system without a birth certificate.

9. Mr. ALBA, observing that the lack of access to the labour courts for migrant workers without work permits contravened the obligation under the Convention whereby even people without such permits must be able to defend their employment rights and must therefore have access to a labour court, asked why undocumented migrants had access to the ordinary and not the labour courts.

10. He also asked with how many countries Syria had concluded bilateral agreements on employment and what was in a standard employment contract.

11. As it was not always easy to determine why countries sent migrant workers back to Syria, he wished to know whether such workers had to contact the administrative authorities on crossing the border or later and how they were regularized. He invited the delegation to provide examples and further information in that regard. He also wished to know what consequences ensued for migrant workers who did not declare children born in Syria to the consulate of their country of origin.

12. Mr. BRILLANTES requested the delegation to say what Syria had done, was doing and intended to do in the future to apply the Convention and what provisions might cause it problems. That would enable the Committee to help migrant workers entering or leaving Syria to obtain the treatment the United Nations wished them to have.

13. Mr. SEVIM asked whether the bill on civil associations and foundations drafted by a technical committee of the Ministry of Social Affairs and Labour also covered trade unions, whether it sought to apply the provisions of the Convention and whether it covered areas that would not be compatible with the Convention.

14. Requesting additional information on Syria's efforts to publicize the provisions of the Convention, he asked the delegation to provide in particular examples of relevant newspapers and seminars or conferences. He considered it problematic that migrant workers who did not speak Arabic had to go to their embassies to learn about their rights under the Convention.

15. The Syrian Labour Code provided that there was no discrimination between Syrian and migrant workers. However, in the concluding observations it had adopted in 2001 the Committee on Economic, Social and Cultural Rights had expressed concern regarding differences in treatment between Syrian workers, refugees and stateless persons with respect in particular to social benefits and accident compensation. In addition, the Committee on the Elimination of Discrimination against Women had found that in some regions women and girls had limited access to health services and women had to obtain their husbands' permission to seek treatment. He wished to know whether there had been changes in law and practice in those respects.

16. Ms. POUSSI KONSIMBO asked whether the workers' representatives in the People's Assembly were elected or appointed, what powers they had and whether they included migrant workers. She also asked whether foreigners convicted of criminal offences could be expelled for any or only a particular type of such offence.

17. The CHAIRPERSON emphasized that Syria had not ratified either ILO conventions Nos. 97 and 143 on migrant workers or Arab Labour Organization Convention No. 14 on the right of Arab workers to social security when they moved to work in other Arab countries.

The meeting was suspended at 4.15 p.m. and resumed at 4.40 p.m.

18. Mr. MALDAON (Syrian Arab Republic) acknowledged that his country did not have workforce statistics. It had problems in establishing a database that would yield accurate information on either Syrian or foreign workers and the Ministry of Social Affairs and Labour therefore had a project in cooperation with ILO and the United Nations Development Programme to develop an employment statistics database.

19. The law on membership of trade unions had been amended so that not only workers from Arab countries but all foreign workers now had the right to join such bodies. There was a trade union confederation which included unions from many professions and anyone, whether Syrian or foreign, in those professions was entitled to join the member unions.

20. There were in Syria some 40,000 domestic employees from a variety of Asian and some African countries. Consequently, the problems experienced by domestic workers did not concern migrants from South-east Asia alone. A law providing for the obligatory extension to domestic workers of health insurance to protect them in particular against employment-related risks had been promulgated. Only some 500 of the Iraqi refugees in Syria had work permits; thousands of others worked illegally.

21. Syria needed skilled workers to fill posts with particular requirements, but most migrant workers were unskilled.

22. Mr. ANNAN (Syrian Arab Republic) expressed surprise that anyone could doubt his country's political will to implement the Convention: since 2000, the Syrian authorities had taken unprecedented measures at all levels to discharge their obligations under the instrument. Syria had been one of the first seven countries to accede to the Convention, which it had done after an in-depth nationwide study on migration issues. As the report under study was an initial one, the State party was fully aware of the efforts it still needed to make to discharge its

obligations better. As had already been said, the great majority of migrant workers in Syria were domestic employees who came mainly from southern Asia and to a lesser degree from Africa. Syria had made considerable sacrifices to take in Iraqi refugees, who officially numbered 1.3 million. Syrians living abroad were free to return home and to visit their families whenever they wished and no legal proceedings were taken against them even if they had not fulfilled their military obligations. Most of them were very well off.

23. He rejected the allegations that migrant workers had had their identity documents confiscated. The information given in paragraph 54 of the written replies concerning the registration of foreigners' children was incorrect. All children born in Syria, including those born to foreigners, were properly registered with the civil status authorities and all their parents were given birth certificates.

24. Mr. AL-BASHA (Syrian Arab Republic) said that the state of emergency had been declared because of a threat to State security from, in particular, the presence of numerous foreign spies who came across the border from neighbouring countries. It had no effect on migrant workers' conditions of employment or work. With respect to the allegations of confiscation of identity papers, a bill on human trafficking was under study. It provided that victims of trafficking must not be penalized in any way but, on the contrary, must be protected by the State and invited to work with it to dismantle all trafficking networks. He hoped the Committee would show more understanding and recognize the efforts his country had made, especially since 2000, to promote the economic, social and cultural rights of all its inhabitants. Things could not change overnight and, in view in particular of its level of development, Syria needed time.

25. Mr. MALDAON (Syrian Arab Republic) said that human trafficking was a minor phenomenon in Syria, which was principally a transit country. The authorities had nonetheless felt it necessary to have a law to protect victims better and to honour the country's obligations under the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. His delegation had taken note of the Committee's comments and criticisms and would like technical assistance from the Office of the High Commissioner in order in particular to be able to provide the Committee with statistics.

26. The CHAIRPERSON welcomed Syria's willingness to cooperate with the Committee, whose mission was not to judge States parties, but to obtain factual information to assess progress in applying the Convention. The objective was also to find solutions that would enable States parties better to respect and protect the rights enshrined in the Convention. In that connection, he requested more information concerning, in particular, the law authorizing migrant workers to join trade unions and the decree conferring rights on domestic employees. He also wondered whether the National Human Rights Commission had participated in preparing the initial report.

27. As he understood it, the confiscation of passports was illegal in Syria. There were, however, numerous reports of Maghrebi women passing through Syria, where their passports were confiscated, before being taken to Gulf countries to join prostitution networks, and he would appreciate the delegation's opinion on that matter.

28. Mr. KARIYAWASAM said that, while it was recognized by the Committee, Syria's particular geopolitical situation as both a country of origin and a receiving country must not prevent it from fulfilling its obligations under the Convention. Although Syria had ratified the seven main international human rights instruments and proclaimed its sincere intent to promote human rights, there were still problems in applying those instruments. Regarding statistics, Syria, as a medium-income country, had the wherewithal to prepare them. He would like more precise information on the measures to assist migrant domestic workers and on the fate of Palestinian refugees, most of whom were in United Nations Relief and Works Agency for Palestine Refugees in the near East camps. He also hoped the delegation would expand on the information given in paragraph 44 of the written replies as it was difficult to tell whether Syrians living abroad who had not performed their military service could return to the country without fear and without being pursued by the judicial authorities.

29. Ms. DIEGUEZ ARÉVALO clarified that she had spoken of slavery in connection with human trafficking, but had not cited cases of it as such. With respect to the confiscation of passports, the subject of paragraph 51 of the written replies, she had simply drawn a parallel with the situation in her own country because it was the Committee's role to promote exchanges of experience in order better to understand situations and so seek to improve them elsewhere.

30. Ms. CUBIAS MEDINA asked, with reference to paragraph 26 of the report, whether there were migrant workers in an irregular situation in Syria and, if so, from what countries they came and how the Convention was applied to them.

31. Mr. SEVIM requested more information on freedom of association. Foreign workers could not only join, but also set up trade unions. He would like the delegation to say more on that matter.

32. Mr. ALBA remarked that the task of Committee members was not to judge countries but to give their opinions as independent experts in areas of concern to them. Application of the Convention entailed three main phases and he could well appreciate that it was a long process and that Syria was in a particular geopolitical situation in that regard. The statement in paragraph 72 of the written replies that foreign workers were entitled to remit a maximum of 60 per cent of their total wages and remuneration in foreign currency contravened the Convention, which stipulated that there should be no limit; foreign workers who could afford it should be able to repatriate their full earnings.

33. Mr. EL-BORAI (Country Rapporteur) said his understanding from the report was that in Syria the Convention took precedence over domestic law. He would like confirmation that that was correct, since the document seemed in some respects to have been drafted without much thought, as evidenced by the fact that the delegation had had to request the deletion of a phrase. Regarding the contentious point raised in that phrase -- the question of the rights of children born to immigrant families -- the provisions of articles 45 and 53 of the Convention were clear and should therefore be taken into account in Syrian law. He would appreciate clarification as to how conflicts between domestic law and international commitments were resolved.

34. Mr. MALDAON (Syrian Arab Republic) said that the report had not been written hastily, which would have implied a lack of interest in its topic, but with all due care and attention. However, no one was immune to technical errors or contradictions. At the current stage of

application of the Convention, the contradictions that there were between his country's domestic law and its international obligations were natural: the adjustment of domestic law was under way, but required time. At all events, the Convention took precedence over domestic law. The limit on currency transfers abroad applied to everyone and not solely to foreign workers, the National Monetary Council having decided to introduce it to protect the country's foreign currency reserves during the transition from a planned to a market economy. The measure was likely to be amended in the future.

35. There were illegal foreign workers in Syria, but generally speaking the country only attracted foreign workers in small numbers or for a very short while, probably because unemployment was close to 12%, there was a skilled native-born workforce and wages were not very high. Syria exported rather than imported labour.

36. Unlike the situation in other Gulf countries, Syrian law prohibited the confiscation of passports and the authorities discouraged the practice. However, employers, who bore the responsibility in the event of problems, did sometimes resort to it to deter employees from absconding or committing offences such as theft.

37. Mr. AL-BASHA (Syrian Arab Republic) said that during the 20 years he had worked as a university teacher in a Gulf country his passport had been confiscated and returned to him only when he had to return home during vacations. In Syria, such behaviour was forbidden and incurred a fine..

38. Mr. ISMAEL (Syrian Arab Republic) said that there was one case in which passports were confiscated, namely that of women who worked in the artistic field. If they found regulation employment, they were given a six-month work permit entitling them to move around the country. When the six months were over, they had to leave and their passports were returned to them.

39. Mr. ANNAN (Syrian Arab Republic) expressed great surprise at the suggestion that sex-related human trafficking towards Gulf countries went on around Damascus. If networks of the kind in question existed, the United Nations Special Rapporteur on trafficking in persons, especially women and children, would have mentioned them; that had not been the case. Moreover, they would be dismantled by the Syrian authorities, for the law clearly banned the sex industry. Syria did not tolerate any form of sex traffic and, together with some 50 other countries, was against the legalization of the sex industry. He feared that in addressing the issue the Committee was departing from its mandate, which was to protect migrant workers and their families: to refer to human trafficking, a matter for other machinery, was to step outside that framework.

40. Mr. MALDAON (Syrian Arab Republic) said concerning freedom of association, the topic of paragraph 62 of the written replies, that it was Law No. 25 of the year 2000 that entitled non-Arab foreign workers to join trade unions. The rights of female domestic workers were further governed by Decision No. 81, which set their conditions of employment, remuneration and insurance. The Committee would be given copies of both instruments.

41. The CHAIRPERSON welcomed all the new information from the delegation and said the Committee would use it in drafting its concluding observations. In his view, all the questions the

Committee had raised had been legitimate and came within the scope of the Convention, since the Committee's mandate covered all the problems, such as human trafficking, racism, discrimination by comparison with nationals or between men and women and inequality before the law) that migrant workers and their families might encounter and required it to draw States parties' attention to them so that they could take the requisite corrective action. The incorporation of the provisions of the Convention in domestic law did not necessarily mean that they were respected or applied and the Committee's role was then to try to find out why they were not. It was sometimes a matter of misunderstanding, whence the need to combine application of the Convention with the provision of information and training to make clear how it concerned people of differing cultural backgrounds. When States parties gave precise information on their activities in that regard, they showed that they were doing what was needed to apply the Convention better. The commendable quality of its replies was proof of Syria's resolve. The Committee now awaited from the delegation statistics to back up those replies, some additional information and supporting evidence such as the texts of laws, and details of the available training activities and information media and of the role played by civil society.

The meeting rose at 6.05 p.m.
