



**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

**WRITTEN REPLIES BY THE GOVERNMENT OF THE SYRIAN ARAB
REPUBLIC CONCERNING THE LIST OF ISSUES (CMW/C/SYR/Q/1)
RECEIVED BY THE COMMITTEE ON THE PROTECTION OF THE
RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR
FAMILIES RELATING TO THE CONSIDERATION OF THE INITIAL
REPORT OF THE SYRIAN ARAB REPUBLIC (CMW/C/SYR/1)***

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I. GENERAL INFORMATION

Q1. While noting the State party's explanation that there is no database with accurate quantitative information on migration flows, the Committee would appreciate to receive estimates with regard to the numbers of immigrants, migrants in transit and emigrants, disaggregated by gender, age and nationality. The Committee would also like to receive information on any plans to generate improved statistics in the area of migration.

1. There is no statistical database that can answer all your questions, given the modus operandi of the Directorate of Immigration and Passports, which allows Arabs to enter the country without an entry visa, making it difficult to capture precisely the number of entries and exits. Statistics on the number of Syrians, Arabs and foreigners entering and leaving the country in 2007 are attached. Perhaps they will go some way to answering your question.
2. As regards Iraqis, they are in the Syrian Arab Republic temporarily and are not considered to be migrant workers; rather, they have been displaced as a result of the security situation.
3. Nonetheless, there are a few who have obtained work permits: approximately 550 workers have done so. All the laws place them on an equal footing with Syrians. This does not mean that they do not work and compete on the labour market through the informal sector.
4. Despite the difficulties that the Ministry of the Interior faces, as a result of the economic embargo imposed on the Syrian Arab Republic, in getting access to advanced technology to help it to create a comprehensive database using modern scientific methods, the Ministry, as we have learned, is working to create a comprehensive database containing the information necessary to meet future needs.

Q2. Please inform the Committee of specific legislative, administrative or other measures taken to implement the provisions of the Convention following its ratification by the State party.

5. The State party has adopted various administrative and legislative measures to meet the objectives of the Convention; the most important of these are listed below:
 - (a) Issuance of Prime Ministerial Decision No. 81 of 21 November 2006 regulating the employment and recruitment of non Syrian female domestic workers;
 - (b) Issuance of Decree No. 62 of 1 October 2007 establishing a framework for the recruitment of female domestic workers in accordance with the Constitution and the law (copy attached);
 - (c) Establishment of the national committee that drafted a bill on human trafficking offences, which has been submitted to the competent authorities with a view to adoption;
 - (d) Holding of five workshops in Damascus on migration and trafficking issues, with the participation of representatives from the relevant ministries, as well as the People's Assembly, civil society, lawyers and judges;

(e) A technical committee of the Ministry of Social Affairs and Labour has drafted a new bill on civil associations and foundations (civil society organizations);

(f) The Ministry of Social Affairs and Labour has signed a memorandum of understanding with the International Organization for Migration (IOM) on national capacity building with regard to the running of a shelter for victims of human trafficking in Syria. The agreement is aimed at building and enhancing the technical capacity of government workers and representatives of civil society associations responsible for running the shelter.

Q3. Please explain how the continued state of emergency affects the application of the Constitution, specific laws, international treaties and migrant workers' enjoyment of their rights.

6. The Emergency Act issued in Legislative Decree No. 51 of 22 December 1962, as amended by Legislative Decree No. 1 of 9 March 1963, and which is currently in force in the Syrian Arab Republic, is an exceptional measure taken in response to the existence of circumstances constituting an imminent threat to the country's integrity. It empowers the competent authorities to take the necessary measures to protect the State and its citizens.

7. Since 1948, the Syrian Arab Republic, a founding member of the United Nations, has been subjected to a real threat of war by Israel. Indeed, on many occasions, this threat has culminated in actual attacks upon the territory, airspace and territorial waters of the Syrian Arab Republic, particularly in 1967, when Israel seized part of the territory of the Syrian Arab Republic, which it is still occupying, and expelled large numbers of the citizens of the Syrian Golan. The most recent Israeli attacks were the attack on Ayn al Sahib on 5 October 2003, the violation of Syrian airspace on 28 June 2006, and the latest attack on 6 September 2007.

8. This state of affairs, namely, a state of war, Israel's continued occupation of part of the territory of the Syrian Arab Republic, and the real threat of expansion of the occupation, in violation of United Nations resolutions, gave rise to exceptional circumstances requiring the declaration of a state of emergency. We would point out, at this juncture, that Syrian workers in the occupied Golan do not enjoy the rights laid down in international treaties and labour regulations which must be assured by the occupying State.

9. In view of the above, the state of emergency clearly has no bearing on labour issues, which are normal and natural in every respect, both for Syrians and migrant workers in Syria. It is obvious that the state of emergency is confined to security matters, and does not extend to labour issues, neither does it affect migrants except in the event of a breach of national security or contact with the enemy.

10. In order to avoid excesses in the implementation of the state of emergency, restrictions were imposed on the application of the Act, allowing the competent courts to overturn the decisions of military courts. The following are some examples of judgements overturning such decisions:

- (a) Administrative court ruling No. 140/M of 6 April 1995;
- (b) Ruling No. 726/1 of 2002;
- (c) Ruling No. 1242/1/2002 of 22 September 2002;
- (d) Administrative court ruling No. 1951 of 29 December 2002 issued in case No. 2139 of 2002.

Q4. Please describe the role, if any, of non-governmental organizations in the implementation of the Convention and in the preparation of the State party's report (see the Committee's provisional guidelines regarding the form and content of initial reports, HRI/GEN/2/Rev.2/Add.1, para. 3 (d)).

11. As regards the role of "non governmental organizations" in the preparation of the report, this depends on the needs: where necessary, a representative is invited to participate in the work of the drafting committee.

12. As for the role of non governmental organizations in the implementation of the Convention, they are involved in certain cases; for example, when migrants are victims of human trafficking offences, these organizations contribute to the care and training provided to ensure their social reintegration. Many associations carry out such initiatives as the need arises. The law and the judiciary also have a role to play; the provisions of the Convention became part of domestic law after ratification.

Q5. Please specify what measures have been taken by the State party to promote and publicize the Convention among the public, and in particular among migrant workers and members of their families, as well as State authorities.

13. The Syrian Arab Republic has an extensive and strong trade union system, represented by the General Confederation of Trade Unions and its affiliates at the provincial level, and local unions in the administrative districts at the lowest level. This organizational structure carries out regular awareness raising activities through lectures, seminars and publications, in order to communicate with workers and inform them of their rights under national law and international treaties.

14. In addition, a workers' newspaper is circulated in the provinces, and the trade unions present workers' education and awareness programmes on radio and television.

15. Arab migrant workers keep abreast of the legal situation, but migrants who do not speak Arabic (of whom there are very few) generally obtain information from their embassies.

16. Moreover, all Syrian legislative texts, including international treaties ratified by Syria, are invariably published in the Official Gazette, and most of the time they are reproduced in full in the Syrian press. They are accessible to everyone in case of need via the Internet and the Arab Labour Encyclopedia, which contains all the labour legislation enacted by Arab countries, on the web page of the League of Arab States. State departments and public sector employers undertake to inform their employees of all legal matters relating to them.

Q6. Please provide the Committee with a copy of the Arab Labour Mobility Convention, and with information concerning any other bilateral or multilateral agreements concluded in the field of migration, including agreements concerning employment, protection, double taxation, social security, return and readmission as well as temporary labour programmes.

17. A copy of the requested agreements concluded between the Syrian Arab Republic and neighbouring States is attached. These generally regulate the legal status of Syrian migrant workers in those States and, conversely, workers from those States migrating to Syria, which is rare.

18. The Syrian Arab Republic has signed several agreements with Arab and other States to prevent double taxation and evasion of income tax.

19. Such agreements have been concluded with the following Arab States: United Arab Emirates, Bahrain, Kuwait, Egypt, Lebanon, Tunisia, Algeria, the Sudan, Jordan, Oman, Qatar, Morocco.

20. They have been concluded with the following non Arab States: Ukraine, Bulgaria, Poland, Russian Federation, Belarus, Cyprus, Pakistan, Indonesia, Islamic Republic of Iran, Turkey, Democratic People's Republic of Korea, Malta, Armenia, Malaysia, Italy.

21. The Syrian Arab Republic has signed agreements on the return and readmission of migrants with the following States: Greece, Cyprus, Turkey, Italy, Romania, Pakistan, Russian Federation, Jordan, Yemen.

22. These agreements set forth the procedures to be followed for the return and readmission of migrants without prejudice to international obligations.

Q7. While noting the State party's explanation that migrant workers in the Syrian Arab Republic are typically nationals of other Arab States, the Committee would appreciate if the State party could explain whether all migrant workers as defined in the Convention, including non-Arab workers and temporary workers employed by foreign companies, equally enjoy the rights enshrined in the Convention, without regard to their country of origin. Please provide the Committee with details of any legislative provisions in this field. With reference to paragraph 37 of the State party's report, please provide information on the enjoyment of constitutional rights by migrant workers and members of their family who are undocumented.

23. The mere existence of an employment contract makes the relationship with an employer subject to the Labour Code and its implementing regulations, as well as other relevant regulations. Accordingly, Syrian law does not discriminate on grounds of nationality or legal status. In other words, the contractual employment relationship is not governed by law on grounds of personal criteria or nationality, but by virtue of being consigned in a duly signed employment contract.

24. Temporary workers employed by foreign companies to work in Syria are subject to their contracts, if they are not contrary to Syrian law in that they impair or diminish those workers'

rights. The Committee is well aware of the principle that Syrian law prevails in all employment relationships within Syrian borders. Moreover, migrant workers and persons working in the Syrian Arab Republic are entitled to seek redress through the Syrian labour courts in the event of any violation of their rights by their employer. Access to the Syrian labour courts is free of charge and workers filing complaints do not have to pay any fees or costs.

25. As regards the enjoyment of constitutional rights by migrant workers, the latter are placed on an equal footing with Syrians, as the Constitution lays down general humanitarian principles, leaving the details to the ordinary law.

26. As regards migrant workers “who are undocumented”, in the words of the question, a distinction is drawn between the following two cases:

(a) A migrant entering the Syrian Arab Republic who is not a worker, and who is required to have all the necessary documentation; this is not relevant here;

(b) A migrant entering Syria without being in possession of all the required documents, in which case he or she is only granted a work permit after obtaining all the proper documents.

Q8. Please provide information on the State party’s initial experience with the implementation of Decree No. 81 (2006) on the regulation of recruitment agencies for non-Syrian domestic workers.

27. At the beginning of 2007, the Syrian Ministry of Social Affairs and Labour started taking legal measures to regulate the work of private agencies which recruit and employ non Syrian female domestic workers. This involved developing the necessary legal instruments to define the mechanisms, rules and conditions for licensing such agencies and using their services in the Syrian Arab Republic in accordance with Legislative Decree No. 62 of 2007 (a copy of which is attached) and Prime Ministerial Decision No. 81 of 2006 (already sent to you), and with the relevant international treaties ratified by the Syrian Arab Republic. These agencies formerly operated without adequate regulation, and some of them exploited female workers or clients.

28. In order to regulate these agencies and ensure that they observe workers’ rights, a legal mechanism has been developed for the agencies and the relevant State bodies. A manual was prepared and distributed to all the directorates of social affairs and labour in the country, clearly setting out recruitment procedures, as well as rights and obligations. A standard employment contract was developed for all female workers, setting out their rights and obligations, without placing any financial burden on them.

29. Five such agencies have already been licensed in the Syrian provinces, and applications to establish over 30 more are currently being considered.

30. In order to ensure correct application and implementation, Decision No. 81 authorizes labour inspectors of the Ministry of Social Affairs and Labour to inspect these agencies and monitor the situation of the workers. Agencies are required to submit quarterly periodic reports, under penalty of having their licences revoked and their bank guarantees confiscated if workers

are subjected to any abuse, violence or infringement of their contractual rights. The Ministry of Labour is to sign a memorandum of understanding with the Government of Indonesia on the recruitment of Indonesian domestic workers for employment in Syria, once final agreement has been reached on the terms.

Q9. Please provide information on judicial and/or administrative mechanisms competent to examine complaints by migrant workers, including undocumented workers, in case of a violation of their rights.

31. This question has two aspects:

(a) In the event of any violation of a Syrian or migrant worker's contractual or statutory rights, recourse to the labour courts is granted free of charge without any discrimination between workers. The fact of being a worker is enough to be given the right to seek redress in this jurisdiction. Decree No. 49 of 1962 contains provisions on dismissal and the procedures for judicial review in this respect. The Decree does not discriminate between Syrian and foreign workers: as long as a person is a worker he or she enjoys all the rights laid down in the Decree. Arbitrary dismissal is prohibited under Decree No. 49 of 1962, which requires an employer wishing to dismiss a worker to obtain prior authorization from the dismissals board established in each province, with the following membership:

- (i) A judge nominated by the Ministry of Justice as Chairperson;
- (ii) A representative of the Ministry of Social Affairs and Labour as a member;
- (iii) A representative of the province or, in Damascus, a representative of the Ministry of the Interior as a member;
- (iv) A representative of the trade unions as a member;
- (v) A representative of the employers as a member.

(b) If a worker is undocumented, that means that he or she has not obtained a work permit at the outset and therefore does not have access to the labour courts. However, in that case the worker may seek redress before the ordinary courts in accordance with the general norms and rules of justice.

Q10. Please explain whether national legislation provides for the application of the Convention to refugees and/or stateless persons (article 3 (d) of the Convention). Please clarify the status accorded to Iraqi citizens who have moved to the Syrian Arab Republic since 2003, and whether the State party considers that some or all of them enjoy rights under the Convention or might acquire such rights in the future. Please describe recent policies and practice with respect to visa requirements for Iraqi nationals, and any implications for obligations under the Convention, including article 65. Please also describe applicable policies on the expulsion and return of Iraqi nationals.

32. The Syrian legal system applies to all persons, without any discrimination based on colour, ethnic origin, religion or other grounds. The law encompasses all members of society and there are no special laws or decrees for one group at the expense of another, as everyone is covered by the laws in force.

33. On the other hand, while the scope of the Convention covers all migrant workers, it does not include refugees; there are admittedly some problems arising from the phenomenon of mixed migration movements and misuse of the asylum system.

34. As everyone knows, for the past few years the Syrian Arab Republic has been a host country for large numbers of Iraqis leaving their country because of the continuing wars to which they have been subjected by the occupation of their country by the United States of America. The Syrian Arab Republic is unable to provide job opportunities for them.

35. The Syrian Arab Republic considers the Iraqi brethren arriving on its territory as temporary Arab guests and not as refugees, and has provided them with all possible assistance in the form of health and education services, as well as food and protection. In doing so, however, it took on a task that was beyond its capacity in view of the increasing number of Iraqi arrivals and the situation in the region. The Syrian Arab Republic on its own does not have the resources to continue dealing with these increasing numbers of Iraqis; stabilization of the political context in the region is essential if the situation of Iraqis in general is to be improved. As of the date of its adoption, Decision No. 2481 of 18 October 2007 has authorized the entry into the Syrian Arab Republic of only the following groups of Iraqis:

(a) Official delegations;

(b) Holders of Iraqi diplomatic, special or service passports;

(c) Holders of ordinary passports who have obtained an entry visa from the Syrian embassy in Baghdad or from the Syrian mission abroad, or directly at the border only in the case of the following:

(i) Persons carrying out business or commercial activities;

(ii) Members of teaching staff of Iraqi universities and colleges;

(iii) Students registered in Syrian universities, colleges and schools;

(iv) Truck drivers or public transport drivers;

(v) Persons resident outside Iraq.

36. As regards the granting of residence permits to Iraqis, this matter is governed by Decision No. 1280 of 15 April 2007 of the Minister for Internal Affairs, which limits the period of temporary residence for Iraqis to a maximum of three months, which may be renewed.

II. INFORMATION RELATING TO ARTICLES OF THE CONVENTION

A. Part III of the Convention

Q11. In the light of article 8 of the Convention, please provide information about the procedure and conditions under which Syrian nationals can obtain a passport or other travel documents, and on any restrictions applied to Syrian nationals who wish to leave their country.

37. Every Syrian citizen has the right to obtain a passport without any impediment or restriction. Neither are any restrictions imposed on Syrian citizens wishing to leave their country, except for persons subject to legal proceedings who are prohibited from travelling until the end of the proceedings.

Q12. Please provide information on sanctions taken against employers who violate migrant workers' rights protected by the Convention, in particular ill-treatment of migrant workers, and cite examples of relevant Court decisions, if any.

38. As already mentioned, all workers, whether Syrians or migrants (both foreigners and Arabs) are covered by the Labour Code No. 91 of 1959, as amended. Article 77 provides that workers may leave their job in the event of a violation of their rights by the employer or his or her representative, and shall be paid compensation for length of service, while retaining their entitlement to any compensation ordered by the competent court in proportion to the abuse committed by the employer.

39. In addition, there is a section specifying the penalties applicable to employers who violate any of the articles of the Code. For example, if a worker is employed on overtime in excess of the statutory limit laid down in the Labour Code, such as two hours, he or she shall be given overtime pay; there are legal penalties for failing to obtain official authorization for the overtime; the employer will be liable to a fine, depending on the nature of the violation.

Q13. In accordance with the State party's obligation under the Convention and other human rights treaties, please inform the Committee whether migrant workers (including those from non Arab countries) and members of their family enjoy the same protection as Syrian citizens in the case of detention by the police and within the Court system, and how their protection is guaranteed in practice.

40. The following distinction should be drawn:

(a) The law applies to everyone and does not differentiate between Syrian citizens detained by the police and migrant workers;

(b) There is no discrimination in court proceedings, as the judiciary is independent and covers everyone residing in Syrian territory, without distinction. It often happens that foreigners are treated better than nationals, out of humanitarian considerations (being outside their own country).

Q14. Please provide information on (a) measures taken to ensure that effective consular assistance is provided to Syrian nationals working abroad and to members of their families, and (b) whether migrant workers and members of their family in Syria are informed of their right to have recourse to consular assistance in the case of detention or expulsion.

41. All Syrian citizens working abroad may seek the assistance of their embassies and consulates under the authority of the Ministry of Foreign Affairs and the officials in charge; it is the duty of the consular section to assist citizens who do so, within the limits of its competence.

42. For all the bilateral agreements on the regulation of employment concluded by the Ministry of Social Affairs and Labour with Arab and non-Arab States, a copy of a model employment contract is deposited with the accredited embassy.

43. If a migrant worker is detained, the Ministry of the Interior will notify the relevant consulate through the Ministry of Foreign Affairs.

Q15. Please explain the reasons for applicable restrictions imposed on some Syrian expatriates who wish to visit Syria, in particular the reasons for requiring some expatriates to apply for a visit permit, and for limiting their visits to three months per year. Also, please explain the reasons for the arrest of some expatriates re-entering Syria, including those who were returned to Syria by other countries due to their irregular stay in these countries.

44. No restrictions are imposed on Syrians wishing to visit their country. However, persons in conflict with the law because of violations such as evading military service, for example, must apply for a 180-day visitors' permit. If they obtain the authorization, which they do in most cases, they may enter and exit the country without hindrance and without being subject to administrative or judicial proceedings.

45. The only persons who will be arrested are those who commit offences against State security, for whom arrest warrants have been issued, or who enter the Syrian Arab Republic without obtaining the visitor's permit referred to above, which is valid for a period of six months instead of only three months as was previously the case.

46. Workers who are returned to Syria by another State are not arrested, but are only required to report to the administrative authorities so that their situation may be resolved after the circumstances in which they were returned have been ascertained.

Q16. While noting the State party's explanation that the Syrian Labour Code does not discriminate between Syrians and migrant workers, the Committee would like to receive information on measures taken to ensure the equal treatment of migrant workers in practice, bearing in mind that some migrant workers may be vulnerable to abuse with regard to their remuneration, hours of work, safety, health and other conditions of work.

47. Again, we would point out that there is no discrimination; the Labour Code contains strict provisions protecting workers' wages and prescribing rigorous penalties for employers who infringe them, or who fail to pay wages on time.

48. This is backed up by the labour inspectors, who regularly carry out inspections and meet with workers to hear their complaints.

Q17. Please inform the Committee about policies with respect to the arrest, prosecution or detention of migrants for violations related to their immigration status, and steps taken to ensure that migrant workers and members of their family who are detained for violations of immigration regulations are not held together with convicted persons.

49. If a person is in conflict with the law, the same rules apply to him or her as to Syrians; there are no provisions based on nationality, rather they are based on the facts.

50. Concerning detention of untried persons separate from convicted persons, this is the state of affairs in the Syrian Arab Republic. In this regard, we would point out the following:

(a) Article 32 of the Prisons Code, enacted by Decision No. 1222 of 20 June 1929, as amended, provides that all prisons must have completely separate cells for men and women, and must be arranged so as to prevent any communication between one ward and another. The following categories of detainees must be held in separate wards:

- (i) Suspects and accused persons detained for debt, insolvency or indecent acts;
- (ii) Persons sentenced for a major offence to less than one year's imprisonment;
- (iii) Young detainees;

(b) Persons detained for violations of immigration regulations are held in a holding centre for Arabs and foreigners awaiting deportation and are by no means treated as prisoners;

(c) For the execution of sentences of detention of 15 days or less, Legislative Decree No. 140 of 1940 allows holding cells to be set aside in some gendarme stations located at least eight hours' walking distance from the nearest prison. Women sentenced to under eight days' detention may serve their sentence in a mayor's house near the gendarme station on condition that the mayor is married and living with his wife.

Q18. With reference to paragraph 113 of the State party's report, please provide more detailed information on the laws and regulations governing the confiscation of identity documents and on measures taken to prevent the retention of identity documents by persons other than authorized public officials, such as employers of domestic workers.

51. What this question refers to is the confiscation of passports by employers only. This is prohibited by the passport regulations, which do not allow anyone but the holder to possess the passport. However, what happens in practice is that some employers confiscate a passport in order to ensure that the worker will not run away or commit offences such as theft or misappropriation of funds or documents. It is extremely difficult for the authorities to find out about such matters, because monitoring is impossible, especially in the case of female domestic workers. When such acts are reported (and this is rare), the authorities take the necessary steps to return the passport to the holder.

Q19. Please provide the Committee with information of cases in which migrant workers were expelled from the State party, the ground for such expulsion and the procedures followed. In the light of the provisions of article 22 of the Convention, please inform the Committee whether migrant workers whose work permit has been revoked may request a review of the decision taken against them and will be allowed to stay in the country pending such review. Please indicate how the terms “exigencies of national security” and “economic and social interests of the State” are interpreted for the purpose of a revocation of a work permit under article 18 of Decree No. 2040.

52. A migrant worker in a regular situation cannot be expelled. A work permit may be revoked for committing a serious offence, if evidence is found following an investigation. In this case the worker may apply to the Ministry of Labour for a review of his or her situation, where there are serious and compelling grounds for doing so. The worker would then be given leave to stay pending a final decision in the case. We would draw your attention to the fact that revocation of a work permit is a different issue from that of residence, which falls within the remit of the Ministry of the Interior.

53. The interpretation of the terms “exigencies of national security” and “economic and social interests of the State” relates to matters and rules of public order. It concerns possible contacts with hostile entities or secret organizations, or those that pose a threat to stability. The term “economic and social interests of the State and citizens” refers to the general economic security, including, for example, smuggling of funds, infringement of foreign exchange regulations, money-laundering offences, drugs smuggling, etc., all of which are covered by the expressions for which an interpretation was requested.

Q20. Please specify how the right of children of migrant workers, including undocumented workers, to be registered at birth and have a nationality is ensured in practice. Please indicate whether children of migrants are admitted to school, regardless of the residence status of their parents, and how their admission is regulated in practice.

54. Under the civil status regulations, all medical bodies are required to report the births that occur at their facilities, and to provide the infant’s family with a document attesting to the birth. As for registration of foreign children (children of migrant workers) with the civil registrar, this does not occur in any legal system in the world; rather, the child is registered with the consulate of his or her country.

55. Concerning the admission of children of migrant workers to school, this depends on whether they know Arabic. There are two kinds of school (public and private). Public schools are free of charge and admit nationals of Arab States, while private schools are open to everyone.

Q21. Please inform the Committee about the rights of migrant workers and members of their families to access medical services, in law and in practice.

56. State hospitals are open to everyone, and all persons resident in the Syrian Arab Republic have the right to be treated in them. Treatment of insured workers is covered by the social insurance institutions in accordance with the insurance regulations, and employers are required to insure their workers against occupational hazards and injuries.

57. Under article 65 of the Labour Code No. 91 of 1959, all employers must provide workers with first aid facilities in the enterprise. If the worker is treated at a State hospital or charitable foundation, the employer must pay the hospital administration the costs of treatment, medicines and hospital stay.

Q22. Please inform the Committee about the ways and means by which migrant workers are provided with access to information about their rights under the Convention, in accordance with article 33 of the Convention. Also, please indicate what measures have been taken to provide Syrians who wish to emigrate, including to Arab Gulf countries, with information concerning their rights and obligations under the law and practice of the State of employment, as well as the judicial remedies available to them in the event of a violation of their rights.

58. The Syrian Arab Republic is one of the more recent States to have ratified the Convention, and the full implementation of the Convention is a matter of the work culture, which is linked to the culture of the workers themselves and the terms of their contracts. It takes time to prepare workers for change, and there is a long way to go to create a labour culture and raise workers' awareness to the level of that in other countries.

59. The bilateral agreements with other countries whose application the Ministry of Social and Labour Affairs oversees play an important part in informing workers about their rights through the employment contract, of which the worker has a copy. These agreements contain explicit provisions protecting the workers' right to seek assistance from consulates or embassies abroad or other labour ministries in order to uphold their rights, while workers have access to the courts at any time.

60. The new draft Labour Code contains an entire section on private agencies employing Syrian workers abroad in accordance with legal procedures established in conformity with international standards of the International Labour Organization.

61. As previously mentioned, migrant workers have the right to join a trade union in the area where they work, which will enable them to be better informed about the provisions governing their situation.

B. Part IV of the Convention

Q23. In light of article 40 of the Convention, please inform the Committee whether the restrictions imposed on the right of non-Arab foreign workers to join trade unions, and in particular the requirement of reciprocity referred to in Legislative Decree No. 84 of 1968, will be removed. Please also inform the Committee whether migrant workers have the right to form their own associations and trade unions.

62. Legislative Decree No. 84 of 1968, as amended, was adopted to serve the interests of the working class in the Syrian Arab Republic. It grants full freedom of association to workers. Under article 25 of the Legislative Decree, as amended by Act No. 25 of 2000 (a copy of which is attached), "Foreign workers who are not Arabs have the right to join a trade union" and therefore to stand for election and vote; the expression "subject to the condition of reciprocity" was deleted pursuant to the Act.

63. As regards the right of migrant workers to form associations, article 1 of Act No. 93 of 1958 on associations defines associations as any group organized on a continual basis for a specified or an indeterminate period, consisting of individuals or legal entities, on a non-profit basis.

64. Article 3 of the Act lays down the conditions for the establishment of an association, stipulating that its statutes must include the following:

(a) The name and object of the association, and its headquarters, provided it is in Damascus;

(b) The name, age, nationality, occupation and place of residence of each founding member;

(c) The resources of the association, and how they are used and disposed of, as well as other conditions.

65. It is clear from the above that migrant workers have the right to form associations in general.

Q24. Please inform the Committee whether and how Syrian nationals working abroad can exercise their right to vote and to be elected at elections held in the Syrian Arab Republic.

66. Syrians working abroad have the right to vote at the polling booths set up for the purpose in Syrian embassies. In order to be elected they must be present on national soil.

Q25. Please indicate whether there are any plans to establish a procedure or institution to take account of the special needs, aspirations and obligations of migrant workers in Syria and/or Syrian migrants abroad, as recommended in article 42, paragraph 1, of the Convention.

67. In order to guarantee the rights of Syrian workers abroad, the Syrian Government signs bilateral labour agreements with the Governments of other States, and on the organization of employment of Syrian labour with receiving countries, in particular the Gulf States.

68. The Ministry of Social Affairs and Labour is currently designing a new organizational structure for the Ministry, with the aim of setting up a separate new department to oversee Syrian workers abroad, organize their affairs and monitor labour rights abroad, as well as look for job opportunities for jobseekers wishing to work abroad.

69. The new draft Labour Code being prepared by the Ministry in cooperation with the social partners contains a section on licensing of private employment and recruitment agencies, which will have the task of identifying job opportunities for Syrians abroad. We expect to adopt the new Labour Code and complete the restructuring of the Ministry.

70. The Ministry has designed a mechanism to provide genuine employment opportunities for Syrian workers wishing to work abroad and to provide them with all the statutory guarantees through public employment agencies administered by the Ministry. The procedure is as follows:

(a) An employer wishing to recruit Syrian workers submits an application to the labour ministry in his or her country, specifying the number of workers required, the type of qualifications and experience, the likely duration of employment, conditions of employment and pay, special facilities and benefits, allowances and all the information necessary for workers to be able to define their status by concluding an employment contract;

(b) The competent ministry sends the employer's application to us through our embassy in the country of employment, attaching all the documents and the permits issued to the employer, as certified by the competent authorities;

(c) The employer undertakes to provide the necessary authorizations and visas for the workers to travel to the country of employment and covers the cost of travel to that country, as well as the return trip at the end of the employment contract;

(d) The employer undertakes to sign the employment contract and have it authenticated in accordance with the established procedure, and to deposit a copy with our Ministry;

(e) The employer undertakes to pay all the bank guarantees for the worker required under the legislation of the country of employment;

(f) The employer undertakes to fulfil all the relevant statutory obligations under the labour and social security legislation in force in the country of employment.

71. In addition, Legislative Decree No. 21 of 2002 was enacted to establish the Ministry of Expatriates, which is tasked with serving the interests of Syrians throughout the world by looking after their affairs and concerns, providing them with means to communicate with all sectors in Syria, representing and defending them vis-à-vis local and international authorities, reviewing all the legislation relating to their interests, following up their complaints, facilitating all the procedures in regard to their visits to their home country, and informing them of the cultural and political situation in Syria.

Q26. In light of article 47 of the Convention, please explain whether there are any restrictions with regard to the remittance of salaries and allowances in a foreign currency by migrant workers.

72. Under the prevailing monetary policy, foreign workers are entitled to remit a portion not to exceed 60 per cent of their total wages and remuneration in foreign currency; this is a general financial regulation applicable to everyone.

C. Part V of the Convention

Q27. Please provide information on rights granted to seasonal workers, especially in the agricultural sector. Please provide a copy of the Agricultural Relations Act of 2004, referred to in paragraph 40 of the State party's report. With reference to paragraphs 28 and 29 of the State party's report, please provide information on the enjoyment of the rights under the Convention by project-tied workers and specified-employment workers.

73. Seasonal workers, whether they are employed in the private industrial or commercial sector, who are subject to the Labour Code No. 91 of 1959, as amended, and the Agricultural Relations Act No. 56 of 2004, have the same rights and benefits as other workers, irrespective of whether they hold a fixed-term or an open-ended contract. They are entitled to wages, leave, weekly rest, sick leave and other rights guaranteed by the legislation in force. They have the right to join workers' and agricultural workers' trade unions (a copy of the Agricultural Relations Act is attached).

74. Given that the Constitution provides for freedom of movement, there are no legal restrictions or prohibitions on the movement of migrant workers in the Syrian Arab Republic, even in the case of project-tied workers, provided that they are in a regular situation.

D. Part VI of the Convention

Q28. In the light of article 66 of the Convention, (a) please provide information on the ways and means by which Syrian nationals are typically recruited for work in foreign countries, including the countries of the Arab Gulf region. What efforts have been taken to regulate recruitment activities within the State party?

(b) Please provide information on efforts undertaken to cooperate and consult with the main destination countries of Syrian migrant workers with a view to promoting sound, equitable and humane working and living conditions for Syrian nationals in those countries.

75. Please refer to the reply to question 25.

Q29. Please also provide information on arrangements aimed at ensuring the orderly return of Syrian migrant workers and their families to Syria, when they decide to return, or are being asked to do so due to the expiry of their authorization of residence in the country of employment, or when they are found to be in an irregular situation.

76. There is no Syrian law prohibiting workers from returning to their country. The right to return to one's country is one of the fundamental rights established in the Constitution, and workers are entirely free to return at any time.

77. The bilateral agreements signed between the Government and countries receiving Syrian workers, as well as the system set up by the Ministry of Social Affairs and Labour to secure job opportunities for Syrian workers abroad, require the employer to cover the cost of the worker's return to the Syrian Arab Republic at the end of the employment contract.

Q30. As regards article 68 of the Convention, please provide information on measures taken to prevent illegal or clandestine movements of migrant workers, including through organized trafficking. Please provide information on migrant workers who transit through the State party, in particular with regard to their protection from all forms of criminal networks.

78. It should be pointed out at the outset that the main reason for movements of labour is the regional and geographical context in which Syria is located; workers enter the country as tourists

or visitors and engage in irregular employment. Syria's geographical location places it in a region with a relatively high incidence of war and conflict, making it an environment that is conducive to organized trafficking, despite the fact that Syrian legislation includes various provisions penalizing trafficking and the elements that constitute trafficking offences.

79. The national committee has drafted a comprehensive bill to combat trafficking in persons, which has been submitted to the authorities competent for its enactment. It is seen as a very advanced piece of legislation in addressing this crime.

80. The Ministry of Social Affairs and Labour has signed a memorandum of understanding with the International Organization for Migration on national capacity-building for the running of a shelter for victims of human trafficking in the Syrian Arab Republic.
