



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

Distr.
GENERAL

CMW/C/SYR/Q/1
18 December 2007

Original: ENGLISH

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

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 73 OF THE CONVENTION**

**List of issues to be taken up in connection with the consideration of the
initial report of the SYRIAN ARAB REPUBLIC (CMW/C/SYR/1)**

A. Information of a general nature

1. 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.
2. 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.
3. 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.
4. 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)).

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

B. Information relating to Part III of the Convention (Human Rights of All Migrant Workers and Members of their Families)

11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

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

22. 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.

C. Information relating to Part IV of the Convention (Other Rights of Migrant Workers and Members of their Families who are Documented or in a Regular Situation)

23. 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.

24. 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.

25. 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.

26. 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.

D. Information relating to Part V of the Convention (Provisions applicable to particular categories of migrant workers and members of their families)

27. 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.

E. Information relating to 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)

28. 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.

29. 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.

30. 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.
