



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

List of issues in relation to the combined second and third periodic reports of the Syrian Arab Republic*

I. General information

1. In addition to the information provided in the State party's report (CMW/C/SYR/2-3), please inform the Committee in detail about the domestic legal framework regarding the Convention, including:

(a) Laws regarding the protection of migrant workers and members of their families under the Convention;

(b) Measures taken by the State party to harmonize its legislation with the provisions of the Convention;

(c) The existence and scope of bilateral and multilateral agreements concluded with other countries pertaining to the rights of migrant workers and members of their families under the Convention, in particular with major countries of destination for Syrian migrant workers (para. 231),¹ as recommended by the Committee in its previous concluding observations (CMW/C/SYR/CO/1, para. 38). Please specify how these agreements protect migrant workers' rights in transit and destination countries, especially with respect to detention, repatriation, expulsion and family reunification procedures. Please provide information on any measures taken to strengthen the protection of Syrian migrant workers abroad, including by reviewing and amending these bilateral and multilateral agreements.

2. Please provide further information about the policies and strategies relating to the rights of migrant workers and members of their families in the State party, particularly with regard to the National Programme for Post-War Syria (para. 14). Please also provide information on the human, technical and financial resources allocated for the implementation of those programmes.

3. Please provide information on the government ministry or institution responsible for intergovernmental coordination on the implementation of the Convention in the State party, including information on the available staffing and resources, monitoring activities and follow-up procedures. Please provide information on the mandate of this ministry or institution and the resources allocated to it for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.

4. Please provide information on measures taken to collect qualitative information and statistical data, disaggregated by sex, age, nationality and migration status, on labour migration movements to and from the State party, including returns, on other labour migration-related issues and on unaccompanied children and children left behind by migrant parents (para. 214). Please also provide information on measures taken by the State party to

* Adopted by the Committee intersessionally on 8 February 2021.

¹ Unless otherwise indicated, paragraph numbers refer to the State party's report (CMW/C/SYR/2-3).



establish a coherent and comparable system of data collection on those issues, including measures aimed at making the information public.

5. In the light of the information provided by the State party in 2016 during the second cycle of the universal periodic review, that the establishment of a national human rights institution was under way (A/HRC/34/5, para. 15; see also *ibid.*, paras. 109.27–109.29, and A/HRC/34/5/Add.1, paras. 109.27–109.29), please update the Committee on any progress made in that regard.

6. Please indicate whether the State party plans to make the declaration provided for in articles 76 and 77 of the Convention and thereby recognize the competence of the Committee to receive communications from States parties and individuals (para. 96). Please also indicate whether the State party intends to ratify the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), as recommended by the Committee in its previous concluding observations (CMW/C/SYR/CO/1, para. 14).

7. Please inform the Committee about measures taken to provide migrant workers who do not know Arabic with information about their rights under the Convention, as recommended by the Committee in the previous concluding observations (CMW/C/SYR/CO/1, para. 20). Please describe the measures taken by the State party to provide training that targets authorities dealing with migration and related issues on the rights of migrant workers and members of their families, to ensure that they are protected from arbitrary arrest and detention, forced labour, torture and ill-treatment, gender-based violence and violence against children, including sexual violence, and unlawful killings (paras. 110–112 and 131).

8. Please provide detailed information about the civil society organizations involved in the preparation of the State party's report, including the nature of the cooperation and their work (para. 219).

9. Please provide information on the existence of private employment agencies in the State party recruiting migrant workers to work abroad, and the laws, rules and regulations pertaining to private recruitment. Please also provide information on the mandate, role and activities of the Ministry of Social Affairs and Labour in regulating and controlling private employment agencies.

10. Please provide statistical data, disaggregated by sex, age and nationality, on the number of migrant workers and members of their families who have contracted SARS-CoV-2, the number who have received a vaccine for coronavirus disease (COVID-19), and the number who have died as a result of COVID-19. Please provide information on restrictions placed on the full exercise of the rights of migrant workers and members of their families in the face of the COVID-19 pandemic, including restrictive measures taken at borders in relation to their entry or exit from their countries of origin, transit or destination. Please also provide information on measures taken in relation to voluntary return to their countries of origin in the context of the pandemic. Please indicate the measures taken to ensure that the pandemic does not affect the process of asylum applications or migration procedures, including in relation to the suspension of procedures. Please indicate efforts taken on behalf of migrant workers and members of their families to:

(a) Include them in national pandemic prevention and response plans, especially in relation to ensuring access to a vaccine;

(b) Ensure their access to health-care services;

(c) Uphold the necessary sanitary measures to prevent contagion and maintain the desired level of health protection at their workplaces;

(d) Prevent infections in detention centres and provide health-care services to those who have been infected;

(e) Ensure that families of migrant workers who have died of the disease are informed of their deaths and receive their remains;

(f) Protect their rights in other respects and mitigate the pandemic's adverse effects, in view of the joint guidance note of the Committee and the Special Rapporteur on the human rights of migrants on the impacts of the COVID-19 pandemic on the human rights of migrants.²

II. Information relating to the articles of the Convention

A. General principles

11. Please provide information on measures taken to ensure that migrant workers and members of their families have the same rights as nationals to file complaints and to obtain redress, in particular with the labour commissions (paras. 220–224), as recommended by the Committee in its previous concluding observations (CMW/C/SYR/CO/1, para 26). Please also provide information on the number, nature and outcome of complaints filed in relation to Decision No. 888 of 2016 regarding the employment of non-Syrians in the Syrian Arab Republic (para. 222). Please provide information about any measures taken to increase awareness among migrant workers and members of their families, including those in an irregular situation, about the availability of administrative and judicial remedies, as the Committee previously recommended (CMW/C/SYR/CO/1, para. 26).

B. Part II of the Convention

Article 7

12. Please clarify whether the Labour Code extends protection from discrimination to all migrant workers and members of their families, in particular to domestic migrant workers (para. 88). Please update the Committee on measures taken to ensure that, in particular, non-Arab migrant workers and members of their families are not discriminated against in practice, as recommended in the Committee's previous concluding observations (CMW/C/SYR/CO/1, para. 24).

C. Part III of the Convention

Articles 8–15

13. Please provide information on the number of migrant workers who have left the State party since the outbreak of the armed conflict, including Syrian nationals and foreign migrant workers. Please provide information on any cases identified in the State party of exploitation of migrant workers and members of their families, both in regular and irregular situations, in particular children subjected to forced labour and those working in the agricultural sector and as domestic workers. Please inform the Committee about the measures taken to bring national legislation into line with the ILO Forced Labour Convention, 1930 (No. 29), and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

14. Please indicate the measures taken to protect children against the worst forms of labour, including in work related to the conflict. Please provide information on activities carried out by the labour inspection system in this regard and inform the Committee about any violations related to child labour, including any sanctions imposed on the perpetrators and assistance provided and compensation awarded to the victims. Please provide information on Act No. 10 of 2018 on the creation of redevelopment zones designated for reconstruction and how it has negatively affected migrant workers and members of their families. In particular, please inform the Committee about any measures taken to ensure that migrant workers and members of their families who have left the country or have been displaced owing to the conflict can assert ownership of their real estate property, including

² Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur on the human rights of migrants, "Joint guidance note on the impacts of the COVID-19 pandemic on the human rights of migrants", 26 May 2020.

information on the number of cases in which the 30-day time frame for appointing a legal agent or representative to claim the property on their behalf has been applied to them.

Articles 16–22

15. Please clarify whether immigration-related offences are criminalized in the State party and describe the corresponding due process safeguards, including access to a lawyer and an interpreter, in situations of investigations, arrests, detentions and expulsions of migrant workers and members of their families for immigration-related offences, in particular of children (paras. 47 and 103). Please also provide information on immigration detention centres, conditions of detention for migrant workers and members of their families and efforts to improve those conditions, including whether persons detained for immigration-related reasons are held in separate facilities or together with convicted persons or persons detained pending trial. Please update the Committee on measures taken to implement the Committee's previous recommendation that the State party only detain migrant workers in an irregular situation as a measure of last resort and with respect for the rules of due process (CMW/C/SYR/CO/1, para. 28). Please also provide information on the measures taken to facilitate access to detention centres by domestic, regional and international organizations, in order to monitor the human rights situation and provide humanitarian assistance to detainees, including that offered by the International Organization for Migration and other partners.

Article 23

16. Please respond to allegations received by the Committee that migrant workers and members of their families, including those in an irregular situation, are not always given access to consular services, or that consular or diplomatic authorities are not always notified when migrant workers and members of their families are deprived of liberty or face expulsion, as mandated under articles 16 (7) and 23 of the Convention. Please update the Committee on measures taken to ensure that Iraqi nationals who have sought refuge in the Syrian Arab Republic since 2003, and who are not granted refugee status, are accorded the rights provided for in Part III of the Convention, as recommended by the Committee in its previous concluding observations (CMW/C/SYR/CO/1, para. 30). Please also provide up-to-date information, including disaggregated statistical data, on migrant workers in an irregular situation and members of their families who have been expelled or are subject to expulsion procedures, and indicate whether expulsion orders can be legally challenged and whether such administrative or judicial remedies have suspensive effect.

Articles 25–30

17. Please indicate what measures have been taken to ensure the enjoyment by migrant workers, in law and in practice, of legal and labour protection concerning remuneration and conditions of work, including safety and health regulations, and that migrant workers enjoy the same treatment as nationals in respect of remuneration and other conditions of work, as required by article 25 of the Convention (paras. 167–170). In particular, please update the Committee on any measures taken to guarantee, in law and in practice, that migrant domestic workers are entitled to the same salary as Syrian domestic workers. Please also include information on measures aimed at promoting the rights of Syrian migrant workers and members of their families residing abroad.

18. Please provide information on the measures taken to ensure, in law and in practice, that children of migrant workers have full access to primary and secondary education, regardless of their migration status (paras. 172, 179–181 and 206). Please also provide information on the measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families have adequate access to health-care services, including urgent medical care (para. 171).

19. Please provide data, disaggregated by sex, age, nationality and migration status, on the levels of school enrolment and attendance among children of migrant workers, in particular those in an irregular situation, in the State party's education system (para. 180). Please indicate whether the health-care services described in the report (paras. 169–171) also apply to migrant workers and members of their families who are undocumented or in an irregular situation. Please provide information on the number of children of Syrian migrant

workers abroad, including those that are undocumented or in an irregular situation, who have been registered in accordance with the amendments to the Civil Status Act (paras. 175–177).

Article 32

20. In the light of the ongoing armed conflict in the State party, please provide information on measures taken to ensure that migrant workers and members of their families are able to transfer their earnings and savings upon termination of their stay in the State party (paras. 182–184). Please also provide statistical information on the evolution, amounts and significance of funds sent by migrant workers to and from the State party, as well as their geographical distribution, both through the official banking system and the informal one, in particular the hawala system. Please provide information on measures taken to implement the Committee's previous recommendation and remove the maximum amount of remittances allowed to be made by migrant workers in Syria (CMW/C/SYR/CO/1, para. 36). Please describe the importance of Syrian migrant workers and members of their families abroad, the links they maintain with the State party, including their families there, and their role for the balance of payments and the economy of the State party.

D. Part IV of the Convention

Articles 40–41

21. Please provide information on measures taken to ensure the freedom to join an independent trade union for migrant workers in a regular situation, including those not belonging to the General Federation of Trade Unions (para. 93). Please provide data, disaggregated by age, sex and country of residence, on the number of Syrian migrant workers and members of their families residing abroad who exercised their voting rights during the 2014 presidential and the 2020 parliamentary elections, and provide information on steps taken to facilitate their exercise of their voting rights (para. 62).

E. Part VI of the Convention

Article 64

22. Please provide information on the measures taken to promote sound, equitable and humane conditions in connection with the international migration of workers and members of their families and describe the measures taken to address irregular migration of nationals of the State party, in particular unaccompanied or separated children, including through multilateral and bilateral agreements, policies and programmes aimed at enhancing legal migration channels and at addressing the root causes of irregular migration. With reference to the Committee's concluding observations (CMW/C/SYR/CO/1, para. 32), please provide qualitative information and statistical data concerning the measures taken to enforce the prohibition of the withholding by employers of migrant workers' passports and any investigations conducted and sanctions imposed on employers in case of infraction of this prohibition (paras. 226–227). Please also elaborate on the steps taken by the State party to reconsider its practice of withholding the passports of non-Syrian women artists during their stay in the State party (para. 228; and CMW/C/SYR/CO/1, para. 32), and provide information on the circumstances in which migrant workers or members of their families are required to present their passport during their stay in the State party.

Article 67

23. Please provide information on measures taken to facilitate the voluntary return of Syrian migrant workers and members of their families from abroad, including cooperation programmes in place between the State party and relevant States of employment (paras. 12, 16, 65 and 103). Please also inform the Committee about programmes that promote adequate economic conditions for the resettlement and reintegration of migrant workers and members of their families upon return to the State party.

Article 68

24. Please inform the Committee whether the Prevention and Combating of Trafficking in Persons Act (Decree No. 3 of 2010), or other legislation as relevant, criminalizes all forms of trafficking in accordance with the Convention (para. 233). Please also provide information about:

(a) Measures taken to stop the forced recruitment and use of child soldiers by all parties to the armed conflict, and to ensure their rehabilitation and social reintegration;

(b) Steps taken to stop trafficking, slavery and violence, including sexual exploitation, from occurring in the territory of the State party, in particular of women and girls, including women and girls belonging to ethnic, national or religious minorities (paras. 113–120);

(c) The number of investigations, prosecutions and convictions, type of sentences imposed on perpetrators, and assistance and compensation provided to victims in trafficking cases;

(d) Measures taken to strengthen the capacity to identify and provide protection to victims of trafficking;

(e) Measures taken to provide adequate training and capacity-building for law enforcement officials, judges, prosecutors, labour inspectors, service providers, teachers, embassy and consular personnel and other relevant professionals in the State party;

(f) The annual budget dedicated to detecting and eliminating trafficking in persons and to providing protection to victims of trafficking;

(g) The mandate, activities and results achieved by the operations of the National Committee to Combat Trafficking in Persons (para. 233).

Article 69

25. In view of the large number of nationals who have left the State party since the beginning of the armed conflict, please describe the action taken by the State party, including through the conclusion of bilateral and multilateral agreements, to improve the protection and assistance of Syrian migrant workers and members of their families abroad, including efforts to promote the regularization of their situation.
