



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

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

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

**Initial reports of States parties due in 2006**

**SYRIA**

[Original: Arabic]  
[21 November 2006]

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## I. GENERAL OVERVIEW OF THE SYRIAN ARAB REPUBLIC

### A. Geopolitical information

1. **Location:** The Syrian Arab Republic is situated on the eastern shores of the Mediterranean and is bounded by Turkey to the north, Iraq to the east, Palestine and Jordan to the south and Lebanon and the Mediterranean Sea to the west. Its borders extend 845 kilometres with Turkey, 596 kilometres with Iraq, 356 kilometres with Jordan, 74 kilometres with Palestine and 359 kilometres with Lebanon, while its Mediterranean coast is about 183 kilometres long, making a grand total of 2,413 kilometres.
2. **Area:** The total area of the Syrian Arab Republic is 185,180 square kilometres, around 18,517,971 hectares, of which 6 million hectares are arable land and the rest consists of mountains and desert. In 1967, Israel occupied 1,260 square kilometres of the territory of the Golan, part of which was recovered, together with the town of Quneitra, after the October 1973 liberation war. Today, 1,200 square kilometres of territory remains under Israeli occupation. The Golan has a total area of 1,860 square kilometres and its borders overlap almost entirely with the boundaries of the governorate of Quneitra.
3. **Climate:** The climate in Syria is predominantly a Mediterranean climate, with rainy winters, dry summers and two short transitional seasons.
4. **Administrative divisions:** Syria is divided into 14 governorates, each normally consisting of districts. Each district is divided into subdistricts consisting of a number of villages, representing the smallest administrative unit. Governorates are administered by a governor, while districts and subdistricts are run by district or subdistrict chiefs. Villages are represented by village councils, headed by a mayor who oversees the village and its farmland. Governors are appointed by decree, while district and subdistrict chiefs are appointed by the Ministry of the Interior. Mayors are administratively subordinate to the governor but normally answer to the subdistrict chief, who in turn reports to the district chief; the latter answers to the governor. The capital of the governorate is usually the city which gives the governorate its name; the centre of the district is the town after which the district is named. In addition to 14 governorates, there are 61 districts and 210 subdistricts.
5. **Demography:** Syria became a melting point, thousands of years ago, for many different ancient civilizations: Assyrians, Canaanites, Aramaens, Phoenicians, Syrians and Eblans, the latter giving the world its first alphabet, Ugaritic. This is the reason why Syria has been called the cradle of civilization, since the many ethnic and religious origins of its population are very diverse. According to figures for 2003, Syria has a population of 17.34 million, of whom 8,874,000 are males and 8,466,000 are females, 52 per cent of them living in rural areas and 48 per cent in urban areas. The estimated rate of annual population growth for the period 1995 to 2000 was 0.027 per 1,000. The fertility rate in 2001 was 3.8 per 1,000. Israel's occupation of Arab territory upset Syria's demographic equilibrium, forcibly displacing over 150,000 persons in 1967. With natural growth, the number of displaced persons had reached 305,661 by early 2004. Five per cent of the population remained in the villages in the far north of the Golan, namely, Mas`adah, Buq`ata, Ayn Qunyah, Al-Ghajar and Suhayta, accounting

for 25,000 persons in 2003. On 14 December 1981, Israel annexed the occupied Syrian Golan and imposed Israeli identity cards and laws on the population. However, the Security Council adopted resolution 497 (1981), declaring the annexation to be null and void. The occupation forces turned villages and agricultural land into areas in which 44 settlements since 1967 have been built, and Israel intends to expand these settlements to accommodate 4,500 new Jewish immigrant families over the coming decade.

## **B. Political information**

### **The Constitution**

6. The Constitution of the Syrian Arab Republic was enacted on 13 March 1973 to regulate the State and its institutions and to serve as a reference point for all legislation. The Constitution comprises a preamble and four chapters containing 150 articles, broken down as follows:

7. Chapter 1, which deals with fundamental principles, consists of four sections: fundamental, economic, educational and cultural principles, freedoms, rights and public duties (arts. 1-49);

8. Chapter 2, which deals with State powers, consists of three sections: legislative power, executive authority and judicial authority (arts. 50-148);

9. Chapter 3, on the amendment of the Constitution, consists of a single article (art. 149); and

10. Chapter 4, consisting of a single article (art. 150), contains general and transitional provisions.

11. According to the preamble, the Constitution is based on key principles, first and foremost, that freedom is a sacred right and that a citizen's freedom is not complete without economic and social liberation.

### **International human rights instruments to which Syria has acceded**

12. Syria is a party to a large number of international instruments that recognize rights and obligations in order to ensure respect for human dignity and fundamental human rights. These include:

- The International Covenant on Civil and Political Rights, to which Syria acceded on 21 April 1969;
- The International Covenant on Economic, Social and Cultural Rights, to which Syria acceded on 21 April 1969;
- The Slavery Convention, to which Syria acceded on 25 June 1931;
- The Protocol amending the Slavery Convention, to which Syria acceded on 4 August 1954;

- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, to which Syria acceded on 17 September 1958;
- The Geneva Conventions of 12 August 1949, to which Syria acceded on 2 November 1953;
- The Protocol Additional to the Geneva Conventions (Protocol I), to which Syria acceded on 14 November 1983; Syria has also acceded to the Protocol Additional to the Geneva Conventions (Protocol II);
- The International Convention on the Suppression and Punishment of the Crime of Apartheid, to which Syria acceded on 18 June 1976;
- The International Convention on the Elimination of All Forms of Racial Discrimination, to which Syria acceded on 21 April 1969 and accepted the amendment of article 8 thereof in 1998;
- The International Convention against Apartheid in Sports, to which Syria acceded on 28 November 1988;
- The Convention on the Prevention and Punishment of the Crime of Genocide, to which Syria acceded on 25 June 1955;
- The International Convention for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly, to which Syria acceded on 17 November 1947;
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and its Final Protocol, to which Syria acceded on 12 June 1959;
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- The Protocol Amending the International Convention for the Suppression of the Traffic in Women and Children, concluded in Geneva on 3 September 1921, and the International Convention for the Suppression of the Traffic in Women of Full Age, to which Syria acceded on 17 November 1949;
- The Convention on the Elimination of All Forms of Discrimination against Women, to which Syria acceded on 27 March 2003;
- The Convention on the Rights of the Child, to which Syria acceded on 15 July 1993;

- The First Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to which Syria acceded on 17 October 2003;
- The Second Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to which Syria acceded on 17 October 2003.

13. In addition, Syria has acceded to 48 International Labour Organization (ILO) conventions concerned with the workers' rights and trade union freedoms. These conventions include:

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

14. Syria has also acceded to a number of international conventions on cultural and intellectual human rights adopted by the United Nations Educational, Social and Cultural Organization (UNESCO).

### **C. Economic information**

#### **Characteristics of the economy of the Syrian Arab Republic**

15. Article 13 of the Constitution of the Syrian Arab Republic characterizes the economy as a planned socialist economy designed for the elimination of all forms of exploitation. The law regulates ownership, which is of three kinds (art. 14):

- (a) Public ownership, including natural resources and public utilities;



(b) Collective ownership, including property belonging to civil and professional organizations;

(c) Private ownership, including the property of individuals.

16. In the 1960s, the Syrian Arab Republic adopted the principle of comprehensive economic planning and issued the first five-year plan for 1960-1966. The tenth five-year plan is now in place. The main purpose of these plans is to build the foundations of social equity and to achieve economic development. Since 1970, with the advent of the Corrective Movement, Syria has taken the approach of economic pluralism, whereby the public, private and mixed-economy sectors play their roles in economic and social development and the emphasis is placed on the lead role of the public sector. However, the nature and size of each sector of the national economy have not remained static throughout the successive phases of development but have been shaped by the economic and social requirements of each phase. Moreover, social issues have always been accorded importance in Syria's economic policy.

17. From the early 1990s onwards, the path towards economic pluralism was marked by further liberalization of the private and mixed-economy sectors and the enactment of a number of laws and regulations to support these two sectors. Foremost among them was the Investment Promotion Act No. 10, as amended, which opened the way for the participation of the two sectors in areas of production, distribution, imports, exports, investments and services that had hitherto been the prerogative of the public sector.

18. The key issues with which the political leadership is confronted as regards management of the Syrian economy today is the process of economic liberalization and modernization of the system of economic pluralism. The result of this process will not only be the continued expansion of the private and mixed-economy sectors but also the development of systems and management in the public sector. According to the latest figures produced by the Central Statistics Bureau, in 2003, gross domestic product amounted to 1,672 billion Syrian pounds (LS) at constant prices, an increase of 2.7 per cent compared with 2001, when it stood at LS 1,627 billion. At current prices, that figure is LS 1,708 billion, an increase of 4.4 per cent over 2001, when the figure was LS 1,626 billion.

19. In 2000, national income at market prices was LS 820,307 million, and it went up by 6.3 per cent in 2001 reaching LS 842,400 million. In 2002, it stood at LS 912,935 million, an increase of 4.6 per cent over 2001.

20. The implementation of the ninth five-year plan of the Ministry of Economy and its institutions was marked by efforts to update legislation and laws and to restructure economic policies in order to move the Syrian economy away from a traditional economy and towards an information economy and to develop economic ties with Arab and foreign countries. The plan consisted of two phases:

(a) From 2001 to 2003: follow-up of the structural reform and development process;

(b) From 2004 to 2005: consolidation of opportunities for growth, in accordance with executive decisions, following up on economic reform, modernization and development policies.

21. Since banks in Syria have an extremely important role to play in the promotion of economic and social activities, the State oversees, manages and guides the banking sector. Each of the six currently operating banks has its own distinctive activity, role and objectives. With a network of branches in the capital and the main towns of the governorates and districts, these banks provide services and facilities to institutions and individuals in accordance with their own regulations and terms of reference.

22. The significant achievements scored by Syrian banks can be summarized as follows:

- Protecting, building up, and making good use of citizens' savings in order to finance different sectors;
- Enabling the State to implement monetary policy and to adjust the policy to take account of the public interest;
- Providing banking services to public, economic and social sectors; and
- Performing an effective role as an instrument of financial control of institutions and public enterprises.

23. Recently, the private sector received funding from the Islamic Development Bank and the Syrian Commercial Bank to finance Arab exports to non-Arab countries.

24. Syria endeavours to develop its commercial and economic ties with all countries of the world and to defend its interests and the interests of developing countries in international economic forums. It has concluded trade, economic, scientific and technical cooperation agreements with many developed and developing countries, in addition to investment promotion and double taxation treaties. Syria furthermore maintains cooperation with the countries of the European Union and expects to sign a partnership agreement with them in the framework of the Barcelona Process, a process aimed at the establishment of a Euro-Mediterranean free-trade area. Syria is also a member of the larger Arab free-trade area, set up under the auspices of the League of Arab States as the first stage in the creation of an Arab common market. Syria actively participates, with member States, in international economic forums and is a member of the Economic and Social Commission for Western Asia (ESCWA).

## **II. INFORMATION OF A GENERAL NATURE**

### **A. Explanatory introduction**

25. In the implementation of article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and in accordance with the Committee's guidelines on the preparation and the form and content of initial reports, the Syrian Arab Republic submits the present report with an initial comment on the importance of this introduction.

26. At the outset, attention must be drawn to the fact that the Syrian Arab Republic is not a country that generally attracts foreign workers, and the fact that migrant workers do not settle there in large numbers or for protracted periods of time. This is largely because there is sufficient Syrian (domestic) labour to satisfy overall market demand at all levels.

27. The reality is that most migrant workers in Syria are nationals of poor Arab States who are not able to find work in the Gulf States. In addition, most of them are ordinary workers insofar as their qualifications are concerned. It is easier for them to come to Syria, because Syria does not ask for an entry visa from nationals of Arab States.

28. As for non-Arab workers, they cannot be classified as migrants, because their presence in the country is usually regulated by agreements (normally bilateral accords) involving the completion or implementation of large and specific (public sector) projects; these workers tend to leave once the project is finished. Generally speaking, they are employed by the foreign entity which carries out the project and which brings in its experts to do the job. These entities may also employ local (Syrian) workers.

29. As a rule, the situation of this category of workers (experts) is governed by the contract with the contractors implementing the project. The contract is binding on both parties, guarantees the rights of all and is consistent with the maintenance of public order.

30. Where private domestic enterprises employ foreign technicians (usually temporary labour) for their projects, the relationship is regulated by the terms of the contract, the Syrian Labour Code and all relevant Syrian laws, in which foreigners enjoy equal status with Syrians, as shall be explained below in detail.

31. It is noteworthy that the Arab Labour Mobility Convention No. 4 of 1975, ratified by the Syrian Arab Republic by Act No. 70 of 2001, states, in paragraph 1, article 1: "The term 'migrant workers' means Arab workers who come to the Arab region for work from another region or a foreign State."

32. The Convention spells out the rights and duties of workers and members of their families who are not nationals of the destination country. In this regard, we should like to refer to article 3, paragraphs 6 to 8 of the Convention (annex 1), which became part of domestic law upon ratification.

33. In concluding this introduction, we repeat that in preparing this report, we kept to the subjects listed in the Committee's guidelines and the headings.

## **B. Constitutional and legislative framework and related judicial and administrative matters**

34. The Syrian Constitution is consistent with the Convention, since both instruments embody common humanitarian ideals as regards respect for human rights and the principles around which they are shaped. Thus, the rights of the "human person", including acquired rights, are safeguarded by the Constitution without reference to nationality.

35. Naturally, this is reflected in the ordinary laws which regulate all relationships and apply to everyone present in the Syrian State without any discrimination.

36. It goes without saying that once a constitutional rule is established, ordinary legislation (laws) cannot relativize or make exceptions to that rule. As a matter of course, the courts abide by this principle when applying the law. It also follows that the administrative and law enforcement authorities uphold the rule of law.

37. As confirmation and evidence of the foregoing, we should like to quote from a number of articles of the Syrian Constitution which embody principles and inderogable norms. We shall then briefly outline the conclusions that can be drawn from them in order to show how consistent they are with the international Convention. We shall begin by affirming that Syrian workers and foreign workers (who are legally resident and legally employed in Syria) have the same legal status, without any discrimination, and are subject to the same laws.

### **C. Some constitutional provisions**

38. The relevant constitutional provisions are as follows:

- Article 13, paragraph 1: The State economy is a planned socialist economy that aims to eliminate all forms of exploitation;
- Article 15, paragraph 1: Private property may not be expropriated except in the public interest and in exchange for fair compensation;
- Article 15, paragraph 2: Public confiscation of assets is forbidden;
- Article 15, paragraph 3: Private confiscation is permissible only pursuant to a court order;
- Article 19: Taxes are imposed on an equitable and progressive basis in pursuance of the principles of equality and social justice;
- Article 25, paragraph 1: Freedom is a sacred right. The State guarantees citizens their personal liberty and safeguards their dignity and security;
- Article 25, paragraph 2: The sovereignty of the law is a fundamental principle of society and the State;
- Article 28, paragraph 1: Every defendant shall be presumed innocent until proven guilty by a final court judgement;
- Article 28, paragraph 2: No one may be investigated or detained unless according to the law;

- Article 28, paragraph 3: No one may be subjected to physical or mental torture or degrading treatment. The law shall prescribe the penalties for the commission of such acts;
- Article 28, paragraph 4: The right to bring legal proceedings, to file an appeal and to present a defence in court is safeguarded by law;
- Article 31: Homes are inviolable and may not be entered or searched except under the conditions stipulated by law;
- Article 35, paragraph 1: Freedom of belief is safeguarded. The State respects all religions;
- Article 35, paragraph 2: The State guarantees the freedom to perform all religious observances, provided that public order is not disrupted;
- Article 36, paragraph 3: The State determines working hours, provides social security for workers and regulates their right to rest, leave, allowances and remuneration.

#### **D. Conclusions based on these provisions**

39. The above-mentioned constitutional provisions, which are of general application and make no reference to a specific nationality, demonstrate the degree of compliance with the letter and the spirit of the Convention, since they make no distinction between Syrians and others. Given that most foreign workers in Syria are Arab workers, it must be noted that Syria abides by the Arab Labour Mobility Convention No. 4 of 1975, which it ratified by Act No. 70 of 2001.

40. We should also like to mention article 12, paragraph (a), of the Agricultural Relations Act of 2004, which states: “Arab workers shall be afforded the same treatment as Syrian workers for the purposes of the application of this Act, provided that they have a work permit from the Ministry.”

41. It is also worth noting that Syria is a member of the ILO and that the conventions which it ratifies acquire the force of domestic law and take precedence over it, in the event of any conflict between the two.

42. We may conclude from the foregoing that, as far as the Constitution is concerned, “migrant workers” enjoy a proper legal status in the Syrian Arab Republic. Finally, it should be recalled that these workers are Arab workers and that the body politic views Arab States as one nation and their peoples too as one community.

43. With regard to quantitative and qualitative information on the characteristics and nature of the migration flows, it should be pointed out that there is no database with accurate quantitative information. As for qualitative information, the preceding paragraph may be sufficient answer, since Arab workers are the source of such labour. In qualitative terms, these workers can be described as non-technical workers with no special skills. They are employed solely in agricultural services, as guards of large buildings or as domestic staff.

44. The absence of specialized labour and the fact that these workers are ordinary workers employed in the services sector may be explained by two factors:

(a) Syrian workers satisfy market demand and are skilled, as explained above;

(b) Salaries in Syria do not meet the expectations of migrant workers who want to make extra income and save a lot of money.

45. As for statistical data, this is confined to workers who register with the Ministry of Labour and are authorized by the Ministry to work in Syria.

46. We enclose herewith figures on work permits for the period from 1 January 2006 to 31 July 2006.<sup>1</sup>

47. There are no figures on Syrian migrant workers. We can say that most of them are skilled workers and are employed in the Gulf States.

48. With regard to the actual situation as regards the practical implementation of the Convention, we can say that the Syrian Arab Republic abides by, and applies, the Convention, on its own initiative, having due regard to the constitutional provisions which we have mentioned. Moreover, the Syrian Labour Code contains nothing that conflicts with the Convention.

49. We would like to mention section V of the Syrian Labour Code, entitled “Regulation of foreign labour”, consisting of two articles, which read as follows:

Article 35: “Foreigners may not undertake work unless they have a permit from the Ministry of Social Affairs and Labour and a residence permit, subject to the condition of reciprocity with the State to which they belong and within the limits of such reciprocity.”

Article 36: “The Minister of Social Affairs and Labour shall determine, by means of a decree, the conditions under which the permit mentioned in the preceding article may be obtained. He shall also specify, in a decree, the circumstances for exemptions from the principle of reciprocity or from the requirement to obtain a permit.”

50. Decree No. 2040, concerning the implementation of article 36, was issued on 20 November 2005 and amended by Decree No. 2130 of 4 December 2005. A full copy of its provisions is enclosed herewith.<sup>2</sup>

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<sup>1</sup> The information referred to in this paragraph will be made available when received from the Government of Syria.

<sup>2</sup> A full copy of the provisions of the Decree will be made available when received from the Government of Syria.

51. The Syrian trade union movement is devoted to protecting the interests of all workers and raising their awareness through the congresses that they hold and the publications that they distribute in the context of workers' education. The following provisions refer, or are relevant to, the subject of the present report:

- Article 23 of Legislative Decree No. 84 of 1968, concerning trade union organizations: "Arab workers are free to join the union of the occupation which they pursue, provided that they are over 15 years old. They cannot join more than one trade union.";
- Article 25: "Foreign workers who are not Arabs, and who have been employed in Syria for over one year are entitled to join a trade union, subject to the condition of reciprocity."

52. Some clauses of article 62 of the above-mentioned Legislative Decree deserve mention, since they show the degree of compliance with the Convention.

- Article 62, paragraph 7: "Expression of an opinion on draft laws transmitted to a trade union by the competent authorities.";
- Article 62, paragraph 8: "Participation (by trade unions) in the formulation of basic labour regulations and efforts to standardize the conditions set out therein.";
- Article 62, paragraph 9: "Catering for the interests of workers who are not members of trade unions and taking the necessary measures to set up temporary trade union bodies to perform this function."

53. With regard to the dissemination and promotion of the Convention and cooperation with civil organizations to respect its provisions, our description of migrant labour in Syria as Arab labour, together with our comments on the Arab Labour Mobility Convention, the right to form trade unions, workers' education and local, regional and international conferences all could serve to show how the international Convention is being disseminated. We should also add that the body politic grants the working class special representation in the People's Assembly and that there is a close link between the deputies concerned and trade union organizations.

### **III. INFORMATION IN RELATION TO EACH OF THE ARTICLES OF THE CONVENTION**

#### **Articles 1 (1) and 7**

54. The constitutional provisions that we have mentioned (and which form the basis of this report), together with the norms embodied in the Syrian Labour Code, make no reference to nationality. The Arab Labour Mobility Convention and the ILO conventions and other instruments that Syria has ratified all affirm that any labour contract or contractual condition that is based on discrimination shall be deemed null and void.

55. In Syria, general courts and labour tribunals are a decisive authority in this domain. It is possible to state that, in the history of these tribunals, not a single case has been brought essentially on grounds of discrimination based on nationality, race, belief, sex or other factors.

56. It is clear that these matters are basically linked to human rights, which are explicitly safeguarded by the Constitution, without reference to any nationality or other factors, as explained above.

57. We would like to recall that the Syrian Arab Republic was one of the first States to accede to the international conventions against apartheid, including the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Suppression and Punishment of the Crime of Apartheid. Syria is a party, inter alia, to the International Convention on the Suppression of Apartheid in Sports, the international covenants on civil, political, economic, social and cultural rights, and the Convention on the Elimination of All Forms of Discrimination against Women. As firmly established in case law, in the event of a conflict between domestic law and a ratified international convention, it is the international convention that takes precedence.

#### **Article 83**

58. According to article 57 of the Code of Criminal Proceedings, anyone who considers himself to be a victim of a serious crime or major offence may bring a complaint, in the form of a personal action, before the competent investigating judge in accordance with article 3 of the Code.

#### **Article 84**

59. Ratification of this Convention is like enacting a domestic law, as affirmed in article 25 of the Syrian Civil Code and article 27 of the Vienna Convention on the Law of Treaties, to which Syria has acceded. This principle was recognized by the Syrian Court of Cassation in ruling No. 1905 of 12 December 1980.

### **IV. HUMAN RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES**

#### **Article 8**

60. In accordance with the regulations on the departure of Syrians, the old system, whereby an exit visa was needed to leave the country, has now been abolished. Under the current regulations, any citizen can leave the country without any red tape.

61. Persons below 18 years of age are excluded from this rule, as are State employees who require permission from the agency for which they work. This is the situation as far as Syrians are concerned.

62. As for nationals of Arab States, they do not need an entry or exit visa for Syria. If they stay for longer than three months, they have to report to the Department of Immigration and Passports to extend their residence permits.



### **Articles 9 and 10**

63. The right to life is a human right, according to all human laws. This right is safeguarded by the Constitution, the precepts of religious law and the Criminal Code. We see no need to elaborate on this subject after quoting all the constitutional norms that relate to this subject.

64. However, we should recall some provisions on this subject. For example, article 28, paragraph 3, of the Constitution provides: “No one may be subjected to physical or mental torture or degrading treatment. The law shall prescribe the penalties for committing such acts.” Before that, article 25 of the Constitution states: “Freedom is a sacred right. The State guarantees citizens their personal liberty and safeguards their dignity and security.”

65. Here, we shall recall what the Criminal Code says on this subject. For example, article 533 prescribes a penalty of from 15 to 20 years’ imprisonment for anyone who deliberately kills another human being. Article 555 states that anyone who deprives another of his liberty by any means whatever shall be subject to a penalty of from six months to two years in prison. The penalty is increased, if the author of the act physically tortures the person deprived of his liberty. Article 559 states that anyone who threatens another with a weapon shall be subject to a term of up to six months’ imprisonment. If the weapon is a firearm and is used by the guilty party the penalty will be a term of from two months to one year in prison. Article 568 of the Syrian Criminal Code prescribes a penalty of up to three months’ imprisonment for anyone who defames another person. Article 570 prescribes a penalty of from one week to three months in prison for anyone who maligns or vilifies another individual.

### **Article 11**

66. Freedom is a sacred human right. There is no such thing as slavery or forced labour in Syria. No one is allowed to compel another to perform forced labour and general cultural awareness has reached a high level as far as these concepts are concerned.

67. At the same time, the law is very strict on this subject. According to article 555 of the Criminal Code, anyone who deprives another of his liberty by any means whatever shall be subject to a penalty of from six months to two years in prison. This is followed by article 556 which fleshes out the details and outlines the conditions for increasing this penalty.

68. It can be said without any reservations that the Syrian Labour Code offer high levels of protection to all workers, whatever their nationality. This stems from the nature of the political system, which jealously protects the rights of the Syrian working class. Mention has already been made of the constitutional provision on “the elimination of all forms of exploitation”.

69. According to article 357 of the Criminal Code, anyone who arrests or detains a person under conditions other than those stipulated by law shall be subject to a term of imprisonment with hard labour.

70. According to article 391 of the Criminal Code, anyone who subjects a person to a beating of a severity not permitted by law in order to extract a confession to an offence or information relating thereto shall face a penalty of from three months to three years in prison.

71. The Suppression of Prostitution Act No. 10 of 1961 was designed to counter the sex trade and sexual exploitation. It punishes anyone who incites, promotes or facilitates the engagement of any person, whether male or female, in acts of debauchery or prostitution or who employs, entices or seduces another person for the purpose of that person's engagement in debauchery or prostitution. The penalty for these offences is a minimum of one and a maximum of three years in prison and a fine of from LS 1,000 to LS 3,000.

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

73. Syria submits regular reports to the International Labour Office in accordance with the observations of the Office's committee of legal experts.

### **Articles 12, 13 and 26**

74. On this subject, we shall confine ourselves to quoting from provisions which recognize these freedoms and to recalling the provisions mentioned above on the right of foreigners to join trade unions, some of which are repeated below.

75. According to article 35 of the Constitution, freedom of belief is safeguarded. The State respects all religions and guarantees the freedom to perform all religious observances, provided that public order is not disrupted.

76. Article 462 of the Criminal Code stipulates the following:

(a) Anyone who, by any means, expresses contempt for religious rites performed in public or who encourages mockery of such a rite shall be subject to a penalty of from two months to two years in prison;

(b) These means include:

- Actions and gestures in a public place or a place that is accessible to the public or open to public view or that are witnessed by someone who has nothing to do with the act because of an error on the part of the perpetrator;
- Speech or cries that can be heard or are broadcast by mechanical means;
- Writing or images displayed in a public place or a place that is accessible to the public or open to public view or that are offered for sale or distributed to one or more persons.

77. According to article 38 of the Constitution, all citizens have the right to express their opinion freely and openly in words, writing and by all other means of expression. They also have the right to participate in oversight and constructive criticism to guarantee the integrity of the domestic and national structure and strengthen the socialist system. The State guarantees freedom of the press and of printing and publication in accordance with the law.

78. Legislative Decree No. 50 of 2001 regulates the activities of printing houses, bookshops and publishing companies and lays down the rules and procedures for licensing periodicals. The Decree contains sections on material that cannot be published according to the law and sections on the offer for sale and distribution of printed matter.

79. However, freedom of opinion cannot extend to the beliefs of others. In this connection, article 463 of the Criminal Code prescribes a penalty of from one month to one year in prison for:

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

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

80. According to article 307, any act, piece of writing or speech aimed at, or resulting in the provocation of sectarian or racial division or creation of conflict between confessional groups and the different constituent elements of the nation shall be punishable by a term of from six months to two years in prison and a fine.

81. The law does not deny any religious community the exercise of the right to its own culture, to manifest its religion and to use its own language. The freedom of worship which all religious communities enjoy is also seen in their freedom openly to manage their own religious affairs. These communities are governed by their own personal status laws, as administered by their religious leaders.

82. Under paragraph 4, the State supports religious and moral education at all stages of education. It guarantees every confessional group the right to religious education, even in prison. Indeed, article 118 of the Syrian Prisons Code states that the Minister for Internal Affairs must appoint, for every prison and every religion, upon the recommendation of the governor, clerics who are permitted to visit prisoners at the latter's request.

#### **Articles 14 and 15**

83. With reference to the Constitution, at the outset privacy, confidentiality of correspondence and integrity of property are all clearly safeguarded in explicit provisions, a number of which were mentioned at the beginning of the present report. Thus, article 31 of the Constitution states that homes are inviolable and cannot be entered or searched except under the conditions laid down by law. Article 32 provides that the confidentiality of postal correspondence and wire communications is guaranteed by law, and article 15, mentioned above, prohibits the confiscation or expropriation of private property.

84. In addition, article 375 of the Criminal Code punishes anyone who defames, vilifies or insults another, while article 557 prescribes the penalties for violating the sanctity of the home.

85. Article 565 is concerned with the disclosure of secrets, and there are other detailed provisions on this matter (annex 2).

**Articles 16 (1-4), 17 and 24**

86. The following provisions deal with subjects covered by the above articles of the Convention:

(a) Article 25 of the Constitution;

(b) Article 555 of the Criminal Code:

- Anyone who deprives another of his liberty by any means whatever shall be subject to a penalty of from six months to two years in prison;
- This penalty is reduced, in accordance with article 241, paragraph 3, if the guilty party, on his own initiative, releases the abductee within 48 hours without committing any other offence, whether a serious crime or major offence;

(c) Article 559 of the Criminal Code:

- Anyone who threatens another with a weapon shall be subject to a penalty of up to six months' imprisonment;
- The penalty shall range from two months to one year in prison, if the weapon is a firearm and was used by the guilty party;

(d) Article 560: Anyone who, whether in writing, even if anonymously, or through a third party, threatens another with a serious crime that is punishable by death, over 15 years' imprisonment or life imprisonment, shall be subject to a penalty of from one year to three years in prison, if the threat entails an order to perform an act, even if lawful, or to refrain from an act;

(e) Article 28 of the Constitution:

- Every accused person shall be presumed innocent until proven guilty by a final court judgement;
- No one may be investigated or arrested except in accordance with the law;
- The rights to seek legal recourse, to file an appeal and to present a defence in court are safeguarded by law;

(f) The period of custody in respect of a flagrante delicto offence must not exceed 24 hours, unless otherwise stipulated in a court order. According to article 105 of the Code of Criminal Proceedings (annex 3), anyone held in custody beyond this period of time must be brought before the competent court for examination. Any infringement of this rule will be regarded as unlawful deprivation of liberty and an arbitrary act for which the perpetrator will be prosecuted for committing the offence of deprivation of personal liberty pursuant to article 358 of the Criminal Code (annex 2).

### **Articles 16 (5-9), 18 and 19**

87. According to article 108 of the Code of Criminal Proceedings, as soon as a person is arrested, he must be informed of the allegations against him. When he is brought before the Department of Public Prosecutions, he must be told of the charges against him. The same applies when a person is questioned by an investigating judge. This information must always be communicated in a language that the person is able to understand thanks to the assistance of a sworn interpreter. The courts give defendants an unlimited opportunity to present a defence. A person is entitled to engage a lawyer as soon as he is referred to the judicial authorities. Lawyers are given plenty of time to review cases and submit pleadings. By law, the defendant does not have to disclose the names of witnesses before trial.

88. Freedom is the rule and detention is the exception. Any detainee can be released in accordance with articles 117-130 of the Code of Criminal Proceedings and may apply to the courts to secure his release (annex 3).

89. In summary, the procedural safeguards provided in the (Syrian) Code of Criminal Proceedings apply to Syrians and foreigners alike without any discrimination and are consistent with overall international human rights standards. In this connection, we should like to refer to section III, chapter IV, of the Code (arts. 102-105) (annex 3). Generally speaking, the articles on procedural safeguards are very numerous and varied; we shall mention just some of them.

90. According to article 57 of the Code of Criminal Proceedings, anyone who considers himself to be the victim of a serious crime or major offence may bring a complaint, in the form of a personal action, before the competent investigating judge in accordance with article 3 of the Code.

91. Article 358 of the Criminal Code prescribes a penalty of from one to three years' imprisonment for any warden or guard of a prison or a penal or disciplinary institution who admits an inmate without a court writ or order or detains a person there for longer than the prescribed term.

92. Syrian law regards decent treatment of prisoners as mandatory; any form of abuse or degrading treatment is a punishable offence under article 391 of the Criminal Code (annex 2). According to article 422 of the Code of Criminal Proceedings (annex 3), investigating judges, justices of the peace and presidents of criminal courts must check up on detainees in custody centres and prisons to ensure that they are receiving decent treatment.

93. The Prisons Code devotes an entire section to the importance of segregating different categories of prisoners, including males from females and juveniles from adults. Indeed, section III of the Syrian Prisons Code stipulates that all prisons must segregate prisoners in the following categories:

(a) Suspects and accused persons remanded in custody on account of a legal debt, insolvency or an indecent act;

- (b) Persons sentenced to less than one year's detention for a major offence;
- (c) Young prisoners.

Reference may be made to articles 32-40 of the Prisons Code (annex 4).

94. As for minors, Act No. 18 of 1974 established special juvenile courts which, according to article 31 thereof, consist of full-time and part-time district courts competent to hear cases involving serious crimes, major offences and minor offences. The treatment to inmates of welfare and reform institutions is geared towards their social rehabilitation and reform.

95. By law, anyone who is arrested must be informed of the reasons for his arrest, the nature of the offence for which he was arrested, and the legal provision under which the offence is punished (article 108 of the Code of Criminal Proceedings) (annex 3). The accused must be given copies of the warrant and detention order.

96. When an accused person appears before an investigating judge, the latter must verify his identity, inform him of the charges against him, ask how he pleads and advise him of his right not to respond without a lawyer being present. The caution must be entered in the investigation record. If the accused refuses to retain a lawyer, or if a lawyer is not retained on his behalf within 24 hours, the examination will proceed without one.

97. If an accused person in a criminal case cannot afford a lawyer, the Bar Association or the court may appoint one for him.

98. Syrian law ensures expeditious proceedings in the interests of the accused. For example, article 104 of the Code of Criminal Proceedings requires the investigating judge promptly to question an accused person served with a writ of summons. Anyone who is brought in pursuant to an arrest warrant must be questioned within 24 hours of his arrest. The interview must be conducted in a language that is made comprehensible to him by a sworn interpreter.

99. Act No. 18 of 1974, as amended, outlines the procedures for conducting juvenile proceedings. It establishes the right of juveniles to be sentenced to reform measures. If a juvenile commits a serious crime, he will be subject to the penalties laid down in the Act.

100. Article 3 of Act No. 18 of 1974 stipulates:

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

“(b) With regard to offences committed by juveniles of 15 years and over, the penalties laid down in this Act shall be applied.”

101. Article 4 of the same act defines reform measures as follows:

- (a) Entrusting the minor to the supervision of one or both parents or the legal guardian;

- (b) Placing the minor with a family member;
- (c) Placing the minor in an institution or with an association that is licensed to care for young persons;
- (d) Placing the minor in a supervision centre;
- (e) Placing the minor in a special juvenile reformatory;
- (f) Detention in a custodial facility;
- (g) Probation;
- (h) Restriction of residence;
- (i) Injunction on frequenting of places of ill-repute;
- (j) Injunction on performing any kind of work;
- (k) Care.

102. Article 31 of the same Act states:

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

- Full-time and part-time district courts competent to hear serious crimes and major offences for which the penalty is over one year’s imprisonment;
- Disciplinary tribunals which, in their capacity as juvenile courts, hear other offences;

“(b) Full-time district courts shall be established by decree, upon the recommendation of the Minister of Justice, in the seat of each governorate, where there is a need for such a court. The territorial jurisdiction of such courts ends at the governorate’s administrative boundaries;

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

103. Article 32 of the same Act reads as follows:

“Paragraph (a) of article 32 is hereby deleted and is replaced with the following text:

“Full-time and part-time district courts shall consist of a presiding judge and two highly-qualified members appointed by the Minister of Justice, together with two reserve members who shall be State employees nominated by the Ministry of Higher Education, the Ministry of Social Affairs and Labour and the Women’s Federation. These persons shall be appointed upon the recommendation of the Minister of Justice;

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

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

104. Article 221 of the Code of Criminal Proceedings (annex 3) establishes time limits for filing appeals against initial or appeal verdicts.

105. Under article 164 of the Civil Code, anyone who causes another person harm must pay compensation for what he has done.

106. According to article 138 of the Criminal Code (annex 2) and article 4 of the Code of Criminal Proceedings (annex 3), anyone who is the victim of an offence is entitled to apply to the courts to claim compensation for damages suffered. This is affirmed in articles 129-146 of the Criminal Code (annex 2), and this right is accorded to everyone without distinction.

107. According to article 181 of the Criminal Code, an offence can only be prosecuted once. Therefore, a person cannot be tried and convicted or acquitted twice for the same offence (Syrian Court of Cassation, Offence No. 452, ruling 871, 1 May 1982).

108. Under article 1 of the Syrian Criminal Code, no penalty or preventive or reform measure may be imposed in respect of an act that was not a legal offence when it was committed.

109. Article 3 of the Code states that any law which modifies changes in a way that benefits the defendant shall be applied to offences committed before the law's entry into force, unless a final judgement has already been handed down.

110. Article 8 provides that any new legislation that abolishes or reduces a penalty shall apply to offences committed prior to its entry into force, unless a final judgement has been handed down.

111. The Syrian legislator takes the principle of individualized punishment to mean that the personality of the criminal must be a primary consideration in criminal law and that the penalty must be tailored to the personality. Accordingly, the legislator prescribes maximum and minimum sentences and leaves it to the court's discretion to select an appropriate punishment for the individual offender, leaving plenty of scope for the use of mitigating and aggravating factors.

## **Article 20**

112. On this topic, it should be pointed out that obligations arising from employment contracts are civil obligations that are binding on both parties. There are no penalties in the Syrian Labour Code, the Civil Code or any other law that would result in the imprisonment or expulsion of any worker, regardless of his nationality. According to article 88, paragraph 1, of the Criminal Code, a foreigner may be expelled from Syria if he is convicted of a criminal offence.



### **Articles 21, 22 and 23**

113. The confiscation and/or destruction of civil status documents is an offence, no matter who does it. As a general rule, acts like these constitute an infringement of individual rights and are punished by the Criminal Code.

114. As for collective expulsion, no provision is made for this in Syrian law. The law only refers to (discretionary) expulsion of individuals convicted of major offences.

115. The right of recourse to consular or diplomatic protection is regulated by international agreements. Syrian law does not deny workers, whatever their nationality, the exercise of this right.

### **Articles 25, 27 and 28**

116. The Syrian Labour Code No. 91 of 1959 (as amended) does not discriminate between Syrian and migrant workers, whether the latter are Arabs or foreigners. Therefore, migrant workers residing in Syria are subject to the same laws as Syrians in respect of remuneration, working hours, family allowances and child labour. Foreign workers who are legally resident in Syria are entitled to social security. Migrant workers face no difficulties when leaving or returning to the country but must simply comply with legal procedures which are the same for nationals and foreigners. In addition, all public hospitals in the country offer a full package of medical care to everyone in the Syrian Arab Republic without distinguishing between nationals and foreigners.

### **Articles 29, 30 and 31**

117. The Syrian legislator requires everyone to have a first name and a family name. There are no children without a name in Syria. This principle is embodied in article 40 of the Syrian Civil Code, which states: "Everyone must have a name and a family name to pass on to his children." Children of unknown paternity are named by their mother, while foundlings are registered and named by the civil registrar. There is nothing in Syrian law to prevent the same rule from applying to migrant workers. All children living in Syria, regardless of their origin, enjoy the same protection without any form of discrimination. They are educated at schools on the basis of equality.

### **Articles 32 and 33**

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

119. Experts may remit up to 60 per cent of their total salary and allowances, in a foreign currency (paragraph (b), Circular No. 104/B, 3 September 1983, 15/4801).

## **V. OTHER RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES WHO ARE DOCUMENTED OR IN A REGULAR SITUATION**

### **Article 37**

120. This article applies to Syrian workers leaving for work abroad. For this, they need an entry visa for the destination country and an employment contract spelling out the legal terms of their employment. An exception is made for workers who go to Lebanon or Jordan, for whom no entry visa is required pursuant to the Arab Labour Mobility Convention, in particular paragraphs 6 to 8 of article 3.

### **Articles 38 and 39**

121. Legislative Decree No. 29 of 1970, regulating the entry, residence and departure of foreigners, places no restrictions on the residence of foreigners who enter Syria legally and obtain a residence permit. However, according to article 9 of the Decree, any foreigner who wishes to change his place of residence must communicate his new address to the Department of Immigration and Passports, or one of its branches in the governorate in which his new residence is located.

### **Articles 40, 41 and 42**

122. According to the Trade Union Act No. 84 of 1968, as amended, trade-union activities in Syria are voluntary and citizens are free to join the union representing their occupation at any location whatsoever. The right to join a trade union is not confined to Syrian citizens but also includes non-Syrian Arab workers, as explained above and illustrated by the relevant legal provisions.

### **Articles 43, 54 and 55**

123. As indicated above, the Syrian Labour Code does not grant or imply any privilege on grounds of nationality, whether a worker is a Syrian or not. This is made clear in article 2 of the Code, which reads as follows: "A worker means any male or female working for any form of remuneration in the service, and under the authority or supervision, of an employer."

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

125. In addition, workers are protected against expulsion and arbitrary dismissal. Legislative Decree No. 49 of 3 July 1962, as amended, deals with the subject of dismissal by stipulating that prior authorization must be obtained from the committee which is responsible for handling such cases.

126. The Decree contains very strict rules requiring dismissals to be carried out for legitimate reasons, as determined by the above-mentioned committee.

127. As for unemployment benefit, the Syrian Social Insurance Act does not provide this type of insurance either for Syrians or for foreign workers. Hence, the principle of equality applies to all.

128. As for access to public work schemes, public notices are placed calling for the submission of tenders. The scheme will be awarded to the contractor that presents the best bid from a technical and financial point of view. In this connection, we should point out that non-Syrian workers do not have the profile, qualifications or financial resources to undertake public work schemes; they tend to be ordinary workers.

129. Furthermore, when an employment contract is terminated, the worker receives severance pay, whether he is Syrian or not.

#### **Articles 44 and 50**

130. As stated above, most migrant workers in Syria are Arabs. According to the regulations of the Department of Immigration and Passports, any Arab can enter Syria without an entry visa and without having to pay any fees. This is consistent with the stance taken by the political and constitutional authorities, whereby Arab nationals are considered members of a single nation, regardless of their nationality.

131. The system does not prevent migrants from bringing their families with them; and thus, family unity is safeguarded. Non-Arab workers (if there are any) are perfectly at liberty to bring in their families.

132. Neither death nor dissolution of marriage has adverse consequences for family members, since these are private matters and there is no room for discrimination in humanitarian circumstances of this kind.

133. As evidence of the principles established in this regard, we should like to cite article 44 of the Syrian Constitution:

- The family is the basic unit of society and is protected by the State;
- The State protects and encourages marriage and endeavours to remove material and social impediments thereto. It protects mothers and children.

134. According to article 46, paragraph 1, of the Constitution, the State insures every citizen and his family in the event of an emergency, illness, disability, orphanhood and old age.

#### **Articles 45 and 53**

135. Education at Syrian government schools is completely free of charge. Private schools charge all registered students the same fees. There is nothing to prevent the children of workers from attending any school.

### **Articles 46, 47 and 48**

136. The same rules that apply to Syrians also apply to all non-Syrians with regard to personal belongings and payment of duty in accordance with the customs regulations. As for the transfer of earnings and savings, this matter was explained in connection with articles 32-33 of the guidelines. On the subject of double taxation, this issue is addressed through bilateral agreements in accordance with the principle of reciprocity.

### **Articles 51 and 52**

137. We enclose herewith a copy of Decree No. 2040 of 2005, issued by the Minister for Social Affairs and Labour, and Decree No. 2130 of 4 December 2005, amending the first-mentioned decree, on the subject of employment of foreign workers in Syria.<sup>3</sup>

### **Articles 49 and 56**

138. We have cited the law as regards the termination of employment contracts on legitimate grounds. Generally speaking, contracts are binding on both parties within the limits of public law. Decree No. 2040 of 2005, to which reference has already been made, stipulates, in article 18, the conditions under which a work permit may be revoked by ministerial decree. These conditions are:

- (a) If the worker is convicted of a serious crime or a major offence against honour, integrity or public morals;
- (b) If the worker obtained the work permit on the basis of false information;
- (c) If the work permit was used for purposes other than those for which it was issued;
- (d) If the measure is dictated by the exigencies of national security and the economic and social interests of the State.

139. In addition to the foregoing, article 34 of Legislative Decree No. 29 of 1970, regulating the entry of foreigners into Syria, only authorizes expulsion for committing an act that constitutes grounds for expulsion.

## **VI. PROVISIONS APPLICABLE TO PARTICULAR CATEGORIES OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES**

140. There are no provisions on particular categories of workers, whatever their nationality. This has no bearing on the conflict with one State that exists which is occupying a part of the territory of the Syrian Arab Republic.

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<sup>3</sup> See footnote 2 above.

**VII. PROMOTION OF SOUND, EQUITABLE, HUMANE AND  
LAWFUL CONDITIONS IN CONNECTION WITH  
INTERNATIONAL MIGRATION OF WORKERS AND  
MEMBERS OF THEIR FAMILIES**

141. The State party should indicate the measures taken to ensure promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families.

142. As stated above, the economic situation in Syria and the fact that there is a sufficient supply of qualified Syrian labour at all levels do not make the country attractive to foreign workers, unlike the situation in the Gulf States, for example. The few foreign workers who are present in Syria are protected by humane laws which treat citizens and foreigners as equals without any distinction.

143. We may add that part VI of the Convention has no practical application on the ground, except within very narrow limits.

144. General legal norms and the measures derived therefrom rule out any talk of real problems, especially given the low numbers of foreign workers in Syria for the reasons mentioned in many parts of the present report.

**Annex I**

**ARAB LABOUR MOBILITY CONVENTION No. 4 OF 1975**

Article 3, paragraphs 6-8, reads as follows:

- Preserving family and national bonds and ties between migrant workers and their countries of origin.
- Discouraging the exodus of talent and skills to foreign States.
- Attracting Arab émigrés, and encouraging them to return to their country to contribute to Arab development plans and programmes, by providing material and other incentives and creating a suitable educational and social climate for them.

**Annex II**

**GENERAL CRIMINAL CODE, ISSUED BY LEGISLATIVE  
DECREE No. 148 OF 1949, AS AM ENDED**

**Article 102**

1. The surety shall be refunded, the bond shall be cancelled and the person standing surety shall be released from any further liability if, during the probationary period, the act which the surety was intended to prevent does not occur.
2. Otherwise, the surety shall be collected and distributed, in order to pay personal compensation, then fees, then fines. Any surplus shall revert to the State.

**Article 103**

3. Premises in which a criminal offence was committed by, or with the acquiescence of, the owner may be closed down for a minimum of one month and a maximum of two years, if explicitly permitted by law.
4. A closure order - issued on any grounds - must entail an injunction on the guilty party from pursuing the same work in accordance with article 94.

**Article 104**

5. If premises are closed down on account of criminal or immoral activities, the guilty party, any of his family members, and anyone who owned or leased the property, knowing what was going on there, shall be prohibited from pursuing the same work in the said premises.
6. The prohibition shall not apply to an owner of the property or anyone with a lien, an easement or financial claim thereon who had nothing to do with the offence.

**Article 105**

7. If premises are closed down because the operator was in his place of residence to pursue an unlicensed activity, the premises must be vacated. This is without prejudice to the right of a lessor acting in good faith to cancel the lease and claim damages in full.

**Article 358**

8. Any warden or guard of a prison or disciplinary or correctional facility and any official vested with their functions who admits an inmate without a court order or decision or keeps a prisoner there for longer than the stipulated term shall be subject to a penalty of from one year to three years in prison.

#### **Article 375**

9. Slander is making an allegation against someone, even if expressed in the form of a doubt or a question, which is prejudicial to the honour or dignity of the individual concerned.
10. Any derisory remark or insult and any utterance or image that maligns a person shall be deemed a vilification if it does not entail an allegation. This shall be without prejudice to article 373, which defines defamation.

#### **Article 376**

11. Slander by any of the means specified in article 208 shall be punished by:
- One to three years' imprisonment, if the act is committed against the President of the State;
  - Up to one year's imprisonment, if the act is directed against the courts, regulatory institutions, the army or administrative authorities or against an official in and during the course of his duties;
  - Up to three months' imprisonment or a fine of LS 100, if the act is committed against any other official in and during the course of his duties.

#### **Article 391**

12. Anyone who beats a person with a degree of severity is not permitted by law, in order to extract a confession to, or information about, an offence, shall be subject to a penalty of from three months to three years in prison.
13. If the assault results in illness or injury, the minimum penalty shall be a minimum of one year's imprisonment.

#### **Article 555**

14. Anyone who deprives another of his liberty by any means whatever shall be subject to a penalty of from six months to two years in prison.
15. The penalty shall be reduced, in accordance with article 241, paragraph 3, if, as an act of mercy, the perpetrator releases the abducted person within 48 hours without any other serious crime or major offence being committed; the perpetrator shall be sentenced to temporary hard labour.

#### **Article 556**

16. If the period of deprivation of liberty exceeds one month.
17. If the person deprived of his liberty is subjected to physical or mental torture.
18. If the act is committed against an official during or in the course of his duties.



**Article 557**

19. Anyone who enters another person's house or home or annexes thereto without that person's consent, and anyone who remains on premises without the consent of a person entitled to evict him shall be subject to a penalty of up to six months' imprisonment.

20. The penalty shall be a term of from three months to three years in prison, if the offence is committed at night, or by means of breaking and entering, physical violence, or the use of weapons, or if it is committed by a number of persons acting in concert.

21. In the case referred to in paragraph 1, prosecutions may only be brought on the basis of a complaint from the aggrieved party.

**Article 565**

22. Anyone who, by virtue of his status, functions, profession or expert knowledge, learns of a secret and then divulges it, for no good reason, or uses it for his own benefit or the benefit of a third party, shall be subject to a penalty of up to one year's imprisonment and a fine of up to LS 200, if the act was of a kind to inflict damage, including moral damage.

**Annex III**

**CODE OF CRIMINAL PROCEEDINGS, ISSUED BY LEGISLATIVE  
DECREE No. 112 OF 1950, AS AM ENDED**

**Article 4**

1. Any aggrieved party has the right to bring a personal action to claim compensation for damage incurred as the result of an offence.

**Article 102**

2. In cases involving serious crimes and major offences, the investigating judge may issue a simple writ of summons, provided that, after examining the person, he substitutes it with an arrest warrant, if warranted by the examination.

3. If the accused person does not appear or it is feared that he may escape, the investigating judge may issue an arrest warrant for him.

**Article 103**

4. If a witness is served with a writ of summons and fails to appear, the investigating judge may issue an arrest warrant for him and impose the fine prescribed in article 82.

**Article 104**

5. The investigating judge shall question the defendant named in the summons. Persons brought in under an arrest warrant must be questioned within 24 hours of being placed in custody.

6. Once the 24 hours have expired, the officer-in-charge, on his own initiative, shall refer the person in custody to the public prosecutor, who in turn shall ask the investigating judge to interview the defendant. If the latter declines or is absent, or if there is another lawful impediment, the public prosecutor shall ask another investigating judge, president of a court of first instance or justice of the peace to conduct the interview. If the defendant is not interviewed, the public prosecutor shall order his immediate release.

**Article 105**

7. If a defendant is arrested pursuant to an arrest warrant and is kept in custody for over 24 hours without being questioned or presented to a public prosecutor, then, according to the preceding article, his arrest shall be deemed to be an arbitrary act and the officer-in-charge shall be prosecuted for deprivation of liberty in accordance with article 358 of the Criminal Code.

### **Article 117**

8. With regard to any type of offence, the investigating judge, upon consultation with the public prosecutor, may decide to release a defendant who has been summoned, provided that the defendant undertakes to attend all proceedings when asked to do so and to comply with the verdict when it is handed down.

9. If the offence is a major offence for which the maximum penalty is one year's imprisonment and if the defendant is a Syrian national, the defendant must be released within five days of questioning. However, the present paragraph does not apply to persons with a previous criminal record or who have already received a non-suspended sentence of over three months' imprisonment.

### **Article 118**

10. Where release is not required by law, a defendant may be released with or without a surety. The surety guarantees:

(a) The defendant's attendance at investigation and trial proceedings and for the execution of the sentence when delivered;

(b) Payment of the following sums, in the following order:

(i) Costs and expenses incurred by the defendant;

(ii) Costs and expenses payable to the State;

(iii) Fines.

11. The surety shall give priority to the parties entitled to the sums listed above.

12. The release order shall specify the amount of the surety and how much of it is to be allocated to each category.

### **Article 130**

13. The accused appears before the criminal court as a person detained in accordance with an arrest warrant.

14. No warrant shall be issued for a person, if a decision to arrest him is not taken during the examination or if he is released during the examination or trial. He shall simply be required to turn himself over to the court at least one day before trial and shall remain in custody until the verdict is pronounced.

15. The accused shall forfeit the right accorded to him under the preceding paragraph and shall be served with an arrest warrant, if he is sought pursuant to an administrative request addressed to the office of the court clerk and he fails, without good reason, to appear on the appointed day for the completion of the procedures enumerated in article 273 et seq.

16. The criminal court and Court of Cassation, during the hearing of a case, may release the accused, if summoned, in accordance with the regulations on release enumerated in this section, subject to the proviso that the accused may not be released without a surety paid in cash or by cheque. A fugitive from justice who is arrested or gives himself up after being convicted in absentia cannot be released.

17. This paragraph does not apply to accused persons referred to the court pursuant to Legislative Decree No. 37 of 1966.

#### **Article 221**

18. If the offence is outside the purview of the justice of the peace, the latter shall declare it to be so and refer it to the public prosecutor.

#### **Article 422**

19. Investigating judges and justices of the peace, once a month, and presidents of the criminal courts, once every three months, shall visit inmates in detention centres and prisons.

**Annex IV**

**SYRIAN PRISON'S CODE, ISSUED BY DECREE No. 122 OF 20 JUNE 1929**

**Article 32**

1. All prisons must keep men and women in completely separate quarters and arrange cells in such a way as to prevent any communication between one ward and another. Inmates in the following categories must be held in separate quarters:

(a) Suspects and accused persons detained on account of a debt, insolvency or an indecent act;

(b) Persons sentenced to less than one year's imprisonment; persons convicted of a major offence or serious crime who must be sent to a central prison; persons convicted of an indecent act; and persons imprisoned for a debt owed to the State in respect of a serious crime or major offence;

(c) Young prisoners.

**Article 33**

2. In medium-sized prisons, to the extent that the wards and number of guards allow, inmates shall be segregated as follows:

(a) Suspects, accused persons and persons detained on account of a debt, insolvency or an indecent act;

(b) Persons sentenced to less than one year's detention for a major offence; persons convicted of an indecent act; and persons detained for a debt owed to the State in respect of a serious crime or major offence;

(c) Persons convicted of an indecent act;

(d) Persons convicted of a serious crime or major offence who must be sent to a central prison;

(e) Young prisoners.

**Article 34**

3. In large prisons, the following categories shall be segregated to the extent that the wards and number of guards permit:

(a) Suspects and accused persons with no previous record; inmates with no criminal record who are detained for legal indebtedness or insolvency or for committing an indecent act;

- (b) Suspects, accused persons and inmates with a previous criminal record who have been detained on account of a legal debt, insolvency or an indecent act;
- (c) Prisoners convicted of an indecent act;
- (d) Prisoners with no previous record who have been sentenced to less than one year's imprisonment; prisoners with no criminal record who have been detained on account of a debt owed to the State in respect of a serious crime or major offence;
- (e) Prisoners with a criminal record who have been sentenced to less than one year's imprisonment; and prisoners with a criminal record who have been imprisoned for a debt owed to the State in respect of a serious crime or major offence;
- (f) Prisoners convicted of a major offence who must be sent to a central prison.

#### **Article 35**

4. In central prisons, convicted persons shall be segregated as follows, without prejudice to article 32, paragraph 1:

- (a) Prisoners sentenced to up to three years' imprisonment;
- (b) Prisoners sentenced to less than 10 years' imprisonment with hard labour;
- (c) Prisoners sentenced to 10 or more years' imprisonment with hard labour;
- (d) Prisoners sentenced to life imprisonment with hard labour;
- (e) Young inmates serving a sentence as a reform measure.

#### **Article 36**

5. Prisoners awaiting transfer and military personnel shall be placed in the category to which they belong. For the purposes of articles 31 and 32, any prisoner sentenced to not less than one month's imprisonment shall be deemed to have a criminal record.

#### **Article 37**

6. Registered prostitutes convicted of a minor offence shall be placed in separate cells in the women's ward.

#### **Article 38**

7. All the categories of prisoners listed in articles 32 to 37 shall be assigned separate dormitories, workshops, canteens and recreational areas. If there are not enough recreational areas for all categories of prisoner, free time shall be organized in such a way as to allow all prisoners to use the areas after each other.

**Article 39**

8. The warden or chief guard shall execute orders issued by the investigating judge or court president pursuant to article 457 of the Code of Criminal Proceedings and shall, in particular, avoid placing suspects and accused persons due to be held in solitary confinement by order of the judicial authority with other prisoners.

9. When large numbers of prisoners are due for release on the same day the necessary measures shall be taken to ensure that they do not meet each other in administrative offices or when leaving the prison.

**Article 40**

10. Young prisoners shall be kept entirely separate from adult prisoners both during the night and the day. Minors convicted pursuant to article 40 of the Criminal Code to less than six months in prison and juveniles awaiting transfer shall always be placed in cells or separate accommodation, either on their own, if possible, or with not more than one other person, if each individual cannot be given separate accommodation.

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