



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

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

Eighth session

SUMMARY RECORD OF THE 73rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 16 April 2008, at 10 a.m.

Chairperson: Mr. EL JAMRI

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 73 OF THE CONVENTION (continued)

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

1. At the invitation of the Chairperson, the members of the delegation of the Syrian Arab Republic resumed places at the Committee table.
2. The CHAIRPERSON invited the delegation of the Syrian Arab Republic to continue replying to the questions put to it by the Committee at the previous meeting.
3. Mr. MALDAON (Syrian Arab Republic), replying to a question from Mr. El-Borai, said that his Government's ratification of ILO Conventions No. 143 (Migrant Workers (Supplementary Provisions) Convention), No. 137 (Dock Work Convention) and No. 102 (Social Security (Minimum Standards) Convention) had been delayed owing to procedural difficulties. Consideration of those instruments was currently before a tripartite committee within the Ministry of Social Affairs and Labour.
4. There were some 1,200 non-governmental organizations (NGOs) currently working in the economic, social and scientific fields. A number of such organizations focused on human rights issues, particularly those relating to women, children and minority groups. While there were no NGOs that worked exclusively with migrant workers of a single nationality, domestic legislation contained no provisions opposed to the establishment of such a body.
5. Turning to Mr. Sevim's question regarding which provisions of the Convention were mentioned in the bill on civil associations and foundations, he said that the relevant existing legislation contained no explicit reference to foreigners' ability to establish associations or foundations. In practice, some foreigners had set up such associations.
6. On the issue of bilateral agreements, raised by Ms. Dieguez, his Government was currently negotiating the terms of a memorandum of understanding with Indonesia on the recruitment of Indonesian domestic workers for employment in Syria. Similar agreements were under consideration with other States.
7. While all children of migrant workers had the right to attend Syrian public and private schools, their access to education was sometimes hindered by a lack of knowledge of the Arabic language. Many children of migrant workers attended schools that conducted lessons in English or French. Most such establishments were privately run.
8. On the issue of quotas in the People's Assembly, to which Ms. Poussi had referred, he said that there was a quota for the number of workers' representatives in that body. Foreign workers were not represented in the Assembly.
9. Mr. ANNAN (Syrian Arab Republic), replying to Mr. Taghizade's question regarding his Government's efforts to raise migrant workers' awareness of their rights under the Convention, said that consulates and embassies in Arab Gulf countries often intervened when Syrian workers

encountered problems in those States. Consulate and embassy staff ensured that those workers understood their rights under the Convention. The Ministry of Social Affairs and Labour held regular conferences for Syrian expatriates in order to increase awareness of those rights among that community and to resolve any problems they encountered abroad.

10. In answer to Mr. Brillantes' question concerning his Government's efforts to fulfil its obligations under the Convention, he said that steps were being taken to ensure that all domestic legislation was in full conformity with the provisions of the Convention. In the case of a contradiction between an international instrument to which his country was a party and domestic legislation, the international instrument always took precedence before domestic courts.

11. Articles 2 and 3 of the Convention defined the term "migrant worker". Individuals who had fled their countries because of war were refugees, not migrant workers. He referred to recent reports by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the Right to Food, which showed that the Syrian Arab Republic's response to the needs of Iraqi refugees was above expectations. The Syrian Arab Republic freely provided health, education and other services to Iraqi refugees because of the close ties between the people of the two countries.

12. Palestinians received the same treatment as Syrian citizens in the Syrian Arab Republic in all but two areas: for political reasons Palestinians could not obtain Syrian nationality, and they could not vote.

13. He clarified that there were no restrictions on expatriate Syrians returning to their country. It was often thought that such restrictions affected two categories of Syrians: those who had moved abroad without completing their military service legally and those who had done so illegally. Until recently, the latter would have been prosecuted upon their return to the Syrian Arab Republic. However, the law had recently been changed and it had become possible for all Syrian nationals resident abroad to return to the country for up to 180 days. Furthermore, they could pay a fixed sum to be exempted from military service.

14. Mr. ISMAEL (Syrian Arab Republic), in response to the question regarding the expulsion of workers, said that anyone who committed a crime that threatened security in the country would be dismissed and would face expulsion. The crimes that led to dismissal were specified and included illegal entry into the Syrian Arab Republic, theft, fraud, prostitution and drug-related crimes. For less serious offences, workers would not be dismissed. If charges were dropped or there were humanitarian concerns regarding the workers' return to their country of origin, they could request to remain in the Syrian Arab Republic.

15. Any Syrian nationals who left the country illegally could be arrested at the point of entry on their return and the relevant laws could be enforced. In line with international efforts to combat illegal migration, the Department of Immigration and Passports was responsible for dealing with persons who had left the country officially, but who had then entered another country without the appropriate documentation.

16. Children born in the Syrian Arab Republic to foreign parents were registered and issued an identification document by the civil registry indicating their father's name and other details, which enabled them to register with their own country's consulate and thus obtain documents such as passports or residence permits.

17. Mr. AL-BASHA (Syrian Arab Republic) drew attention to subparagraph (b) of the response to question 9, which stated that undocumented workers did not have access to the labour courts, but could seek redress before the ordinary courts. Decree No. 49, enacted following the secession of the Syrian Arab Republic from the United Arab Republic, remained in force and contained provisions on the dismissal of workers, whether Syrian or foreign. Under that decree workers with employment contracts who were dismissed could appeal to the labour courts. Workers who had entered the country illegally and who had de facto contracts could apply only to the ordinary courts and would personally bear the costs.

18. The Syrian Arab Republic had signed bilateral agreements with the three Gulf States where Syrian workers were most likely to migrate. A fourth bilateral agreement was to be signed with Qatar. Some Arab States that received Syrian workers did not wish to sign a bilateral agreement.

19. With regard to the question on model employment contracts, he said that there were two categories of foreign workers: domestic and non-domestic. The latter, of which there were few, were free to negotiate their contracts with their employers. In an effort to protect the interests of foreign domestic workers, who were mostly female, model contracts had been drawn up that were designed to respect the rights of both employees and employers.

20. Mr. MALDAON (Syrian Arab Republic) said that there were two kinds of labour law in the Syrian Arab Republic: the first applied to civil servants and the second applied to the private sector, in which all foreign workers were employed. If a foreign worker did not have a written contract, a contract could be confirmed by witnesses or by any document showing that he or she had received pay. Under labour law, a fixed-term contract became permanent once it had been extended for one or two years. There were no labour courts as such in the Syrian Arab Republic, only committees that dealt with unfair dismissal. Ordinary courts had jurisdiction over matters such as remuneration and working conditions. A bill had been drafted proposing the establishment of specific labour courts.

21. The CHAIRPERSON recognized the difficult situation faced by the Syrian Arab Republic because of its geographical and political situation, particularly with regard to the large influx of Iraqi nationals, and acknowledged the efforts that the Syrian Arab Republic was making with regard to those refugees. The Committee could not be as categorical as the State party in saying that the Convention did not apply to refugees, because it was possible for migrant workers to become refugees and vice versa. Any persons working in a country other than their own were migrant workers and, as such, should enjoy the rights established under the Convention.

22. With respect to the relationship of the Syrian Arab Republic with Syrians abroad, he requested clarification of the term "spoilt children" used the previous day by the Syrian delegation and enquired about the tax obligations of expatriate Syrians.

23. He asked whether NGOs had contributed to the report and whether they were encouraged to deal with the issues affecting migrants within or outside the Syrian Arab Republic. He

acknowledged the official support system in place and asked whether there were also independent organizations addressing the issues of Syrian expatriates in their destination countries.

24. Mr. BRILLANTES (Vice-Chairperson) commended the delegation of the Syrian Arab Republic on its forthright, honest presentation, during which it had acknowledged that there was considerable scope for improvement.

25. Mr. EL-BORAI said that further clarification was required on a number of points. With regard to the admission of children of migrant workers to schools, he was unsure whether they were admitted to private schools only; if so, that would constitute a violation of the Convention. The nature of the document attesting to the birth of children of migrant workers had not been made clear. He would like more details of which categories of passports were confiscated, and what travel documents they were replaced with. Incomplete information had been provided concerning non-governmental organizations. With regard to the issue of dismissals boards, raised by Mr. Alba, he noted that the reply to question 9 (b) of the list of issues had stated that migrants without work permits had access to ordinary courts, but not to the labour courts. That was not in line with the Convention, which provided that no distinction should be made between documented and undocumented migrant workers. He hoped that the pending draft legislation would remedy that problem. He would welcome further information concerning Syrians who returned to their country.

26. Mr. TAGHIZADE (Vice-Chairperson) expressed concern that the delegation of the Syrian Arab Republic, in response to queries regarding the violation of certain provisions of the Convention, had given reasons for those violations rather than describing the action taken to remedy the situation. A case in point was the limit of 60 per cent that was placed, contrary to the Convention, on the remittance of salaries and allowances. Noting that Syrians working abroad had the right to vote, he asked how many - for example, what percentage - did so in practice.

The meeting was suspended at 11.40 a.m. and resumed at noon.

27. Mr. MALDAON (Syrian Arab Republic) said that efforts were underway to improve the provision of statistics on migrant workers. With regard to the application of the Convention to refugees, in particular Iraqi refugees, he said that others must help his country with the burden of hosting Iraqi refugees. It was important to address the root cause of the problem, which was the occupation of Iraq by the United States of America. Efforts were required in order to bring about conditions that would enable Iraqis to return to their country.

28. With regard to the comment made earlier by the Chairperson, he said that his delegation had not meant to liken Syrians living abroad to "spoilt children". Perhaps that misunderstanding had arisen from the interpretation; the remark had simply meant that they were able to enjoy services of a very high quality. Syrians living abroad were taxed by their country of residence, not by the Syrian Arab Republic. If a Syrian national's car had a foreign number plate, it was not taxed; however, Syrians living abroad who wished to import a car to their country of origin would have to pay customs duties. While Syrians living abroad did not pay income tax to the Syrian Arab Republic, they did have to pay entrance and exit fees. Although non-governmental organizations had not participated in the preparation of the State party report, they would be invited to contribute to future reports.

29. With regard to the issue raised concerning the black market for the transfer of foreign currency, he said that while that black market used to exist, it no longer did, as there was greater freedom concerning the remittance of salaries. No dismissals boards were provided for in the new draft legislation, in line with Egyptian legislation; rather, courts for workers would be established, which would be responsible for issuing rulings. He assured the Committee that his country was serious about dealing with violations of the Convention, and was doing its utmost to remedy the shortcomings that had been pointed out. With regard to the right of Syrians to vote abroad, he said that participation in elections was high, and that polling booths were provided in most host countries.

30. Mr. ANNAN (Syrian Arab Republic) said that the term “spoiled child”, employed earlier in the discussions, had been used symbolically. It was vital to ensure that all Syrian nationals living abroad were treated with respect and that due account was taken of their special needs, aspirations and obligations. Following legislative changes made in 2003, no Syrian expatriates had been made to pay income tax since 2004 and all embassies of the Syrian Arab Republic had been informed of the change.

31. He objected to the fact that the restrictions on the remittance of salaries in a foreign currency by migrant workers in the Syrian Arab Republic had been referred to as a violation of the Convention. Salaries were very low in the Syrian Arab Republic and the authorities believed few people could afford to send more than 60 per cent of their income to their countries of origin. Previously no remittances had been allowed and the current regulation was far less restrictive. New draft legislation was before parliament to relax the rules further, but some controls were needed to protect those on very low incomes, such as domestic employees.

32. Elections in the Syrian Arab Republic were announced well in advance and Syrian nationals living in foreign countries were even contacted by the local embassy by telephone so that they could vote. Voting was supervised by high-level officials at each embassy.

33. Mr. AL-BASHA (Syrian Arab Republic) recalled that Decree No. 49 of 1962 dated back to the dissolution of the United Arab Republic and the privatization of certain enterprises. The decree had been intended to reassure workers facing dismissal. While dismissals boards could authorize sackings, workers could seek redress before the ordinary courts.

34. Mr. KARIYAWASAM said that the initial report, which lacked substance and detail, had failed to reflect the full reality in the Syrian Arab Republic. The discussions that had been held between the Committee and the delegation had shown that the State party was endeavouring to implement the Convention. The Committee recognized that a problem facing the authorities was that many Syrian nationals worked in States that had not signed or ratified the Convention. Nevertheless, he encouraged the Syrian authorities to do more to implement the provisions of the Convention and to reflect any measures taken in its future reports to the Committee.

35. Mr. TAGHIZADE said that, in view of the occupation of parts of Syrian territory and the large number of migrants from the Syrian Arab Republic working abroad, it would be useful to have statistics on the numbers of Syrian nationals working abroad who had exercised their right to vote in Syrian elections.

36. The CHAIRPERSON recalled that questions put to delegations by the Committee were jointly discussed before the meetings. Answers were therefore addressed to the whole Committee and not to individual members. Nevertheless he felt that the proceedings had been very helpful, especially since the initial report had been very theoretical and lacking in specifics. Taking up Mr. Taghizade's point, he said that the Committee was disappointed at the lack of concrete detail and statistics in the initial report in general. In future he hoped that as many facts and figures as possible would be included in the reports to the Committee.

37. Mr. MALDAON (Syrian Arab Republic) said that pending further ratifications of the Convention, his Government would seek to sign more bilateral agreements with other countries. It would also further regulate recruitment agencies. The authorities would strive to provide more statistical information and documentation when it presented its next report. The Syrian Arab Republic was proud of its hospitality and the steps taken to help refugees on its soil.

38. Mr. ANNAN (Syrian Arab Republic) said he would provide the Committee with a full set of statistics on voting in elections by Syrian nationals working abroad. He added that he had sent a considerable amount of additional documentation, including statistics, to the Secretariat but had been informed late in the day that it had not arrived. It was important for the Committee to engage the States parties in the monitoring process and to encourage other States to sign and ratify the Convention.

39. The CHAIRPERSON thanked the delegation and urged the authorities of the Syrian Arab Republic to participate in promoting the signature, ratification and implementation of the Convention regionally and internationally.

The meeting rose at 12.55 p.m.