

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector workforce; but the government did not effectively enforce these provisions. The law protects persons with disabilities from discrimination in education, access to health, or provision of other state services. Article 7 of Law 50 reserves 4 percent of government jobs for persons with disabilities. Article 136 of Law 17 reserves 2 percent of private business jobs for persons with disabilities. Private businesses are eligible for tax exemptions after hiring persons with disabilities. The MoSAL is responsible for assisting persons with disabilities and worked through dedicated charities and organizations to provide assistance, often to promote self-sufficiency through vocational training. There were no reports of abuse patterns in mental health facilities.

National/Racial/Ethnic Minorities

The government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities but the government's actions toward the Kurdish minority remained a significant exception. Security services arrested

hundreds of Kurdish citizens during the year, and the SSSC prosecuted them, in some cases on charges of seeking to annex part of Syria to another country. These efforts were widely documented, including in a November 2009 Human Rights Watch report *Repression of Kurdish Culture and Rights in Syria*.

For example, on March 21, security forces fired on a crowd of Kurds in Raqqah, a town in the northeast, during their annual Nowruz celebrations. According to HRW, Kurds congregated on the outskirts of Raqqah at about 9 a.m. at a gathering organized by the PYD (Hezb al-Ittihad al-Dimocrati), an unlicensed party in the country. Kurdish flags and pictures of Abdallah Ocalan, jailed leader of the terrorist organization Kongra-Gel, the former PKK, were displayed at the gathering. After a short time, uniformed and plainclothes security forces attempted to disperse the crowds by force. Kurdish human rights groups stated that two people were killed during the demonstrations, although only one death, that of Muhammad Omar Haydar, was confirmed by observers and human rights activists. Security forces arrested dozens of Kurds during and after the festival. At year's end no formal investigations had been undertaken. Nowruz festivals have had a history of being interrupted, sometimes violently, throughout the country.

On September 7, UN special rapporteur on the right to food, Olivier De Schutter, acting on a mandate from the UN Human Rights Council, issued a report on the right to food, in regards to human rights and humanitarian situations in the country. One of the main recommendations of the detailed examination called on the government to stop its discrimination against the 250,000 to 300,000 stateless Kurds, who among other handicaps, lacked access to the public distribution of subsidized food. The report concluded that "nothing short of attribution of full citizenship rights is required" for stateless Kurds to realize the full range of their human rights, particularly economic, social, and cultural rights.

According to a Kurdish news Web site, on November 7, Kurdish lawyer and writer Mustafa Ismail was convicted of "working to withhold part of Syrian territory and annex it to the foreign State" and sentenced to seven years in prison. He was tried before a military judge in Aleppo when he pled not guilty to all charges against him.

A Kurdish-run human rights watchdog, Kurdwatch.org, estimated that as of October 11, there had been 59 arrests and 38 convictions of Kurds. In addition, the Web site recounted that 26 of the 38 convictions were for having connections to a political party.

In December 2009 human rights observers reported that writer and activist Bir Rustom was arrested as a result of his travel to Iraqi Kurdistan. Rustom was summoned for questioning by security officials, and then detained. In response to his family's inquiries, security officials said they knew nothing about his status. At year's end Rustom had not been sentenced, and his whereabouts remained unknown.

Many human rights observers believed that the government deliberately attempted to stop any public display of "Kurdishness."

Although the government contended there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials in Kurdish, Kurdish cultural expression, and at times the celebration of Kurdish festivals. After beginning in 2009, authorities continued enforcement of an old ruling requiring that at least 60 percent of the words on signs in shops and restaurants be in Arabic. Officials reportedly sent patrols into commercial districts to threaten shop owners with closure if they refused to change the names of their stores into Arabic. Minority groups--especially Kurds, whom the government appeared to target specifically--regarded the step as a further attempt to undermine their cultural identity.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law criminalizing homosexual conduct states that each sexual act "contrary to nature" is punishable by as long as three years in prison. Because homosexual conduct was both unlawful and considered shameful, the law made gays, lesbians, and transgendered individuals vulnerable to honor crime retaliation. Penal code Article 192 permits judges to reduce legal penalties in cases when an individual's motive for murder is a sense of honor.

There were no reports of prosecutions under laws criminalizing homosexual conduct during the year nor evidence of honor crimes against gays and lesbians; however, reports indicated that dozens of gays and lesbians have been imprisoned over the past several years after being arrested on vague charges such as abusing social values, selling, buying or consuming illegal drugs, and organizing and promoting "obscene" parties. There were no reports of punishment for female homosexual behavior.

The size of the lesbian, gay, bisexual, and transgender (LGBT) community was unclear, as many individuals feared identifying themselves as such or forming LGBT associations due to societal discrimination and the potential for criminal charges. There were no NGOs focused on LGBT matters. There were several online networking communities, including Facebook pages, that served the local LGBT community. However, increasing Internet connectivity in the country, albeit under the government's watchful eye, helped network the community.

Human rights activists believed there was overt societal discrimination based on sexual orientation in all aspects of society. There are no official discriminatory laws based on sexual orientation in employment, as homosexuality is a crime in the country. There were no reports during the year of specific employment or government service discrimination based on sexual orientation.

Other Societal Violence and Discrimination

There were no reports of violence or discrimination against persons with HIV/AIDS. Human rights activists believed that the extent of the problem was widely underreported.

Section 7 Worker Rights

a. The Right of Association

Although the constitution provides for the right of association and to form unions, in practice workers were not free to establish unions independent of the government. Foreign workers may join the union representing their profession but may not run for election to union office, with the exception of Palestinians who can serve as elected officials in unions. While the law does not prohibit labor strikes, they are severely restricted by threat of punishment and fines. All unions belonged to the General Federation of Trade Unions (GFTU), which was dominated by the Ba'ath Party; it controlled most aspects of union activity, including which sectors or areas of activity can have a union.

The GFTU advised the government on legislation, organized workers, and formulated rules for member unions, effectively controlling nearly all aspects of union activity, and has the power to disband union governing bodies. Union elections were generally free of direct, overt GFTU interference, but successful campaigns usually required membership in the Ba'ath Party. The GFTU president

was a senior member of the Ba'ath Party, and he and his deputy could attend cabinet meetings on economic affairs.

Foreign workers can join unions according to sector but are prohibited from serving as elected officials, with the exception of Palestinians who can serve as elected officials in unions. And collective bargaining was not practiced in any meaningful way. By the end of the year, there were no reports that any individual union, the GFTU, or any cooperatives had exercised their right to collective bargaining. There were reports of a strike at a port in Tartous by more than 2,500 workers demanding better working conditions and pay raises, which they received. Observers claim that strikes are rare for fear of repercussions.

The law does not prohibit strikes. However, strikes with more than 20 workers in certain sectors including transportation and telecommunication are punishable by fines and prison sentences. Workers who strike in public places are subjected to fines and prison sentences. Previous government punishment, including fines and prison sentences, deterred workers from striking. Forced labor was imposed on individuals who caused "prejudice to the general production plan." There are no legal protections for self-employed workers even though they comprise more than 55 percent of the total workforce.

b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively; this right did not exist in practice, as the unions were effectively led by Ba'ath Party officials closely tied to the government. Government representatives were part of the bargaining process in the public sector. Public sector unions did not normally bargain collectively on wage issues, but union representatives participated with representatives of employers from the government-affiliated Chambers of Industry and Commerce and the supervising ministry in establishing minimum wages, hours, and conditions of employment in the private sector. Workers served on the boards of directors of public enterprises, and union representatives were included on the boards, but foreign workers were excluded from this right.

The law provides for collective bargaining in the private sector, although past government repression dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and may ask for binding arbitration. In practice labor and management representatives settled most disputes without resorting to legal

remedies or arbitration. Management has the right to request arbitration, but that right seldom was exercised. Arbitration authority is vested in the MOJ's Administrative Petition Court. In practice this court did little more than certify agreements and had almost no role in arbitrating disputes, since such disputes did not occur often.

There were no reports of antiunion discrimination and a mechanism to report this practice does not exist. Unions are part of the government's bureaucratic structure and the law protects union members from discrimination.

According to labor law all public-sector workers are members of a union. Firms in the free trade zones (FTZs) were exempt from the laws and regulations governing hiring and firing, although they were required to observe some provisions on health, safety, hours, and sick and annual leave. Ninety percent of the workers in the FTZs were citizens. The Ministry of Economy and Trade governs the FTZs and makes unannounced inspections.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit all forms of forced or compulsory labor, and the forced or compulsory labor existed in the country. Domestic workers such as housekeepers, cooks, and servants were subjected to excessive work hours, inadequate living quarters, restrictions on movement and communication, and emotional and physical abuse from employers.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor law provides for the protection of children from exploitation in the workplace. Independent information and audits regarding government enforcement were not available. The Ministry of Social Affairs and Labor is the primary institution overseeing child labor but the exact monitoring mechanisms are unknown. The ministry is also responsible for tracking enrollment of children in schools up to age 15. Child labor is the main source of income for some Iraqi families in refugee camps as they are not allowed to legally work.

The private-sector minimum age for employment is 15 years for most types of nonagricultural labor and 17 years for heavy work. Children of legal age may work

only six hours a day and may not work during night shifts, weekends, or on official holidays. In all cases parental permission is required for children younger than 16 to work. Most children younger than 16 who worked did so for their parents in the agricultural sector without remuneration. Although the law prohibits children from working at night, it applies only to children who work for a salary. Those who work in family businesses and who are technically not paid a salary--a common occurrence--do not fall under the law. The law prohibits children younger than 15 from working in mines, at petroleum sites, or in other dangerous areas. Children are not allowed to lift, carry, or drag heavy objects.

During the year increasing numbers of children were compelled to work, according to human rights advocates. The MoSAL reportedly asserted that 500 children were involved in child labor. The International Labor Organization (ILO) and the UN Children's Fund estimated the number to be 650,000.

The MoSAL, with the ILO, launched a national program to eradicate child labor in Syria. On August 10, the World Health Organization sponsored a workshop on eliminating child labor, and the seminar focused on strengthening the national capacity to eliminate child labor.

There was evidence that children engaged in some of the worst forms of child labor during the year, including forced labor and prostitution. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

In August, according to local media, the Ministry announced new provisions to prevent child begging and solicitation. The provisions include fines ranging from SYP 23,000 to SYP 46,000 (\$500 to \$1,000), but monitoring and enforcement measures are unclear. Many observers were not aware of this law and details were not available at year's end.

The MoSAL monitored employment conditions for persons younger than 18, but there were too few inspectors to ensure compliance with the laws. The Labor Inspection Department performed unannounced spot checks of employers daily to enforce the law, but the scope of these checks was unknown. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

e. Acceptable Conditions of Work

The public sector minimum wage is divided into five categories based on job type and/or level of education. The minimum monthly wage for an individual with four

to five years of university education was SYP 9,645 to 9,965 (\$211 to \$218), plus benefits; with a high school diploma up to two years of university education, SYP 7,750 to 8,465 (\$169 to \$185); with a junior high school diploma, SYP 6,765 (\$148); for drivers, SYP 6,200 (\$136); and laborers or janitors, SYP 6,010 (\$132). Benefits included compensation for meals, uniforms, and transportation. The minimum wage did not provide a decent standard of living for a worker and family. Private-sector companies usually paid much higher wages. Many workers in both the public and private sectors took additional manual jobs or were supported by their extended families. Observers claimed that second jobs provided an extra SYP 4,500 to SYP 9,000 (\$100 to \$200) per month. The labor and social affairs minister was responsible for enforcing the minimum wage. The ministry has special inspectors who are tasked with unannounced inspections to ensure compliance with minimum wage, employee benefits, and child labor laws.

The public-sector workweek was 35 hours; the private sector's was 48 hours. Workers were guaranteed one 30-minute lunch break per day at minimum. Premium pay exists for overtime worked, and a prohibition on excessive compulsory overtime exists in several sectors.

Officials from the Ministries of Health and Labor were designated to inspect work sites for compliance with health and safety standards; such inspections were sporadic, apart from those conducted in hotels and other facilities that catered to foreigners. The enforcement of labor laws in rural areas was more lax than in urban areas, where there were more inspectors. Workers may lodge complaints about health and safety conditions with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment. Migrant workers are not covered under these laws and are vulnerable to abuse.

On March 29, the president issued Labor Law 17, which prohibits discrimination against workers based on race, skin color, sex, marital status, religion, political viewpoints, nationality, social background, or dress. The law further states that any worker can seek damages against any employer who is in violation of this law. Among other provisions it also increases employment-violation fines from SYP 200 to SYP 500,000 (\$4.50 to \$11,000); establishes a special court in each governorate to oversee employment disputes; and sets up a national committee on the minimum wage.