



REALITY CHECK

THE STATE OF MIGRANT WORKERS' RIGHTS
WITH FOUR YEARS TO GO UNTIL THE QATAR 2022 WORLD CUP

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CONTENTS

1. OVERVIEW	5
2. THE KAFALA SYSTEM	9
3. PAY AND GRIEVANCES	11
4. DOMESTIC WORKERS	14
5. TIMELINE	16

1. OVERVIEW

With less than four years until the 2022 FIFA World Cup kicks off in front of 86,000 fans at the Lusail Stadium, and millions watching across the world, Qatar's record on migrant workers' rights remain firmly in the spotlight.

While Qatar has finally begun a high-profile reform process promising to tackle widespread labour exploitation and "align its laws and practices with international labour standards"¹, workers still continue to be vulnerable to serious abuses including forced labour and restrictions on freedom of movement.

This briefing provides an update and reality check on how far Qatar has come in meeting its promises, and how far the host of the 2022 World Cup still has to go before it can be said to fully respect and protect workers' rights.

BACKGROUND: LONGSTANDING ABUSE OF MIGRANT WORKERS IN QATAR

Since 2010, when the country was awarded the right to host the 2022 World Cup, Qatar's migrant worker population has rapidly expanded. Driven in part by the subsequent construction boom, the country's population jumped from 1.6 million people in December 2010 to 2.6 million in December 2018². Coming from some of the world's poorest countries, and working in sectors including construction, hospitality and domestic service, migrant workers make up 95% of the country's labour force. Yet with rapidly increasing numbers of workers travelling to take advantage of economic opportunities, more also fell victim to Qatar's exploitative labour system.

The abuse and exploitation of low paid migrant workers, sometimes amounting to forced labour and human trafficking, have been extensively documented since the World Cup was awarded to Qatar. In October 2013, for example, The Guardian³ reported that 44 Nepali workers had died in Qatar in just a two-month period, while Amnesty International reports in 2013⁴ and 2016⁵ documented large scale labour abuse in the construction sector, including forced labour, such as at Doha's Khalifa Stadium. In 2014 the UN Special Rapporteur on Migrant Rights also described how "exploitation is frequent and migrants often work without pay and live in substandard conditions⁶", and called for the country's sponsorship system to be abolished.

¹ International Labour Office, Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No.29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd session (2014) of the International Labour Conference under article 26 of the ILO Constitution, Governing Body 331st Session, Geneva, 26 October- 9 November 2017, p.2 and par 3, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf (accessed 31 January 2019)

² Qatar Ministry of Development Planning and Statistics, Monthly figures on total population for December 2018, graph on population, available at: <https://www.mdps.gov.qa/en/statistics1/StatisticsSite/pages/population.aspx?p=1>

³ Robert Booth, Owen Gibson and Pete Pattison, "Qatar under growing pressure over workers' deaths as Fifa is urged to act", *The Guardian*, 2 October 2013, <https://www.theguardian.com/world/2013/oct/02/qatar-workers-deaths-fifa-world-cup-2022>

⁴ Amnesty International, Qatar: End corporate exploitation of migrant construction workers, press release, 17 November 2018, available at: <https://www.amnesty.org/en/latest/news/2013/11/qatar-end-corporate-exploitation-migrant-construction-workers/>

⁵ Amnesty International, Qatar: Abuse of World Cup workers exposed, press release, 31 March 2016, available at: <https://www.amnesty.org/en/press-releases/2016/03/abuse-of-world-cup-workers-exposed/>

⁶ UN Office of the High Commissioner for Human Rights, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Addendum, Human Rights Council, 26 Session, 23 April 2014, Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, available at: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-35-Add1_en.doc

REALITY CHECK

THE STATE OF MIGRANT WORKERS' RIGHTS WITH FOUR YEARS TO GO UNTIL THE QATAR 2022 WORLD CUP

Despite nascent reforms, such labour abuse continues on a significant scale today. In September 2018, Amnesty International published an investigation into an engineering company called Mercury MENA⁷ that had left dozens of workers stranded and penniless, eventually feeling obliged to return home in debt despite being owed thousands of dollars of wages and benefits. The workers had been involved in building vital infrastructure serving the city and stadium hosting the opening and the final matches of the 2022 World Cup. In a separate high-profile case first reported in May 2018, a group of 1,200 workers went unpaid for several months and went weeks without running water or electricity⁸.

At the heart of the abuse faced by migrant workers have been a number of factors including:

- **The ‘Kafala’ system** of sponsorship-based employment which legally binds foreign workers to their employers, restricting all workers’ ability to change jobs and still preventing many from leaving the country without their employers’ permission;
- **Late and non-payment of wages**, exacerbating high levels of worker debt caused by **illegal and unethical recruitment practices**;
- **Barriers to obtaining justice** when rights are violated;
- **Prohibition of workers’ organisations**;
- **Failures in the enforcement** of Qatar’s laws that are supposed to protect workers’ rights.

Beyond the spotlight of the World Cup and Qatar’s broader construction boom, the country’s domestic workers also remain acutely vulnerable to abuse and excluded from some key protections and reforms.

THE PROMISE OF REFORM

Following years of promises but limited action (see timeline), in November 2017 Qatar signed an agreement with the UN International Labour Organisation (ILO)⁹ that has given rise to greater optimism. Now with an office in Qatar, the ILO is working with the authorities on a wide-ranging reform process that includes five strands of work: reform of the sponsorship system, access to justice, worker voice, health and safety, and pay and recruitment.

Since 2017, the government has passed several pieces of new legislation aimed at benefiting migrant workers, including setting a **temporary minimum wage**, introducing a **law for domestic workers**, setting up **new dispute committees** and establishing a **workers’ support and insurance fund**. It has also **ratified two important international human rights treaties**, albeit indicating that it will not abide by some of their key obligations, for example on the right for workers to form trade unions. It has also partially reformed the Kafala system without completely abolishing it, **ending the ‘exit permit’ requirement for most workers**, meaning those benefiting should now be able to leave the country without their employer’s permission.

However, despite these welcome reforms, **the reality for many migrant workers in Qatar remains harsh** and will continue to be so until the reform process is completed, far better implemented in practice and applied to all workers. For example, 174,000 domestic workers remain among several categories of workers still excluded from the abolition of the exit permit, the temporary minimum wage remains low, poor enforcement of laws remain a barrier to real progress on the ground, and new dispute committees can still take many months to hear cases – and may still fail to ensure payment when companies will not or cannot pay.

Perhaps most strikingly, there has been no meaningful reform of the prohibition of workers’ changing jobs without the consent of their employer. This means it is fair to say that **the Kafala system remains firmly in place** as a central pillar of an abusive labour system that continues to prevent workers from escaping exploitation and abuse.

⁷ Amnesty International, Qatar: Migrant workers unpaid for months of work by company linked to World Cup host city, press release, 26 September 2018, available at: <https://www.amnesty.org/en/latest/news/2018/09/qatar-migrant-workers-unpaid-for-months-of-work-by-company-linked-to-world-cup/>

⁸ Business & Human Rights Centre, Qatar: 1,200 migrant workers at HKH General Contracting without pay for several months; no response from companies, available at: <https://www.business-humanrights.org/en/qatar-1200-migrant-workers-at-hkh-general-contracting-without-pay-for-several-months-no-response-from-companies> (accessed 31 January 2019)

⁹ Amnesty International, Qatar/UN: Agreement to tackle migrant labour abuse offers path to reform, press release, 26 October 2017, available at: <https://www.amnesty.org/en/latest/news/2017/10/qatar-un-agreement-to-tackle-migrant-labour-abuse-offers-path-to-reform/>

REALITY CHECK

THE STATE OF MIGRANT WORKERS’ RIGHTS WITH FOUR YEARS TO GO UNTIL THE QATAR 2022 WORLD CUP

WHAT ABOUT WORLD CUP WORKERS?

In addition to country-wide reforms, around 30,000 workers specifically working on projects overseen by the Supreme Committee of Delivery and Legacy¹⁰ (SC)- the body in charge of planning and delivering the World Cup infrastructure - are also supposed to benefit from stricter labour standards and protection through the introduction of the Workers Welfare Standards¹¹ in 2014. These standards, which are included in contracts awarded to companies working on World Cup sites, cover issues including ethical recruitment, timely payment of salaries, and a complete prohibition of forced labour. World Cup workers were also moved to newly built accommodations that meet specific standards, while the SC also launched a programme¹² to make payments to thousands of workers who had paid recruitment fees.

While these standards have led to some real improvements¹³, they are not universally respected. In August 2018, for example, Qatar's World Cup organisers acknowledged that contractors working on one of the stadiums for 2022 had breached a summer working hours ban¹⁴ that prohibits outdoor work at times when dangerously high summer temperatures pose a very serious risk to workers' health. In February 2018, an audit of 19 contractors¹⁵ working on World Cup sites showed that abuses such as contract substitution and excessive working hours remained present in a significant majority of the companies analysed. The SC says it continues to work to address the challenges¹⁶ identified in such audits.

WHAT SHOULD QATAR DO?

With less than four years until the World Cup kicks off, and more than a year since the ILO agreement was signed, it is essential that the Qatari authorities accelerate their efforts to truly transform the protections available to their migrant worker population.

Supported by the ILO, and encouraged by its partners, the Government of Qatar should:

- **Fundamentally reform the kafala system:** allow all migrant workers to change jobs without their employers' permission, decriminalise the charge of 'absconding', extend the abolition of the exit permit to all workers, and enforce the ban on passport confiscation.
- **Tackle worker debt and ensure payment of decent wages:** strengthen measures to protect workers from abusive recruitment practices; establish, regularly review and enforce an adequate minimum wage for all workers; ensure the Wage Protection System leads to remedial action in cases of persistent non-payment; and adequately resource the Workers' Support and Insurance Fund.
- **Strengthen enforcement of labour laws:** ensure regular and rigorous labour inspections, including by increasing the number of inspectors speaking languages other than Arabic and English; hold accountable any employer or sponsor failing to respect Qatari laws and regulations;
- **Improve access to justice and workers' voice:** ensure Labour Dispute Resolution Committees are resourced to be able to review cases within the legal timeframe; allow the formation of trade unions and withdraw the related reservations to international treaties.
- **Strengthen protection of domestic workers:** bring the domestic workers' law in line with international standards, for example in relation to working hours; reinforce enforcement

¹⁰ Supreme Committee for Delivery & Legacy website, <https://sc.qa/en> (accessed 31 January 2019)

¹¹ Anchal Vohra, "Is Qatar failing to deliver on its World Cup promises?", DW, 30 August 2018, <https://www.dw.com/en/is-qatar-failing-to-deliver-on-its-world-cup-promises/a-45292278> (accessed 31 January 2019)

¹² Supreme Committee for Delivery & Legacy website, News, "Qatar 2022 workers to be reimbursed more than QAR 52.5 million in recruitment fees", <https://www.sc.qa/en/news/qatar-2022-workers-be-reimbursed-more-qar-525-million-recruitment-fees> (accessed 31 January 2019)

¹³ Supreme Committee for Delivery & Legacy website, Third Annual Workers' Welfare Progress Report March 2017-January 2018, https://www.sc.qa/sites/default/files/Workers-Welfare-Progress-Report-2017-March-to-2018-January-EN_0.pdf (accessed 31 January 2019)

¹⁴ Anchal Vohra, "Is Qatar failing to deliver on its World Cup promises?", DW, 30 August 2018, <https://www.dw.com/en/is-qatar-failing-to-deliver-on-its-world-cup-promises/a-45292278> (accessed 31 January 2019)

¹⁵ Impactt website, Annual External Compliance Report of the Supreme Committee for Delivery & Legacy's Workers' Welfare Standards, February 2018, <https://impacttlimited.com/wp-content/uploads/2018/03/SC-Annual-Report-2018-Issue-6.2-digital.pdf>, p. 6 (accessed 31 January 2019)

¹⁶ Supreme Committee for Delivery & Legacy website, Third Annual Workers' Welfare Progress Report March 2017-January 2018, https://www.sc.qa/sites/default/files/Workers-Welfare-Progress-Report-2017-March-to-2018-January-EN_0.pdf, p.29 (accessed 31 January 2019)

REALITY CHECK

THE STATE OF MIGRANT WORKERS' RIGHTS WITH FOUR YEARS TO GO UNTIL THE QATAR 2022 WORLD CUP

mechanisms and provide protection to victims; hold abusive employers to account, including through criminal prosecution.

WHAT ABOUT FIFA AND COMPANIES IN QATAR?

Responsibilities and solutions do not only lie with the Qatari government. The UN Guiding Principles on Business and Human Rights¹⁷ makes clear that companies must – at a minimum – respect human rights, including the rights of workers. This means taking adequate measures to prevent, mitigate and – where necessary – redress human rights abuses connected to their operations. Under no circumstances should companies take advantage of the flaws in Qatar’s labour system to exploit workers.

For entities like **FIFA**, this means having an ongoing responsibility to both prevent abuses and to address those that have occurred as a result of their business operations linked to the World Cup. This means, in line with its own Human Rights Policy¹⁸, FIFA should not only ensure the respect of labour rights in the construction of World Cup stadia, but also use its leverage to ensure rights are respected in a broader range of infrastructure projects needed for delivery of the 2022 World Cup, such as the cooling systems or accommodation complexes highlighted in the Mercury MENA case, or related transport projects.

With the clock ticking, FIFA should also proactively seek to influence the Qatari authorities to fully and quickly deliver on their promised reforms, so that the protection of all migrant workers in the country may be a positive and enduring legacy of the 2022 World Cup.

Other stakeholders including other governments, national football associations and sponsors can also add their voices and play an influential role at this critical juncture.

¹⁷ UN Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (2011), UN Doc HR/PUB/11/04, https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed 31 January 2019)

¹⁸ FIFA website, Resources, “FIFA’s Human Rights Policy”, May 2017 edition, https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf, p.5 (accessed 31 January 2019)

2. THE KAFALA SYSTEM

THE CONTINUED ROLE OF QATAR'S SPONSORSHIP SYSTEM IN FACILITATING ABUSE

'Kafala' systems operate in all of the Gulf states, together with Jordan and Lebanon. They essentially bind foreign workers to their employer, who acts as their official "sponsor" (or kafeel) from the moment they enter the country and throughout their period of employment. To enter and be able to work in the country, migrant workers need their employer to sponsor their visa, issue and renew their residence permits.

Once in the country, the system grants enormous power to employers and leaves workers acutely vulnerable to abuse and exploitation. Workers need their employer's permission to change jobs (technically known as a "No-Objection Certificate" or NOC), and they can be arrested and deported if their employers report them as having "absconded" from their job, or if employers cancel their visas or fail to renew their residence, rendering workers illegal in the country through no fault of their own.

Until October 2018 all migrant workers in Qatar also needed their employers' permission to get an 'exit permit' to leave the country. While now abolished for most workers, some groups such as domestic workers still require such permission.

The kafala system essentially absolves the government from exercising its proper role in regulating employment and ensuring the protection of workers, while creating a deeply imbalanced relation between workers and employers. By enabling the latter to exercise significant control over the life of the worker, the system directly enables forced labour and other serious abuses.

KAFALA IN PRACTICE

Many of the myriad problems that migrant workers in Qatar encounter can be traced back in different ways to the kafala system, especially when combined with workers' crippling debts from illegal recruitment fees, scant police protection, difficult access to courts and the prohibition of trade unions.

For example, in the case of the Mercury MENA workers in which migrant workers from India, Nepal, the Philippines and elsewhere worked for months without pay on prestigious projects linked to the 2022 World Cup - the Kafala system prevented them from escaping their abuse. Unable to change job, they worked for months in the hope they may one day be paid, before finally being left with no option but to return home penniless and in debt. In previous reports, Amnesty International has highlighted the case of numerous individuals such as Nabeel¹⁹, a metal worker from India who was being paid less than promised, and with significant delays. He explained how his manager threatened to stop his salary and prevent him from changing employers or leaving the country, unless he kept working for the company.

HAS QATAR REFORMED ITS KAFALA SYSTEM?

¹⁹ Amnesty International, *The Ugly Side of the Beautiful Game: Exploitation of Migrant Workers on a Qatar 2022 World Cup Site*, (Index Number: MDE 22/3548/2016), 30 March 2016; page 32, available at: <https://www.amnesty.org/en/documents/mde22/3548/2016/en/>

There have been promises to reform the kafala system for a number of years. In May 2014, the government announced publicly that it would “replace” the sponsorship system and the exit permit as part of a package of reforms²⁰. Widely reported in the media as the “abolition of kafala”, the new law was in effect little more than a name change. In force since December 2016, it allows workers to change employers without permission only after they have completed their contracts, which in practice this means that many migrant workers – for example those on indefinite contracts - can still remain tied to their employers for up to five years²¹.

While the 2016 law, like its 2009 predecessor, includes a provision allowing for the transfer of workers in cases of abuse or a lawsuit with their employer, Amnesty International has found that, in reality, its complexity has meant that many workers have been unable to take advantage of it.

The 2016 law also introduced a harmful loophole undermining efforts to curtail passport confiscation – a banned but longstanding practice that has hindered many workers’ ability to escape abuse – by outlining circumstances under which it may be legally done.

More recently, in November 2017, Qatar pledged to remove “restrictions on workers’ ability to change employer and exit the country,” as part of the agreement signed with the ILO²², providing some renewed hope of meaningful reform.

Qatar partly fulfilled one part of this pledge in October 2018 by removing the powers of employers to ban most migrant workers from leaving the country²³ through the requirement of an ‘exit permit’. However, large numbers of workers not covered by the Labour Law, such as domestic workers and those working in government entities, are not covered by the reform, while employers can still request exit permits for up to 5% of their workforce, depending on the nature of their work.

Meanwhile, the other central pillar of the kafala system facilitating labour abuse – the need to get permission from one’s employer to change job while in contract – remains firmly in place and the authorities have provided no further details about when, how or whether this restriction will be removed or reformed.

²⁰ Qatar Ministry of Interior, Ministry News, “Qatar Announces Wide-Ranging Labour Market Reforms”, 14 May 2014, <https://www.moi.gov.qa/site/english/news/2014/05/14/32204.html> (accessed 31 January 2019)

²¹ Amnesty International, *New Name, Old System? Qatar’s New Employment Law and Abuse of Migrant Workers*, (Index Number: MDE 22/5242/2016), 13 December 2016, page; 5, available at: <https://www.amnesty.org/download/Documents/MDE2252422016ENGLISH.PDF>

²² International Labour Office, Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No.29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd session (2014) of the International Labour Conference under article 26 of the ILO Constitution, Governing Body 331st Session, Geneva, 26 October- 9 November 2017, p.2 and par 3, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf (accessed 31 January 2019)

²³ Amnesty International, Qatar : Partial abolition of ‘exit permit’ lifts travel restrictions for most migrant workers, 5 September 2018, <https://www.amnesty.org/en/latest/news/2018/09/qatar-exit-system-reform-first-step/> (accessed 31 January 2019)

3. PAY AND GRIEVANCES

The non-payment and late payment of wages are generally the most common complaints of migrant workers. The high and often illegal recruitment fees that migrant workers pay to secure employment in Qatar, coupled with the low pay they receive on arrival, can very easily lead to or exacerbate conditions of forced labor as workers struggle to pay back debts incurred during the recruitment process. Amnesty's research in Nepal has found that workers paid an average of over \$1,300 to secure their jobs in Qatar²⁴.

In October 2017 Qatar introduced a temporary minimum salary of just QR750 (around US\$200) per month²⁵. The rate is less than the QR900 per month minimum wage that Nepal's Department of Foreign Employment currently demands from Qatari companies seeking to employ its citizens. The current minimum wage remains too low to secure just and favorable working conditions for workers and help most of them earn enough to free themselves from the debt bondage caused by payment of illegal recruitment fees. As part of the agreement with the ILO, the Qatari authorities are currently consulting on setting a new minimum wage for all workers. This should be established as soon as possible, set at a level ensuring decent and fair remuneration to all workers, reviewed regularly, and accompanied by mechanisms to identify and hold accountable employers who do not comply.

PREVENTING NON-PAYMENT OF WAGES – THE WAGE PROTECTION SYSTEM

Wages are not only low, sometimes they are not paid. To try and overcome this problem, the government introduced a new Wage Protection System (WPS) in November 2015, which mandates companies – but not employers of domestic workers - to pay their employees by electronic transfer and improves the government's ability to monitor cases when companies fail to do so. The authorities have a system of "blacklisting" companies who fail to pay workers, which means that companies cannot recruit new employees or carry out certain other bureaucratic procedures. The government states that it seeks the prosecution of companies who fail to pay their workers²⁶, but it is unclear how often this happens in practice as there is no available data.

In some cases, the WPS may provide a useful mechanism to encourage regular payment of salaries, while also providing evidence that could be used if workers bring grievances. Yet, when companies persistently fail to pay their workers, adequate remedial action from the authorities is far from assured. Amnesty International has documented cases where hundreds of workers have been stranded for months without

²⁴ Amnesty International, *Turning People Into Profits: Abusive Recruitment, Trafficking and Forced Labour of Nepali Migrant Workers*, (Index Number: ASA 31/6206/2017), page; 70, available at: <http://www.amnesty.ie/wp-content/uploads/2017/06/Amnesty-Nepal-Turning-people-into-profits-v4.pdf>

²⁵ The Peninsula website, "Qatar to introduce minimum wage for workers!", 25 October 2017, <https://thepeninsulaqatar.com/article/25/10/2017/Qatar-to-introduce-minimum-wage-for-workers> (accessed 31 January 2019)

²⁶ International Labour Office, Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No.29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd session (2014) of the International Labour Conference under article of 26 of the ILO Constitution, Governing Body 331st Session, Geneva, 26 October- 9 November 2017, p.11 par.15 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf (accessed 31 January 2019)

work, pay, or other support from their employers. In each of these cases, the relevant Qatari authorities were aware of the issues from an early stage but failed to provide the workers with the support they needed.

For example, the WPS should have helped the group of Mercury MENA workers avoid the horrendous situation they went through for months, by requiring appropriate action to address their abuse and improve their situation. Qatari authorities did indeed identify that the company in question had failed to pay its workers, did give the company a warning, and this did lead to the company being referred to the public prosecutor and “blacklisted”. However, the WPS did not trigger a broader investigation into the company to hold management accountable and crucially did not ensure that workers’ salaries were paid or any similar remedy provided. It did not help them regularize their immigration status, change jobs or leave the country.

CLAIMING UNPAID WAGES – LABOUR DISPUTE RESOLUTION COMMITTEES AND THE WORKERS’ SUPPORT AND INSURANCE FUND

In August 2017, Qatar passed a law that established the Labour Dispute Resolution Committees²⁷, a judge-led “fast track” labour dispute mechanism aiming at improving access to justice by settling labour disputes within three weeks of a worker filing a complaint – a process that previously had been painfully slow with grievances in some cases taking up to a year to resolve, if at all.

The mechanism became operational in March 2018 and has improved the speed with which workers’ labour complaints are considered. However, in many cases it remains much slower than the timeframe set out in law, and Amnesty International is aware of hundreds of current cases where workers have already been waiting more than three months – sometimes much more - for their case to be heard. In many cases, workers have given up hope and returned home without the money owed to them.

Even when cases are won, however, some workers still find it very difficult to receive their money, not least when companies cannot or will not pay the amounts ordered. Amnesty International is aware of dozens of cases where workers have been left to pursue enforcement of their judgement through a different court system, which has proven to be an arduous, time-consuming, and often fruitless endeavour.

Responding to this problem, the authorities also announced, in November 2018, the establishment of the Workers’ Support and Insurance Fund²⁸. Once up and running this fund should be able to pay the workers their unpaid wages immediately following a decision by the Labour Dispute Committee, leaving the government to recoup the money from the company instead.

The fund provides a real opportunity to provide practical and timely remedy to workers whose employers have failed to pay them, and Qatar should ensure it is operational as soon as possible, accessible to all workers and provided with sufficient resources to be capable of responding to all appropriate claims including crisis situations.

WORKERS’ COMMITTEES AND THE PROHIBITION OF TRADE UNIONS

Migrant workers in Qatar remain unable to form or join trade unions. When the government ratified two key human rights treaties - the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights - in June 2018, it entered important reservations²⁹ that made clear it did not intend to change this situation.

The government has instead committed, as part of its agreement with the ILO, to work on the formation of worker committees and representative joint committees to provide migrant workers with a greater voice. Whilst this may be better than nothing for unrepresented workers, it falls short of the fundamental right of all workers to form and join trade unions - recognised in treaties ratified by Qatar, as well as by the ILO.

²⁷ Amnesty International, *Two New Laws on Migrant Workers Signal Degree of Progress But Major Gaps Remain*, (Index Number: MDE 22/7002/2017), 25 August 2017, page; 2, available at: <https://www.amnesty.org/en/documents/mde22/7002/2017/en/>

²⁸ Amnesty International, *Qatar: New Fund Could Bring Hope To Exploited Migrant Workers*, 31 October 2018, <https://www.amnesty.org/en/latest/news/2018/10/qatar-new-fund-could-bring-hope-to-exploited-migrant-workers/> (accessed 31 January 2019)

²⁹ Amnesty International, *Qatar Finally Joins Two Key Human Rights Treaties – But What Does It Really Mean For Migrant Workers*, 13 June 2018, <https://www.amnesty.org/en/latest/news/2018/06/qatar-finally-joins-two-key-human-rights-treaties-but-what-does-it-really-mean-for-migrant-workers/> (accessed 31 January 2019)

REALITY CHECK

THE STATE OF MIGRANT WORKERS’ RIGHTS WITH FOUR YEARS TO GO UNTIL THE QATAR 2022 WORLD CUP

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LABOUR INSPECTIONS

Rigorous labour inspections that ensure employers respect workers' rights and meet their legal obligations, while also advising the authorities on flaws in laws and policies, are an essential mechanism through which governments should protect workers from abusive employers. According to information provided to the ILO, Qatar increased the number of inspectors from 200 in 2012 to 397 in late 2017³⁰. While any increase is welcome, questions remain both about whether this number is sufficient to regularly and rigorously inspect over 76,000 companies across the country, and whether inspectors have the right capacities, such as linguistic skills, to carry out their role to the required level and communicate with the vast majority of workers speaking other languages. An ILO progress report in October 2018³¹ said that the ILO and the government were developing an action plan on inspection without specifying further.

³⁰ International Labour Office, Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No.29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd session (2014) of the International Labour Conference under article of 26 of the ILO Constitution, Governing Body 331st Session, Geneva, 26 October- 9 November 2017, page; 15, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf (accessed 31 January 2019)

³¹ International Labour Office, Follow-up to the decision adopted by the Governing Body at its 331st Session to support the technical cooperation programme agreed between the Government of Qatar and the ILO and its implementation, Governing Body 334th Session, Geneva, 25 October – 8 November 2018, 24 October 2018, page; 2, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_647832.pdf (accessed 31 January 2019)

REALITY CHECK

THE STATE OF MIGRANT WORKERS' RIGHTS WITH FOUR YEARS TO GO UNTIL THE QATAR 2022 WORLD CUP

4. DOMESTIC WORKERS

OUT OF SIGHT OUT OF MIND?

Female domestic workers are the most vulnerable group of foreign workers in the Gulf. More than 174,000 domestic workers are employed in private households in Qatar. The majority are women, often from South Asia, providing childcare, cooking and cleaning for Qatari and other families, while there are also some men working in jobs such as drivers and gardeners. Their isolation in the home away from the public gaze and their direct dependence on their employer means they are particularly exposed to being exploited and abused.

Amnesty International documented harrowing abuses of domestic workers in Qatar in a report in 2014³², including one case where a domestic worker broke both her legs and fractured her spine when she fell from a window as she tried to escape a rape attack by her employer. Her attacker then sexually assaulted her as she lay on the ground, injured and unable to move. When researchers interviewed her six months after the attack, she was still using a wheelchair. The Public Prosecutor dismissed the case due to “lack of evidence.” Such abuse continues.

Because domestic workers do not build the stadiums, service the international hotel chains or drive the taxis that football fans, journalists and tourists use, there has been little scrutiny of their plight. Yet Qatar - as well as the rest of the Gulf - relies heavily on the services they provide and affords them even less protection than other workers, for example by excluding them from the country’s Labour Law and from reforms such as the October 2018 abolition of the exit permit.

The opportunity to include domestic workers in Qatar’s reform process and deliver lasting protections to the country’s most vulnerable group must not be missed.

A NEW LAW BUT CONTINUED ABUSE

In 2017, Qatar introduced legal protection of domestic workers’ labour rights for the first time³³, including paid holidays and a limit to working hours. However, the law does not conform with international standards, including ILO Convention 189 on domestic workers³⁴, as it places no limit on additional working hours and allows domestic workers to agree to work beyond the legal limit which is clearly open to abuse.

Under the new law, some domestic workers have subsequently been able to make complaints to the Ministry of Administrative Development, Labour and Social Affairs about their working conditions, with some success, but the authorities’ efforts to promote, monitor and enforce the application of the domestic workers’ law have been inadequate. Amnesty International has spoken to a number of domestic workers in Qatar who had continued to face abuse after the law was introduced, but who had either no idea that a law regulating their working conditions even existed or that they feared repercussions for reporting their employer.

³² Amnesty International, *‘My sleep is my break’: Exploitation of migrant domestic workers in Qatar*, (Index Number: MDE 22/004/2014), 23 April 2014, available at: <https://www.amnesty.org/en/documents/MDE22/004/2014/en/>

³³ Amnesty International, *Two New Laws on Migrant Workers Signal Degree of Progress But Major Gaps Remain*, (Index Number: MDE 22/7002/2017), 25 August 2017, page; 21 available at: <https://www.amnesty.org/en/documents/mde22/7002/2017/en/>

³⁴ International Labour Organization, *Domestic Workers Convention, 2011 (No. 189)*, Convention concerning decent work for domestic workers (Entry into force: 5 September 2013), available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189 (accessed 31 January 2019)

In one example, a domestic worker told Amnesty International in July 2018 that she had been subjected to sexual harassment by her employer, who was also forcing her to work every day of the week, for up to 20 hours a day. She did not report this to the authorities as she did not expect them to help and feared she would be reported as running away from her employer or be accused of theft. Typically, domestic workers report that they must hand over their mobile phone – making reporting abuse even harder – and often have to hand over their passports.

While the 2017 law was a step forward for domestic workers, it was far from enough, and the Qatari authorities should amend it to address its shortcomings, while also investing resources and political will into the law's implementation and enforcement including protecting workers who report abuses. Finally, the government should be willing to take action against abusive employers, holding them accountable including through criminal prosecutions and at minimum preventing them from recruiting or employing domestic workers in future.

5. TIMELINE

MARCH 2009: Qatar enacts a **new kafala (sponsorship) law** to replace legislation in place since 1963. Under the new law, migrant workers still cannot leave the country or change their jobs without their employers' permission.

DECEMBER 2010: Qatar wins the right to host the 2022 **World Cup**.

MAY 2013: The **International Trade Union Confederation** calls for the 2022 World Cup hosting vote to be re-run. This is rejected by FIFA.

SEPTEMBER 2013: The **Guardian** publishes damning revelations of the abuse of workers on construction projects in Lusail City and reveals that 44 Nepalese workers died in a two-month period.

NOVEMBER 2013: **Amnesty International** details widespread and routine abuse across Qatar's construction sector, calling for fundamental reform of the country's laws and practices.

FEBRUARY 2014: Qatar's World Cup body, the Supreme Committee for Delivery and Legacy, publishes the '**Worker Welfare Standards**' for contractors on stadiums and other World Cup projects. The standards, more stringent than Qatari Labour Law, apply to around 3% of the country's construction workers.

APRIL 2014: The **UN Special investigator on the rights of migrants** calls for the abolition of the sponsorship system in Qatar.

MAY 2014: **Qatar says it will "abolish" kafala**, promising legal reform following recommendations by international law firm DLA Piper commissioned by the government.

JUNE 2014: Worker groups lodge a complaint against Qatar at the UN **International Labour Organization** (ILO) in Geneva.

AUGUST 2015: The government introduces the **Wage Protection System**, an electronic system to monitor the payment of workers' wages.

MARCH 2016: **Amnesty International** publishes details of serious human rights abuse of workers building a World Cup semi-final stadium.

DECEMBER 2016: Qatar replaces its 2009 kafala legislation with a **new ‘employment’ law** that the government claims “abolishes kafala”, because the word has been replaced by “contractual agreement”. But workers still cannot leave the country without permission from their employers and are tied to their employers for the length of their contracts, which can be as long as five years.

JUNE 2017: A **political crisis in the Gulf** erupts, as Saudi Arabia, UAE, Bahrain and Egypt break off diplomatic relations with Qatar, and impose a series of severe economic, border and transport restrictions. This crisis has led to serious human rights violations with ordinary people bearing its brunt.

AUGUST 2017: Qatar passes a **law regulating the employment of domestic workers**, who had no protection at all for their labour rights under Qatari law. The law marks an important step forward but is not fully in line with international standards.

OCTOBER 2017: Qatar and the ILO conclude a **technical cooperation programme** to deliver a wide range of reforms including to the kafala system. ILO’s governing body closed the **complaint against Qatar**.

NOVEMBER 2017: Qatar sets a temporary **minimum wage** of 750 riyals a month (\$206).

MARCH 2018: Fast track labour courts called “**dispute resolution committees**” are established.

APRIL 2018: The **ILO office in Qatar** opens.

MAY 2018: Qatar ratifies the two Core **international human rights treaties** but places a series of reservations on these, including to indicate that it will not allow workers to form and join trade unions.

OCTOBER 2018: Qatar **partially abolishes the exit permit**, meaning that most workers can now leave the country without needing their employers’ permission. However, the law does not apply to at least 174,000 domestic workers and several other categories of workers.

NOVEMBER 2018: Qatar establishes the **Workers Support and Insurance Fund** that, when operational, will pay workers what they are owed immediately after a decision by the dispute committees.

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REALITY CHECK

THE STATE OF MIGRANT WORKERS' RIGHTS WITH FOUR YEARS TO GO UNTIL THE QATAR 2022 WORLD CUP

With less than four years until the 2022 FIFA World Cup kicks off in front of 86,000 fans at the Lusail Stadium, and millions watching across the world, Qatar's record on migrant workers' rights remain firmly in the spotlight.

While Qatar has finally begun a high-profile reform process promising to tackle widespread labour exploitation to reform its labour system, workers still continue to be vulnerable to serious abuses including forced labour and restrictions on freedom of movement.

This briefing provides an update and reality check on how far Qatar has come in meeting its promises, and how far the host of the 2022 World Cup still has to go before it can be said to fully respect and protect workers' rights.