

## **AMNESTY INTERNATIONAL**

### **PUBLIC STATEMENT**

27 April 2018

Index: MDE 22/8306/2018

#### **Qatar: Long-delayed sponsorship system reform must be top priority for Government of Qatar as ILO migrant labour project is officially launched**

Qatar must deliver on its latest promise to end migrant rights abuse and communicate a timetable for meaningful reforms of its restrictive sponsorship system, said Amnesty International ahead of the opening of the International Labour Organisation (ILO) office in Doha on Sunday.

On 26 October 2017, Qatar signed a three-year programme of technical cooperation with the ILO, committing “*to align its laws and practices with international labour standards and fundamental principles and rights at work*”. The agreement covers five strands of work: reform of the sponsorship system, access to justice, “worker voice,” health and safety, and pay and recruitment.

Amnesty International is hopeful that, if fully implemented without dilution or delay, the ILO project offers a genuine opportunity to end chronic labour exploitation in Qatar. However, the Government of Qatar is yet to clarify how and when it will deliver on its commitments to fundamentally reform its sponsorship system.

Six months on from the signing of the agreement, Amnesty International is calling on Qatar to urgently publish a robust and effective plan of action to remove the excessive restrictions that enable employers to trap migrant workers in exploitative situations. This plan must clearly set out a schedule for doing so with concrete targets and deadlines.

At a minimum, this means ending employer control over migrant workers’ ability to exit the country and change jobs. It also means decriminalising ‘absconding’ - leaving a job without the permission of the employer. Workers currently risk arrest and deportation if their employer reports them to the authorities for “absconding”.

**Some positive progress to build on, but still an urgent need to tackle the causes of abuse as well as to improve mechanisms for addressing abuse**

Since signing the agreement with the ILO in October 2017, Qatar's Ministry of Administrative Development, Labour and Social Affairs has moved forward with initiatives addressing some of the issues facing migrant workers.

On 18 March 2018, three judge-led **Labour Dispute Resolution Committees** were established with the aim of improving access to justice by settling labour disputes within three weeks of a migrant worker filing a complaint.

Government officials have confirmed to Amnesty International that domestic workers will be able bring complaints before these committees. They also claimed that the previous labour court system, which excluded domestic workers and often subjected abused workers to extensive delays and arbitrary and expensive fees, had been abolished.

In October 2017, the Government committed as part of the ILO agreement to expand the **Wage Protection System** which mandates payment of wages by electronic transfer. This system was introduced in November 2015 to reduce the number of complaints by workers regarding payment of salaries.

Around the same time, the government announced plans to establish a **Worker Support Fund**. Not yet operational, this fund will be utilised to pay workers who win salary disputes at the Labour Dispute Resolution Committees but fail to recover the money they are owed from their employing companies.

If effectively implemented, these mechanisms could help to alleviate some of the prolonged suffering of exploited workers. However, meaningful progress to prevent routine exploitation requires an urgent focus on concrete measures to dismantle the notorious sponsorship system – which remains the key driver of forced labour and other serious labour abuse in Qatar.

In October 2017, the government also introduced a [temporary minimum wage](#) of 750 Qatari Riyals (around US\$200) per month for all workers. This 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, who make up the largest proportion of low-wage migrant workers in Qatar. Qatar's Labour Minister has [confirmed](#) that the rate will be subject to further consideration and could increase when the permanent rate is set.

In August 2017 Qatar finally introduced its **domestic workers law**, providing legal protections for more than [173,000](#) migrant domestic workers, the majority of whom are women. Having been delayed for many years, the introduction of a maximum ten working hours per day, at least 24 consecutive hours off every week, as well as three weeks of annual paid leave per year represented a first concrete step towards improving labour protection for some of the migrant workers most at risk of serious labour abuse including forced labour and trafficking.

Migrant domestic workers often face extreme isolation and controlling environments when living in the home of an abusive employer. Amnesty International [research](#) has previously found domestic workers in Qatar working up to 100 hours per week, with no day off and being subjected to shocking violence.

This law remains the most significant step Qatar has taken to increase protections for an often-ignored population of migrant workers. However, if it is to make a real difference, effective enforcement will be key. The nature of domestic work means that this is likely to be a major challenge, made more difficult while domestic workers remain subject to an oppressive sponsorship system. Amnesty International also remains concerned regarding a vague clause allowing domestic workers to work beyond the new working hour limits, if there is "agreement", something which fails to recognise the exploitative power dynamics that often operate between employer and worker.

### **A history of inadequate reforms on sponsorship**

In December 2016, Qatar introduced a new sponsorship law cancelling a ban on workers returning to Qatar within two years if they had left without their former employer's permission, and increasing the financial penalty for employers found guilty of confiscating workers' passports. The [law retained the exit permit system](#) but established a new committee to review cases within 72 hours if employers had denied a worker's request to leave the country, and allowed both parties to appeal the decision of the committee.

Despite removing all reference to a 'kafeel' or 'sponsor' these reforms fell significantly short of the government's claims that the notorious 'kafala' system had been abolished. The harshest elements of the sponsorship system and excessive power imbalance remain largely [unchanged](#). Migrant workers still require their employer's permission to change jobs during the duration of their contract period, which can be as long as five years

The ILO's Committee of Experts analysed the law and concluded

*"The Committee notes with **regret** that, pursuant to Law No. 21 of 2015, employers will continue to play a significant role in regulating the departure of their employees, and that Law No. 21 does not seem to foresee termination by the expatriate worker before the expiry of the initial contract (that is, with a notice period) without the approval of the employer, nor does it set out reasons and conditions for termination generally, other than in a few very specific cases ... The Committee considers that a number of provisions of the new Law, which still places restrictions on the possibility for migrant workers to leave the country or to change employer, prevent workers who might be victims of abusive practices from freeing themselves from these situations".*

### **Qatar's partners must use their influence to ensure the migrant labour reform process does not fall short again**

Qatar's sponsorship system and treatment of migrant workers has been subject to intense scrutiny and increased international pressure since Qatar was awarded the 2022 World Cup. Despite sustained international pressure from Amnesty International, Human Rights Watch, other civil society groups and trade unions, legislative changes proposed in 2014 and introduced at the end of 2016 fell significantly short.

In the meantime, the excessive power that employers hold over migrant workers remains largely unchanged, leaving all workers at high risk of exploitation and serious labour abuse like forced labour.

International institutions, businesses and governments seeking commercial and other forms of co-operation with Qatar in the lead up to the 2022 World Cup should note that the risk of association with serious labour abuse remains high. This will remain the case as long as Qatar's labour system continues to facilitate forced labour and other serious labour abuses, by leaving migrant workers at the mercy of unscrupulous employers

with excessive control over workers' lives.

Qatar has made a significant step by committing to work with the ILO. But to make a real difference in the lives of migrant workers, the Qatar government must deliver on its promises.

The country's international partners, and institutions with global influence such as FIFA and its sponsors, should publicly and privately press the Qatari authorities to implement the commitments made in the ILO agreement in full. In particular, they should strongly encourage the acceleration of meaningful legislative reform of the sponsorship system to protect migrant workers' rights and fundamentally rebalance the dangerous power dynamic between employers and migrant workers.

### **Background: Amnesty's documentation of kafala abuses**

For many years, Amnesty International has documented [the devastating impact the kafala sponsorship system](#) can have on Qatar's migrant workers, who make up more than 90% of the country's population.

Workers commonly report experiencing a [wide range of abuses](#) including:

- Deception in the recruitment process about the terms and nature of their work
- Migrating with large debts having paid large fees to recruitment agents
- Arbitrary salaries deductions
- Delayed and unpaid wages
- Long and excessive working hours with no days off
- Being prevented from leaving the country
- Being prevented from changing jobs
- Unlawful confiscation of passports
- "Absconding", which is considered a criminal offence against workers for attempting to escape labour exploitation including forced labour and other abuses
- Expired residence permits or IDs putting workers at risk of arrest on suspicion of "absconding"
- Lack of access to healthcare
- Lack of safety and risks protection in the workplace (particularly for

construction workers)

- Sexual violence particularly against domestic workers
- Lack of access to justice due to inability to access courts.