

Gulf Cooperation Council: Protect Domestic Migrant Workers from Abuse

Human rights abuses of domestic migrant workers in the Gulf Cooperation Council (GCC) countries range from having their passports or other identity documents confiscated, having their salaries routinely withheld, working excessively long hours, to verbal and physical abuse at the hands of the employers, restrictions on their freedom of movement, to violations by the states when they encounter the justice system, including arbitrary arrest and detention and expulsion. Ill-treated by employers and with little legal protection, they often find themselves unable to obtain redress.

Women migrant workers account for about 20 to 40 per cent of the growing migrant workforce in the various GCC countries (Bahrain, Kuwait, Qatar, Saudi Arabia, Oman and UAE). They come primarily from South and Southeast Asia, as well as other countries, their primary motivation being to earn enough money to support their families back home. But any benefits they receive from such employment can come at a heavy price.

Excluded from the protection of already deficient labour laws in all the GCC countries, domestic migrant workers lack effective and adequate protection of their human rights.

Far away from their own countries, often isolated from their communities and having to live and work in a foreign language, migrant workers in the GCC countries also face legal frameworks that provide poor safeguards for workers; rights; where enforcement of even these low standards is at best uneven and, in many instances, a socio-political environment in which employers have effective impunity. Amnesty International is calling on the GCC countries to ratify and implement international standards that will give migrant domestic workers greater protection from abuse.

Perpetrators of abuses against migrant domestic workers - all too often go unpunished, thereby encouraging a climate of impunity. Employers, often called 'sponsors', in the GCC countries, routinely take possession of passports or work permits belonging to domestic migrant workers. This may result in domestic migrant workers being held in deportation centres on arrival in a GCC state for weeks or months, while their paperwork is being completed.

Once inside the country, their continued presence in the country is dependent on good relations with the employer, though there is a catalogue of instances where domestic migrant workers – overwhelmingly female – have become victims of an abusive employer. These women, from the Philippines, India and other South and Southeast Asia countries, generally have no one to turn to for assistance when disputes arise and their human rights are violated. They are often not given access to legal advice or adequate language interpretation and do not normally obtain justice. They face multiple discrimination; because of their gender and lower economic and legal status, as well as their nationality.

To date, despite discussions in, for example, Kuwait, UAE, and Saudi Arabia, no GCC country has become party to the international treaties that specifically address the situation of migrant workers, notably the Migrant Workers Convention, and including also ILO Convention No. 97 on Migration for Employment, ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

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Kuwait and Bahrain are the only GCC countries that are parties to the International Covenant on Civil and political Rights (ICCPR). Most GCC countries (Bahrain, Kuwait, Saudi Arabia, Oman and the UAE) are party to the International Convention on the Elimination of all forms of Discrimination against Women (CEDAW). Bahrain, Kuwait, Saudi Arabia and Qatar are party to the Convention against Torture (CAT). All the GCC countries except Oman have ratified ILO Convention No. 111 on Discrimination (Employment and Occupation).

More recently, the special rapporteur on trafficking of persons especially women and children visited Bahrain, Qatar and Oman in October-November 2006 and raised concern that many domestic workers are victims of trafficking and that access to justice for migrant workers, including domestic migrant workers, with complaints of abuse and maltreatment remains inadequate.

On 20 April 2007, the GCC countries were reported to have agreed to look into recommendations of international organisations to improve the situation with regard to migrant workers.

All migrants, regardless of their legal status, including women migrant domestic workers, are entitled to respect for and protection of their fundamental human rights, whether by public officials or other agents of the state, or by private individuals or other non-state actors. These rights include the right to life, freedom from torture and other ill-treatment, including sexual and gender-based violence, freedom of movement, freedom from arbitrary detention, as well as their social and economic rights, including rights at work, and freedom from any form of discrimination.

Appeals:

Write to the GCC countries urging them to:

- Ratify the Migrant Workers Convention and relevant ILO conventions and bring domestic legislation in line with international legislation;
- Guarantee access to effective remedies, including equal access to national courts and the judicial system, for women migrant workers and other non-nationals who have been subject to discriminatory practices and other human rights abuses. Ensure that they have access to legal counsel and are informed of their rights in a language they understand;
- Ensure that national laws, practices, policies and procedures relating to migrant workers are in full conformity with international human rights law and standards, to safeguard, and to ensure that states apply, the principle of non-discrimination with regard to non-citizens, including women migrant domestic workers;
- Ensure that legislation prohibits employers from taking and keeping possession of passports, and that complaints by migrants that their passports are being withheld from them are investigated seriously.

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For more information on Amnesty International's work on the protection and promotion of migrant workers please visit: [www. Amnesty.org/refugees](http://www.Amnesty.org/refugees)