



REALITY CHECK 2020: COUNTDOWN TO THE 2022 WORLD CUP

MIGRANT WORKERS' RIGHTS IN QATAR

AMNESTY
INTERNATIONAL



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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.

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kafala legislation with a **new 'employment' law** that the government claims "abolishes kafala", because the word has been replaced by "contractual agreement".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. The ILO's governing body closes 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 "**Committees for the Settlement of Labour Disputes**" 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** intended to pay workers what they are owed immediately after a decision by the labour dispute committees.

JULY 2019: Qatar inaugurated the **first government-run shelter for survivors of abuse** including domestic workers, the Human Care Home. Although the shelter is not yet fully operational, it began receiving some women in mid-2020.

JANUARY 2020: Qatar **extends the exit permit removal** to include all workers including domestic workers and other categories who were excluded from the previous announcement.

AUGUST 2020: Qatar set a **mandatory minimum wage for all migrant workers**, including domestic workers. The monthly rate was set to QR1,000 (around US\$275), plus allowances of QR300 (around US\$83) for food and QR500 (around US\$137) for accommodation if these are not provided by the employer. The minimum wage will enter into force in March 2021 and will be reviewed annually.

AUGUST 2020: Qatar **abolished the No-Objection Certificate**, allowing all workers to change jobs without the permission of their employers after fulfilling certain conditions, including completing a probation period and serving notice.

INTRODUCTION

In just two years, the eyes of the world will be focused on Qatar as the 2022 FIFA World Cup kicks off, the first time the world's leading football tournament is staged in the Middle East.

In the decade since Qatar successfully bid to stage the tournament, millions of men and women – mostly from Asia and Africa – have migrated to the country for work. Whether they be in construction, hospitality or domestic service, these migrant workers have contributed vastly to the country's economy and development, and without many of them the World Cup would not be possible.

But Amnesty International and others have also shown that during these years thousands of workers have been subjected to serious exploitation and labour abuse, sometimes amounting to forced labour facilitated by the labour system in place in the country.

So, it was with great anticipation that Qatar announced in 2017 a partnership with the International Labour Organization (ILO) to bring its labour laws and practices in line with international standards, offering the possibility that the World Cup could instead leave a positive legacy for the rights of all workers in the country.

But as the countdown to kick off continues, are the promises of labour reforms matched by the reality faced by migrant workers upon whom Qatar so depends?



Artists impression of the Al Bayt Stadium, one of the newly built venues for the FIFA World Cup Qatar 2022. © LOC FIFA

In this report, Amnesty International examines how far Qatar has come to meet its pledges to reform its labour system and protect workers' rights before the World Cup opens.

The report highlights that Qatar has made some important progress to date, including major reforms announced in 2020 to facilitate freedom of movement and introduce a new minimum wage. Yet, it also demonstrates that the weak implementation and enforcement of other reforms introduced in recent years has left thousands of workers at the mercy of unscrupulous employers who have been allowed to commit abuses with impunity. Today, despite improvements to the legal framework, these migrants often still face delayed or unpaid wages, work excessively long hours, and struggle to access justice. The impact of the Covid-19 pandemic is also placing new stresses on employers and employees alike. For migrant workers this has only exacerbated their acute vulnerabilities, including heavy debts from high recruitment fees, restrictions on movement and obstacles to attaining effective remedies for their abuse.

Qatar has a duty to protect and respect human rights, and a major opportunity to prove to the world that it is serious about workers' rights. To do so, it must ensure full implementation and enforcement of the reforms introduced to date, get serious about holding abusive employers to account, and take action to address major weaknesses in key areas including the payment of wages, access to justice and workers' voice. Qatar must also give particular attention to the situation faced by the country's domestic workers, who face severe and widespread abuse away from the spotlight of the World Cup. In delivering a meaningful reform process that upholds workers' rights for all, they cannot continue to be left behind.

METHODOLOGY

This report provides an update to 'Reality Check: The state of migrant workers' rights with four years to go until the Qatar 2022 World Cup', published in February 2019,¹ which found that although Qatar had finally begun a high-profile reform process promising to tackle widespread labour exploitation and "align its laws and practices with international labour standards", migrant workers were still vulnerable to serious labour abuses.

This new report draws on the extensive body of research Amnesty International has developed on migrant workers' rights in Qatar, including new research conducted in 2019 and 2020 cited throughout this report, as well as the work of other organizations and journalists covering migrant workers' rights in Qatar. It is also based on discussions with representatives of labour sending countries, migrant workers' organizations and experts in Qatar, as well as correspondence with the government of Qatar.

The research for this report also involved analysis of national and international laws and standards pertaining to migrant workers' rights, and annual ILO reports published detailing Qatar's progress on the commitments made in its joint Qatar Technical Cooperation Agreement.

THE PROBLEMS

Amnesty International's previous reports have identified key factors at the heart of the abuses faced by migrant workers:

- **The kafala system of sponsorship-based employment** that binds foreign workers to their employers, restricting workers' ability to change jobs and preventing many from leaving the country without their employers' permission.
- **Late and non-payment of wages**, which exacerbates high levels of worker debt caused by illegal and unethical recruitment practices.
- **Barriers to obtaining justice** for migrant workers whose rights are violated, and **impunity for abusive employers**.
- **Poor protection of domestic workers**, including weak implementation of the law.
- **Prohibition of migrant workers to form and join trade unions**.

¹ Amnesty International, *Reality Check: The state of migrant workers' rights with four years to go until the Qatar 2022 World Cup*, February 2019, <https://www.amnesty.org/download/Documents/MDE2297582019ENGLISH.PDF>

- **Failure to enforce Qatari laws** that are supposed to protect workers' rights.

QATAR'S COMMITMENTS – THE ILO AGREEMENT

In 2014, workers' groups lodged a complaint against Qatar at the ILO for non-observance of Convention No. 29 on Forced Labour and Convention No. 81 on Labour inspection.²

In 2017, following further extensive documentation of the abuse of low-paid migrant workers the government signed an agreement with the ILO, committing to a three-year, wide ranging reform process.

Through the partnership, Qatar and the ILO agreed to work together from 2018-2020 to "align [Qatar's] laws and practices with international labour standards and fundamental principles and rights at work".³ Reform objectives were set under five key pillars:

- improvement in the payment of wages;
- enhanced labour inspection and health and safety systems;
- replacement of the kafala sponsorship system and improvement of labour recruitment procedures;
- increased prevention, protection and prosecution against forced labour;
- promotion of workers' voice.

Further details on the commitments made under some of these pillars can be found in chapters 1 – 6 of this report.

WHAT HAS QATAR DONE SO FAR?

Since 2017, Qatar's government has introduced legislation and initiatives aimed at benefiting migrant workers. Covered further later in the briefing, these include:

- **the Domestic Workers Law** which stipulates limits on working hours, mandatory daily breaks, a weekly day off and paid holidays;
- **Committees for the Settlement of Labour Disputes** (Labour Committees) to facilitate workers' access to justice;
- **a fund to support and expedite payment of unpaid wages;**
- **a non-discriminatory new minimum wage** (to be implemented in 2021);
- **ending the exit permit and No-Objection Certificate requirements**, which should finally allow migrant workers to leave Qatar and change jobs without their employer's permission; and
- **ratification of two key international human rights treaties**, although Qatar reserved the right to ignore some of their key obligations, including the workers' right to form and join trade unions.

Amnesty International cautiously welcomes these reforms. If properly and fully implemented and enforced, they could end the most problematic aspects of kafala and enable migrant workers to flee abusive working conditions and seek redress. However, more work needs to be done to fully abolish kafala and protect the rights of migrant workers. Research by Amnesty International, and other NGOs, journalists, and UN bodies shows that to date these reforms have fallen short of their promises and many earlier ones did not fully deliver the changes needed leaving thousands of workers victims of labour abuses.

² See text of the complaint, *Complaint alleging 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*, 16 March 2015, Appendix I, p.3 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_348745.pdf

³ *Technical cooperation programme agreed between the Government of Qatar and the ILO (2018-20)*, p.31, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf

URGENT ACTION NEEDED

Amnesty International warns that until the reform process is completed and better implemented, and impunity for abusive employers is ended, the reality for migrant workers in Qatar will remain harsh. Much more needs to be done, and quickly, to stop ongoing abuse.

In particular, to re-balance the power dynamics between employers and migrant workers and move closer to delivering on commitments it has made, Qatar needs to:

- **effectively implement and enforce recent reforms, whilst introducing further measures;**
- **strengthen inspection mechanisms to quickly detect and stop abuses;**
- **Ensure payment of decent wages and tackle worker debt**
- **improve workers' ability to access justice and ensure abusive employers are held to account;**
- **ensure better protection for migrant domestic workers; and**
- **promote migrant workers' voices and respect their right to form trade unions.**



Migrant workers constructing the Lusail Stadium on December 10, 2019 in Doha, Qatar. The Lusail Stadium will host the opening match and the final match of the next FIFA World Cup Qatar 2022. © David Ramos - FIFA/FIFA via Getty Images

1. THE KAFALA SYSTEM

THE PROMISE

Under Pillar 3 of the ILO agreement, Qatar committed to replace *kafala* with a contractual employment system that would remove the restrictions on migrant workers' ability to change employer and exit the country.⁴

THE REALITY

When by 2020 Qatar finally repealed for nearly all migrant workers the requirement for them to obtain an exit permit and No-Objection Certificate from their employer, after years of promises it did indeed tackle two of the major aspects of *kafala* that enabled human rights abuses. Further, it was the first country in the region to do so.

However, insidious elements of *kafala* remain, including employers' control of migrant workers' legal status and an array of retaliatory measures available for abusive sponsors to use without legal consequences.

EXIT PERMIT

In September 2018, Qatar announced that it would remove the exit permit requirement for migrant workers covered by the Labour Law, which excludes domestic workers.⁵ However, employers could still request that up to 5% of their workforce require an exit permit due to the nature of their work following approval by the Ministry of Administrative Development, Labour and Social Affairs (MADLSA, Ministry of Labour). According to the ILO's 2020 progress report on the ILO-Qatar partnership, the Ministry had approved 42,171 requests to retain exit permits for migrant workers as of August 2020.⁶

In January 2020, the removal of exit permits⁷ was extended by Ministerial Decision No. 195 of 2019 to include several new categories of workers, including domestic workers.⁸ However, there are two exceptions. Employers can still request exit permits for up to 5% of their workforce, and domestic

⁴ Ibid. For further details see the comments of the ILO Committee of Experts on the Application of Conventions and Recommendations which the government committed to follow when reviewing Law No. 21 and other relevant laws regulating the recruitment and employment terms and conditions of migrant workers,

https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255640

⁵ 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/>

⁶ See *Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO (ILO Progress Report 2020)*, 9 October 2020, p.6, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_757599.pdf

⁷ See Ministry of Interior Decision No. 95 of 2019 on the regulations and procedures regarding the exit of some categories of workers who are not subject to the Labour Law, 1 December 2019, <https://www.almeezan.qa/LawArticles.aspx?LawArticleID=79754&LawId=8221&language=ar>

⁸ According to article 1 of Decision No. 95 of 2019, the groups include domestic workers; government employees (except the military); those working in the oil and gas sector, at sea and in territorial waters; and those working in agriculture or in temporary jobs.

workers still need to “inform” their employer in person 72 hours before their departure.⁹

The second condition is particularly problematic for domestic workers, and breaches their right to freedom of movement.¹⁰ It gives abusive employers three days to retaliate, which, as research by Amnesty International and others has shown, often involves filing spurious charges of “absconding” (running away from a job, which is deemed a criminal offence in Qatar) or theft against the workers to stop them leaving the country.¹¹

Crucially, the Ministerial Decision does not mention any legal consequences for employers for breaches of its provisions, offering no deterrent to abuse. However, domestic workers who fail to inform their employers of their departure can be dismissed on disciplinary grounds, deprived of normal financial benefits due to them, and banned from re-entering Qatar.¹²

Additionally, without additional reforms, including effective monitoring and accountability mechanisms, there is a serious risk that the removal of the exit permit will simply encourage more employers to confiscate passports and make malicious and unfounded accusations. Furthermore, the reliance of most low-income migrant workers on their employer to provide the airfare to return home undermines their ability to leave the country, especially in cases where employers refuse to do so.

In theory, the removal of the exit permit is a step in the right direction and gives most migrant workers back their freedom of movement, allowing them to leave Qatar without any requirements. But monitoring and accountability mechanisms to ensure full and proper implementation are needed to stop abusive employers from resorting to retaliation measures to control workers’ ability to leave.

NO-OBJECTION CERTIFICATE

In August 2020, Qatar became the first country in the region to allow migrant workers to change jobs without their employer’s permission after fulfilling certain conditions, including completing a probationary period and serving notice.¹³

According to Law No. 18 of 2020¹⁴ amending certain provisions of the Labour Law, and Law No. 19 of 2020¹⁵ amending the Sponsorship Law, all migrant workers can now change employers after their six-month maximum probation period, providing they serve their notice.¹⁶ The notice period is set at one month for the first two years of service and two months for those in service for more than two years.

Migrant workers can also change jobs during their probation provided that their new employer reimburses the airfare and recruitment fees to their previous employer, which cannot exceed two months of the worker’s basic salary.¹⁷

⁹ Article 2 of Ministry of Interior Decision No. 95 of 2019.

¹⁰ Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which Qatar ratified in May 2018.

¹¹ See Amnesty International, “Why do you want to rest?": Ongoing abuses of domestic workers in Qatar, 20 October 2020. Also see: Amnesty International, *My sleep is my break: Exploitation of migrant domestic workers in Qatar, 2014*, <https://www.amnesty.org/en/documents/MDE22/004/2014/en/>; Migrant-Rights.org, *Huroob, Runaway, Absconding: Trapping migrants in extreme abuse*, 30 September 2020, <https://www.migrant-rights.org/2020/09/huroob-runaway-absconding-trapping-migrants-in-extreme-abuse/>; UN Working Group on Arbitrary Detention, Preliminary Findings from its visit to Qatar (3-14 November 2019), 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25296&LangID=E>;

¹² See Article 26 of the Sponsorship Law No. 15 of 2015: “If the worker was fired on disciplinary grounds pursuant to the said labour law or in accordance with the provisions of the laws regulating civil servants; affairs, or any other law for that matter, and the worker does not challenge the decision before a competent court, or has lodged an appeal but was rejected by virtue of a final decision by the competent court, he/she shall not be allowed to re-enter the country for work before four years of the dates he/she leaves it.”

<https://www.almeezan.qa/LawPage.aspx?id=6809&language=ar>. In addition, a tweet posted by the Ministry of Interior and a quote in an article published by *The Peninsula* on 16 January 2020 mentioned these sanctions but were both eventually deleted.

¹³ Amnesty International, *New laws to protect migrant workers are a step in the right direction*, 30 August 2020,

<https://www.amnesty.org/en/latest/news/2020/08/qatar-announcement-kafala-reforms/>

¹⁴ Law No. 18 of 2020 amended articles 39, 43, 49, 115/bis, 144, 145, 145/bis of the Labour Law, https://www.ilo.org/beirut/projects/qatar-office/WCMS_754882/lang-en/index.htm

¹⁵ Law No. 19 of 2020 (removal of No-Objection Certificate requirement), https://www.ilo.org/beirut/projects/qatar-office/WCMS_754881/lang-en/index.htm

¹⁶ See Article 1 of Law No. 18 of 2020 amending Article 30 of the Labour Law.

¹⁷ See Article 1 of Law No. 18 of 2020 amending Article 39 of the Labour Law.



Migrant workers in Doha's industrial area, 2012. © Amnesty International

If either the employer or worker terminates the contract without respecting the notice period, they must pay the other party compensation equivalent to the worker's basic wage for the notice period or its remaining time. If workers fail to abide by these provisions, they cannot work in the country for a year after their departure.

Although not covered by the original Labour Law, these changes also apply to domestic workers, though their probation period should not exceed three months.¹⁸

Under Law No. 19, workers can change jobs under conditions set by the Ministry of Labour.¹⁹ The online transfer request process is led by the Ministry and should be free of charge for workers. The law came into force on 8 September 2020 following its publication in the *Official Gazette*.²⁰

In early August, ahead of this announcement, the Qatar Chamber of Commerce and Industry set up the Labour Re-employment Platform²¹ to enable companies to recruit new employees locally.²²

Although it is still too soon to assess the impact of these reforms on migrant workers' ability to change jobs, organizations supporting migrant workers in Qatar told Amnesty International that while online applications submitted by workers are being processed, some workers find the process challenging due to language barriers or a lack of access to smart phones, and so need support.²³

The Ministry of Labour and the ILO have made efforts to publicize the new amendments and issued a step-by-step guide explaining the online job transfer process for both employers and employees. Nonetheless, some employers continue to request newly hired workers to provide them with the No-Objection Certificate, despite it being clear that this is no longer a legal requirement.

Organizations supporting migrant workers on the ground in Qatar told Amnesty International that some

¹⁸ For more details see Ministry of Labour publication, *Changing employers in Qatar: Key information for workers*, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_754449.pdf

¹⁹ Law No. 20 of 2020 amended articles 21 and 23 and removed article 22 of Law No. 21 of 2015 regulating the entry and exit of expatriates and their residence.

²⁰ For more details, see Ministry of Labour publication, *Changing employers in Qatar: Key information for workers*, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_754449.pdf

²¹ See <https://www.qatarchamber.com/qc-employment/>

²² See *The Peninsula*, "Labour re-employment platform now available for all companies: Qatar Chamber", 28 July 2020, <https://www.thepeninsulaqatar.com/article/28/07/2020/Labour-re-employment-platform-now-available-for-all-companies-Qatar-Chamber>

²³ Discussions with representatives of labour sending countries and organizations supporting migrant workers in Qatar on 12, 21 - 26 October 2020.

employers are cancelling their workers' visas or filing "absconding" reports after being informed about the workers' intentions to change jobs, thereby deliberately undermining the new job transfer process.

Other workers, especially domestic workers whose employers have confiscated their passports or Qatar IDs, are also finding it challenging to access the service because they need these documents to submit a request to change employer and eventually transfer jobs.²⁴ In addition to the Qatar IDs, workers need a phone number registered in their name as one of the two basic credentials required to log in or register in the system. This often poses particular challenges for domestic workers whose employers may confiscate their mobile phone or restrict their access to it.²⁵

If these legislative measures are to bring meaningful change for all migrant workers, it is important for the authorities to quickly identify weaknesses and loopholes and swiftly introduce appropriate mitigating measures to ensure their proper implementation and enforcement.

CONTINUING DEPENDENCE ON EMPLOYERS AND RETALIATORY MEASURES

Despite the reforms detailed in this section, migrant workers in Qatar are still tied to their employers who act as their official "sponsor" (*kafeel*) from the moment they enter the country and throughout their employment.²⁶ Migrant workers cannot themselves request or renew their residence permits and it is the responsibility of the sponsor to do so, according to the Sponsorship Law.²⁷ However, if the sponsor fails to renew the permit, it is the worker who faces punishment.

Indeed, employers continue to have the legal right to cancel workers' residence permits or file "absconding" charges against migrant workers who leave their jobs without permission. Migrant workers then lose their right to stay in Qatar and consequently face arrest and deportation. This system perpetuates the imbalance of power in favour of employers and increases the risk of labour abuses.²⁸

Sponsors can cancel migrant workers' visas via the "Metrash" app, the Ministry of Interior portal that enables users to access a wide range of the Ministry's services, including visa services for their personal and corporate sponsorships, and residence visas and exit permits.²⁹ The contrast between the one-click, hassle-free process by which employers can cancel migrant workers' residence permits, and the challenges faced by workers, as outlined above, is stark.

When a worker's residence permit is cancelled, their presence in the country is jeopardized and they are obliged to leave Qatar within 90 days or else they will be fined and at risk of arrest and deportation. The change in their legal status also impacts on their ability to change jobs. They first need to regulate their legal status in order to move to a new employer, a process that, according to experts on the ground, is in theory feasible but in practice further complicates the job transfer.

Following the announcement of the latest reforms abolishing the No-Objection Certificate, organizations providing support to migrant workers told Amnesty International that they have recently received more complaints in which abusive employers have resorted to cancelling their employee's residence permit or filing a malicious "absconding" case, apparently to punish their worker for wanting to change jobs.³⁰ "Absconding" charges are often used as a retaliatory measure against workers who have either fled an abusive working environment or submitted a complaint against their employer to the Labour Committees for unpaid salaries and other financial dues.

These charges and other malicious accusations (such as theft in the case of domestic workers) trigger legal processes that pose serious challenges to migrant workers considering the language barriers and lack of legal aid and support.³¹ By reporting migrant workers for "absconding" and cancelling their

²⁴ Ibid.

²⁵ Organizations providing support to migrant workers in Qatar told Amnesty International that the Ministry of Labour seems to be aware of these issues and is working to adjust the system.

²⁶ See Articles 1-4 of the Sponsorship Law (Law No. 21 of 2015), <https://www.almeezan.qa/LawPage.aspx?id=6809&language=ar>

²⁷ Under Article 8 of Law No. 21 of 2015, employers have an obligation to provide migrant workers with a residence permit within 90 days of their arrival in Qatar or expiry of the previous residence permit.

²⁸ See Migrant-Rights.org, *The Kafala is alive and kicking...migrants where it hurts most*, 29 October 2020, <https://www.migrant-rights.org/2020/10/the-kafala-is-alive-and-kicking-migrants-where-it-hurts-most/>

²⁹ See <https://portal.www.gov.qa/wps/portal/services/individuallylandingpages/mettrash2/mettrash2/>

³⁰ Discussions with organizations supporting migrant workers in Qatar on 12, 21 - 26 October 2020.

³¹ Amnesty International, "Why do you want to rest?", p.59.

residence permits, employers can cause their arrest and deportation.

Just four months into her job as a domestic worker in Qatar, Bea's employer accused her of stealing a watch and a pen, a charge she adamantly denied. When researchers met her in Qatar she said:

“Why I am still here? I am stuck. The police checked everything, and they never found evidence that I stole from my employer... How is it that there can be no evidence against a person, but they can still charge that person with theft? ... This has just been a nightmare for me. I don't know what I have done wrong or what I have done to deserve this.”³²

On 19 October 2020, just as this report was being finalized, Ministry of Labour officials announced that they were working with the Ministry of Interior to cancel the system whereby employers can report workers as having absconded. Instead, employers will only inform the Ministry that workers have left their jobs to “avert future liability” as their official sponsors.³³ If introduced, this change could end another inherently abusive characteristic of the *kafala* system and one of the most serious retaliation measures still available to abusive employers.

PASSPORT CONFISCATION

The 2015 Sponsorship Law prohibits an employer holding their employee's passports unless the worker requests this in writing. The employer must then return the passport to the worker on request.³⁴

The government claims that passport confiscation by employers is declining because of penalties imposed on offenders, stricter monitoring, and awareness raising campaigns.³⁵ However, the lack of public data makes it difficult to assess whether or not this is true. What is clear is that the practice has been widespread, with it being most rampant in relation to domestic workers and small labour supply companies.³⁶

Interviews with 105 domestic workers in Qatar by Amnesty International carried out between May 2019 and September 2020 found that 83% had their passports confiscated by their employers and almost none had requested this.³⁷ In most cases documented, the worker's recruitment agency had given their passport to their employer to process their residence permits, who then simply confiscated them.

Passport confiscation is a clear indicator of potential forced labour and should be investigated as such. It can also undermine the recent reforms. For instance, workers without a passport struggle to leave the country or change jobs even if they can now do so without their employer's permission.

“[We received] credible reports of employers withholding employees' documents and salaries, as leverage to ensure that they would not leave. Reports were also received of employers resorting to false accusations of absconding, as a way of exerting control over their workers.”

– UN Working Group on Arbitrary Detention following its visit to Qatar in November 2019.³⁸

The latest reforms are positive, but they too must be accompanied by strict and effective monitoring and accountability mechanisms to ensure their full implementation. Additional work is also needed to eliminate workers' dependence on their employers during their presence in Qatar and remove legal loopholes that allow passport confiscation and practices such as visa cancellation and malicious accusations to be used by abusive employers.

³² Amnesty International, “*Why do you want to rest?*”, p.60.

³³ *The Peninsula*, “System of reporting absconding workers to be abolished soon”, 20 October 2020, <https://thepeninsulaqatar.com/article/20/10/2020/System-of-reporting-absconding-workers-to-be-abolished-soon>

³⁴ See Article 8 of Law No. 21 of 2015.

³⁵ Government Communication Office (GCO) letter to Amnesty International, 22 August 2020.

³⁶ See *End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance*, Prof. E. Tendayi Achiume, at the Conclusion of Her Mission to Qatar, 1 December 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25374&LangID=E>

³⁷ Amnesty International, “*Why do you want to rest?*”, p.6, pp.39 – 44.

³⁸ UN Working Group on Arbitrary Detention, Preliminary Findings from its visit to Qatar (3-14 November 2019), 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25296&LangID=E>

2. PAY GRIEVANCES

THE PROMISES

Under the ILO agreement, Qatar committed to:

- enhance the Wage Protection System which monitors monthly electronic payment of workers, and expand its coverage to include small and medium enterprises, subcontractors and eventually domestic workers;
- enforce sanctions for non-payment of wages;
- establish a wage guarantee fund;
- introduce a non-discriminatory minimum wage;
- strengthen the national labour complaint mechanisms through new monitoring systems;
- support workers submitting complaints, ensure a fair and speedy process, and stop retaliatory action by employers; and
- make migrant workers aware of their rights and obligations when in Qatar.³⁹

THE REALITY

Despite reforms to monitor payment of wages and enhance workers' access to remedy, migrant workers are still suffering late and even non-payment of wages. As well as impacting their standard of living, this is trapping them in cycles of abuse and exploitation. This is particularly the case for the many workers who have taken out high interest loans to pay costly and illegal recruitment fees to secure a job in Qatar.⁴⁰ The debt incurred by these fees places workers in a highly precarious situation, and in the most serious cases puts migrant workers at risk of forced labour. Migrant workers have been hit particularly hard by this problem during the COVID-19 pandemic, despite government efforts to financially support businesses.⁴¹

The government has attempted to address the issue of wages, include strengthening the Wage Protection System, operating the Workers' Support and Insurance Fund, and introducing stricter penalties for employers who breach the Labour Law. However, to date these measures have not resulted in an end to wage theft in Qatar.

³⁹ *Technical cooperation programme agreed between the Government of Qatar and the ILO (2018–20)*, p:31.

⁴⁰ Amnesty International, *Nepal: Turning people into profits: abusive recruitment, trafficking and forced labour of Nepali migrant workers*, 2017, <https://www.amnesty.org/en/documents/asa31/6206/2017/en/>

⁴¹ Qatar introduced a QR75 billion (US\$20.6 billion) package to reduce the impact of COVID-19, aiming to support small businesses and sectors worst affected such as hospitality, tourism and retail. See International Monetary Fund Policy Tracker, *Policy Responses to COVID-19*, <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#Q>



Nepali migrant workers wait outside the Foreign Employment Office at Tribhuvan International Airport, Kathmandu before leaving Nepal © Rajneesh Bhandari/Amnesty International.

Amnesty International continues to document cases of migrant workers who have not received their wages for months. Organizations including Human Rights Watch⁴² and Migrant-Rights.org⁴³ have also documented cases of wage theft, showing that government efforts to improve the situation have largely failed.

The ILO office in Doha stated in its 2020 progress report that it lodged complaints to the Ministry of Labour on behalf of 1,896 workers and further assisted 7,420 workers. This amounts to over 9,000 workers who have faced “a wide range of workers’ issues”.⁴⁴ Of these issues, unpaid wages remains one of the major and most common abuses facing migrant workers in Qatar.

WAGE PROTECTION SYSTEM

The Wage Protection System, introduced in November 2015, mandates companies to pay their employees by electronic transfer and allows the government to monitor compliance.

In principle the system should encourage regular payment of wages, provide evidence to support workers’ grievances lodged with Labour Committees and, crucially, enable the government to intervene immediately to stop wage theft and thereby avoid workers reaching a crisis point after months of non-payment of wages.

However, a review of the Wage Protection System commissioned by the Ministry of Labour in 2019 highlighted some key failings and made recommendations to strengthen the system.⁴⁵ The recommendations focused, “... *not only on extending coverage to more workers and enterprises, but also on ensuring that various forms of non-compliance can be identified and addressed more quickly, reducing prolonged instances of non-payment*”.⁴⁶

⁴² Human Rights Watch, “How Can We Work Without Wages?” Salary Abuses Facing Migrant Workers Ahead of Qatar’s FIFA World Cup 2022, 24 August 2020, <https://www.hrw.org/report/2020/08/24/how-can-we-work-without-wages/salary-abuses-facing-migrant-workers-ahead-qatars>

⁴³ Migrant-Rights.org, *18 months of non-payment, Qatari company leaves workers in the lurch*, 14 October 2020, <https://www.migrant-rights.org/2020/10/18-months-of-non-payment-qatari-company-leaves-workers-in-the-lurch/>

⁴⁴ See *ILO Progress Report 2020*, p.8.

⁴⁵ See ILO Project Office for the State of Qatar, Assessment Report, *Assessing the Wage Protection System in Qatar*, June 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_726174.pdf

⁴⁶ See *Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO (ILO Progress Report 2019)*, 9 October 2019, pp.1-2, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_723203.pdf

According to the 2020 ILO progress report, the system was expanded to cover 96% of eligible workers and 94% of enterprises. The system can now detect a broader range of wage-related violations, including payment below the minimum basic wage along with the new threshold for food and accommodation allowances. Through this system, the report says that 58 companies “deemed at high risk” were blocked from accessing government services. This number considerably increased during the COVID-19 pandemic.⁴⁷ Additionally, new legislation – Law No. 18 of 2020 – imposes tougher fines on employers who withhold wages.⁴⁸ The government told Amnesty International in August 2020 that it is also in the process of introducing a policy to name and shame companies that violate the Labour Law.⁴⁹

In reality, it seems that despite these measures, the system is still failing to secure regular payment for thousands of workers, due in many cases to a lack of effective remedial action. Amnesty International and other organizations continue to document cases of hundreds of workers stranded for months without pay or other support from their employers.⁵⁰ In each case, the relevant authorities were aware of the problem from an early stage but failed to support the workers and secure their payment.

These salary delays, coupled with recruitment fee debts, often have a devastating impact on migrant workers, causing them significant hardship, particularly for those who are supporting not only themselves, but also their dependants at home.

One worker, Daniel, whose company failed to pay him for months on end between 2019 and 2020 told Amnesty International his son was no longer able to go to school as he could not afford to pay his school fees:

“We don’t know what to do. We don’t have residence permits, we are here illegally. Our employer can run away at any time, he is not a Qatari national. We are heading to seven months without salary. Me, personally, I am okay, but what about my kids? Now my eldest child is at home, he cannot go to school.”⁵¹

While the measures to strengthen the Wage Protection System are all needed, ultimately what matters is for migrant workers to be paid what they are owed on time and for swift remedial action to be taken when this does not happen. Evidence shows that this has yet to be achieved for thousands of workers.

LABOUR COMMITTEES

The Committees for the Settlement of Labour Disputes (Labour Committees), a judge-led “fast track” mechanism to improve access to justice by settling labour disputes within three weeks of a worker filing a complaint, were established in March 2018.

These tribunals have to some extent improved the speed with which workers’ complaints are considered. It has also allowed other categories of migrant workers, including domestic workers, to submit complaints – the first time they have had any access to justice for labour abuses in Qatar.

However, the process is still beset with delays and the Labour Committees are still not accepting collective cases, where the claims from multiple workers in the same company are nearly identical. Cases documented by Amnesty International show that the process remains tiring and, in some cases, fruitless.⁵² In many cases, destitution and distrust of the system have made workers give up, dropping their cases and returning home without the money owed to them.

⁴⁷ See *ILO Progress Report 2020*, pp.3-4.

⁴⁸ Article 145/bis of Law No. 18 of 2020 increased the penalties for breaching article 66 of the Labour Law related to the monthly payment of wages from one month in prison and/or a fine of between QR2,000 (around US\$550) and QR6,000 (around US\$1,650), to one year in prison and/or a fine of between QR2,000 (around US\$550) and QR100,000 (US\$27,565).

⁴⁹ Amnesty International communication with the Qatar GCO in August 2020.

⁵⁰ See for example, Amnesty International, “*I have worked hard – I deserve to be paid*” *Exploitation on Qatar World Cup stadium*, 10 June 2020, <https://www.amnesty.org/en/latest/research/2020/06/exploitation-on-qatar-world-cup-stadium/>; Amnesty International, *All work, no pay: The struggle of Qatar’s migrant workers for justice*, 2019, <https://www.amnesty.org/download/Documents/MDE2207932019ENGLISH.PDF>; Human Rights Watch, “*How Can We Work Without Wages?*”; Migrant-Rights.org, *18 months of non-payment, Qatari company leaves workers in the lurch*. Amnesty International has also communicated privately with the Qatar government on a number of further cases of workers who did not receive their salaries for several months during 2020.

⁵¹ Amnesty International, “*I have worked hard – I deserve to be paid*” *Exploitation on Qatar World Cup Stadium*

⁵² Amnesty International, *Despite reform promises, migrant workers still return home without wages or justice*, 19 September 2019, <https://www.amnesty.org/en/latest/news/2019/09/qatar-despite-reform-promises-migrant-workers-still-return-home-without-wages-or-justice/>

Even when workers win their cases, they often struggle to recover their money, particularly when companies cannot or will not pay the amounts ordered. In these instances, workers are then asked to lodge a case with the civil court, thereby initiating a long, challenging and often unsuccessful battle to secure their dues.⁵³

Amnesty International documented in 2018 how hundreds of people working for Hamad bin Khaled bin Hamad (HKH) company had been waiting for months in vain for unpaid wages and compensation after complaining to the Labour Committees. They finally received their dues in 2020, two years after submitting their claims. Deepak, an employee from Nepal who was living at the HKH labour camp in July 2018, told Amnesty International:

“We were living on food charity – the company did not pay our salaries for months and we had no money. Our camp is in the industrial area situated at least 30 minutes’ drive from the court, meaning that we had to find a way to make it to court. We tried to organize ourselves and each worker would pay five Qatari riyals to buy fuel and fill one of the company’s bus[es] to attend our hearings by groups.”⁵⁴

To address this issue, in June 2020 the Ministry of Labour established with the Supreme Judiciary Council an office, next to the Labour Committees in the Ministry’s main building, to implement the rulings and “facilitate judicial transactions for workers and accomplish them in a short time and in the same place”.⁵⁵ Through its cooperation agreement with the ILO, the Ministry started implementing recommendations to improve the work of the Labour Committees.⁵⁶ Amnesty International was not able to assess the extent to which this office has improved victims’ access to justice.

In addition, in November 2018, the government established the Workers’ Support and Insurance Fund to pay claimants who were successful at the Labour Committees their unpaid wages, leaving the government to recoup the money from the company instead of the workers.⁵⁷ However, the fund only became operational in early 2020. The government told Amnesty International that it has disbursed QR14 million (around US\$3.8 million) in financial relief to 5,500 workers, benefiting both workers in the private sector and domestic workers, but gave no further details.⁵⁸ Despite this, it is unclear under which circumstances and conditions workers are eligible to collect their money from this fund.

In a positive development, during 2020 some workers from Nepal and the Philippines employed by Mercury MENA, an engineering company working on projects linked to the 2022 FIFA World Cup,⁵⁹ finally received months-worth of unpaid wages from the Workers’ Support and Insurance Fund after Amnesty International documented their cases.

One worker who finally received his dues after over two years told researchers, “Now I will pay back the loan and use the money for my children’s education.”

However, cases documented by Amnesty International and other organizations show that workers who win their cases at the Labour Committees do not systematically receive their dues from the fund as they should. In the absence of more transparency on the decision-making process, it is unclear why some workers are paid while others are not. In its 2020 progress report, the ILO committed to work with the Ministry of Labour on “policies/protocols to handle multi-worker complaints, retaliation, and on how to ensure rapid enforcement of agreements/adjudications through the Workers’ Support Fund.”⁶⁰

⁵³ Amnesty International, *All work, No pay: the struggle of Qatar’s migrant workers for justice*, 2019, <https://www.amnesty.org/en/documents/mde22/0793/2019/en/>

⁵⁴ Ibid, p.21.

⁵⁵ The Peninsula, *Labour Ministry and Supreme Judiciary Council open office for implementation of rulings*, 29 June 2020, <https://www.thepeninsulaqatar.com/article/29/06/2020/Labour-Ministry-and-Supreme-Judiciary-Council-open-office-for-implementation-of-rulings>

⁵⁶ See *ILO Progress Report 2020*, pp.3-4.

⁵⁷ 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/>

⁵⁸ See *ILO Progress Report 2020*, p.4.

⁵⁹ Amnesty International, *Unpaid and abandoned: the abuse of Mercury MENA workers*, 26 September 2018, <https://www.amnesty.org/en/latest/research/2018/09/mercury-mena-abuses-qatar/>

⁶⁰ See *ILO Progress Report 2020*, p.8.

MINIMUM WAGE

In October 2017, the government announced a temporary minimum monthly wage of QR750 (around US\$200).⁶¹ This was less than the QR900 (around US\$248) requested by Nepal's Department of Foreign Employment from Qatari companies seeking to employ its citizens. It was also too low to secure just and favourable 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. In any case, the temporary minimum wage was not properly enforced.

On 30 August 2020, Law No. 17 of 2020 introduced a mandatory non-discriminatory minimum wage for all migrant workers, including domestic workers. It will enter into force in March 2021.⁶² The monthly rate will be QR1,000 (around US\$275) plus allowances of QR300 (around US\$83) for food and QR500 (around US\$138) for accommodation if these are not provided by the employer. A Minimum Wage Commission will review the rate at least annually.⁶³

A joint Qatar-ILO study conducted in 2019 advised Qatar's government on setting the minimum wage level. Although the study was never made public, media reports state it recommended a minimum monthly wage of at least QR1,250 (around US\$345).⁶⁴

While the new minimum wage will boost the income of some of the lowest paid workers, organizations supporting migrant workers on the ground have raised concerns that the agreed minimum wage will still not be enough to cover workers' living costs.⁶⁵

When introduced, the minimum wage must be fully implemented for all workers, effectively monitored and abusers punished. The rate must also be quickly reviewed and revised if necessary, to ensure that it does in practice improve the income of migrant workers in Qatar.

⁶¹ The Peninsula, *Qatar to introduce minimum wage for workers*, 25 October 2017, <https://thepeninsulaqatar.com/article/25/10/2017/Qatar-to-introduce-minimum-wage-for-workers>

⁶² Amnesty International, *New laws to protect migrant workers are a step in the right direction*

⁶³ Law No. 17 of 2020 on National Minimum Wage, https://www.ilo.org/beirut/projects/qatar-office/WCMS_754880/lang--en/index.htm

⁶⁴ See, Qatar 2022 And All That, *World Cup host Qatar urged to give minimum wage workers substantial pay rise*, 12 June 2019, <https://qatar2022andallthat.com/2019/06/12/super-rich-qatar-urged-to-give-minimum-wage-workers-a-pay-rise/>

⁶⁵ Migrant-Rights.org, *Qatar kafala reforms come into force*, 9 September 2020, <https://www.migrant-rights.org/2020/09/qatar-kafala-reforms-come-into-force/>

3. DOMESTIC WORKERS

THE PROMISES

The Domestic Workers Law would be implemented and reviewed, and the Wage Protection System expanded to include domestic workers.

THE REALITY

In August 2017, Qatar enacted the Domestic Workers Law. This promised to limit the working hours of the more than 173,000 domestic workers currently in Qatar and provide them with rest time, a weekly paid day off and other protections.⁶⁶ The law also gave domestic workers the right to submit complaints to the new Labour Committees, allowing them access to justice mechanisms for labour abuses.

The government introduced a number of initiatives and awareness raising campaigns targeting both domestic workers and their employers,⁶⁷ and launched a pilot programme employing a small number of live-out domestic workers.⁶⁸ It also promised to set up a shelter to offer refuge for abused domestic workers.⁶⁹

However, three years later, domestic workers continue to face the most gruelling working conditions and are subjected in many cases to appalling abuse, including serious crimes of physical and sexual assault.

In a recent report, Amnesty International documented how women employed as live-in domestic workers in Qatar face harrowing abuses at the hands of their employers who face no consequences for their crimes.⁷⁰ The findings revealed that, of the 105 women Amnesty International communicated with:

- **89 did not have a weekly day off**, with most saying they had never had a day off during their employment.
- **90 regularly worked more than 14 hours per day without proper rest**, with half regularly working more than 18 hours.
- **87 had their passport confiscated** by their employers.

⁶⁶ Amnesty International, *Two new laws on migrant workers signal degree of progress but major gaps remain*, 25 August 2017, <https://www.amnesty.org/en/documents/mde22/7002/2017/en/>

⁶⁷ See ILO tweet, <https://twitter.com/ILOQatar/status/1036948208914714625>

⁶⁸ See <https://wisa.qa/>

⁶⁹ Gulf Times, *'Human Care Centre' launched to protect victims of trafficking*, 30 June 2019, <https://www.gulf-times.com/story/637897/Human-Care-Centre-launched-to-protect-victims-of-t>

⁷⁰ Amnesty International, *"Why do you want to rest?"*.



*An Indonesian domestic worker trainee practices using a vacuum at a private training and education centre for domestic workers
©Reuters/Beawiharta*

Rosalinda, a Filipino domestic worker in Qatar, said:

“Me, I have had many bad experiences here... No one follows the rules here. I never had a day off in my three years and eight months of work in Qatar”.⁷¹

Many of the women said their employers had verbally abused them and subjected them to dehumanizing treatment:

- **32** said they had been **shouted at, insulted or called degrading names.**
- **23** reported being **denied adequate food or forced to eat leftovers**, while others also reported being **denied medical care and made to sleep on the floor.**
- **15** said they had been **physically abused**, ranging from spitting and slapping to severe forms of assault.
- **5** reported that they had been **sexually abused**, in some cases raped.

The women spoke of their fear of retaliatory measures by abusive employers if they were to complain or try to leave. Even with the recent reforms, their visas and residence permits are still linked to the employer, making it extremely difficult for them to challenge abuses without jeopardizing their legal presence in the country. The promised shelter to offer refuge for around 200 abused women is not yet fully operational, hindering women’s ability to seek justice. In the absence of a safe place to stay and without income, many women will be deterred from bringing complaints in the first place.

⁷¹ Ibid, p.5.

Reina had to work from dawn until long after dusk for seven months without a day off. She was initially employed as a driver but had to clean the house on the top of her job and was beaten by her employers' children. She told Amnesty International:

“I needed to leave this job. If I didn't, I was afraid I would lose my morality, I would have another sort of problem, I would lose my soul. It was a very traumatic experience.”⁷²

Against such a backdrop, a culture of impunity prevails. Abusive employers are rarely, if ever, held to account, even those who have committed serious crimes. None of the women who spoke to Amnesty International has seen their abuser brought to justice. The Domestic Workers Law, which is yet to be reviewed as per the ILO agreement, along with other initiatives introduced so far, have clearly failed to end the pattern of abuses faced by domestic workers.

In these circumstances a detailed plan of action tailored to their specific situation is urgently needed to ensure that legal changes deliver real gains. Above all, stricter inspection mechanisms must be established, and abusive employers investigated and held to account. Until this happens, domestic workers in Qatar will continue to face horrific forms of labour abuses and exploitation.

⁷² Ibid, p.9.

4. DENIED THE RIGHT TO ORGANIZE

THE PROMISES

Under the ILO agreement, Qatar committed to promotion of the workers' voice, including by:

- Establishing representative joint committees.
- Improving the functioning and regulation of workers' committees.

THE REALITY

“[T]rade union rights, freedom of association and the right to strike are crucial means of introducing, maintaining and defending just and favourable conditions of work.”

– UN Committee on Economic, Social and Cultural Rights⁷³

Joining and forming a trade union is a fundamental right for workers, a right enshrined in international treaties that Qatar has ratified.⁷⁴ Yet migrant workers in Qatar are still not allowed to do this. As a result, they cannot collectively re-balance the relationship with their employers to improve their working conditions and combat labour abuses. Crucially, the ILO agreement with Qatar omitted commitments related to trade unions, despite these being elements of the right to freedom of association.

When examining the exercise and enjoyment of the rights to freedom of peaceful assembly and of association in the workplace, the UN Special Rapporteur noted:

“Low-wage migrant workers face severe economic exploitation, social exclusion and political disenfranchisement. They are often denied their freedoms of peaceful assembly and association because of their irregular status or by structural barriers in legal channels that systematically disempower workers... in the destination countries, they are often paid low wages or not paid at all. They are subject to unsafe and unhealthy working and living conditions and gender-based violence... Migrants have become a massive, disposable, low-wage workforce excluded from remedies or realistic opportunities to bargain collectively for improved wages and working conditions”.⁷⁵

Yet, when Qatar ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in May 2018, it entered important reservations that made clear that it had no intention of allowing migrant workers to join and form trade unions any time soon.⁷⁶ It simply committed to working to form worker committees and representative joint committees.

⁷³ See General Comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the ICCPR), para.2, 27 April 2016, <https://undocs.org/E/C.12/GC/23>

⁷⁴ See Article 11 of the ICCPR and Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁷⁵ See *Report of the Special Rapporteur on the rights to freedom of assembly and association*, para.28, 14 September 2014, <https://undocs.org/A/71/385>

⁷⁶ 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/>



*Migrant workers queue to board a bus that will return them to their labour camps which are usually located outside of the city centre.
© Dominique Berbain/Gamma-Rapho via Getty Images*

In 2019 and 2020, the Ministry of Labour and the ILO launched initiatives to promote workers' voices,⁷⁷ including pilot projects to form workers' committees in companies and organizations, 20 of which have now been established, representing almost 17,000 employees.⁷⁸ A new decision on regulating the conditions and procedures for electing workers' representatives to joint committees was adopted.⁷⁹

While this may be better than nothing, it falls far short of the fundamental right of all workers to form and join trade unions, especially important in Qatar where labour abuses are rife.

This problem is exacerbated for domestic workers whose work usually keeps them isolated in their employers' house with limited or no access to the outside world. Allowing them the right to organize and advocate collectively for their rights is paramount to breaking their isolation and improving their working conditions. However, unlike for other workers, no initiatives were rolled out to ensure representation of domestic workers and secure their place during negotiations.

⁷⁷ ILO, *Landmark Group election breaks new ground for Joint Committees*, 16 September 2020, https://www.ilo.org/beirut/projects/qatar-office/WCMS_755461/lang-en/index.htm?shared_from=shr-tls

⁷⁸ See *ILO Progress Report 2020*, p.9.

⁷⁹ See *ILO Progress Report 2019*, p.7.

5. WORLD CUP WORKERS AND FIFA

Since 2014, FIFA and the Supreme Committee of Delivery and Legacy (Supreme Committee) – the Qatari body in charge of planning and delivering the World Cup infrastructure – have introduced a number of initiatives aimed at providing better protections for people contributing to delivery of the World Cup. These include FIFA’s Human Rights Policy⁸⁰ and the joint FIFA World Cup Qatar 2022 Sustainability Strategy,⁸¹ as well as the Supreme Committee Workers’ Welfare Standards.⁸²

Today, more than 20,000 workers specifically working on projects overseen by the Supreme Committee are supposed to benefit from the stricter labour protections required under these standards.⁸³ These are included in contracts awarded to companies working on World Cup sites and cover issues including ethical recruitment, timely payment of salaries, and a ban on forced labour. The Supreme Committee’s 2019 Universal Reimbursement Scheme whereby employers reimburse employees for recruitment fees even without proof of payment, now covers half of existing workers on Supreme Committee projects.⁸⁴

As the focus of tournament preparation moves from construction to service delivery, FIFA and the Supreme Committee are beginning to expand the reach of Workers’ Welfare Standards to contractors and suppliers in the hospitality sector. 26 hotel operators are now obligated to abide by these standards and five are taking part in a pilot of the auditing and inspection processes.⁸⁵

These standards have improved the working and living conditions of people contributing to the World Cup delivery.⁸⁶ However, they are not universally respected. A recent audit conducted at the Supreme Committee’s request shows ongoing compliance issues among contractors.⁸⁷ For example, the audit raised concerns around the working conditions of workers employed by security contractors, particularly in relation to working hours and rest days, and advised that “as the demand for security and hospitality services increases, leading up to the tournament, these non-compliances must be closely monitored and remediated.”⁸⁸

A recent Amnesty International investigation also showed how FIFA and the Supreme Committee have failed to ensure implementation of key protections under their own policies, leaving even World Cup workers at risk of exploitation.⁸⁹

⁸⁰ FIFA Human Rights Policy, May 2017, <https://img.fifa.com/image/upload/kr05dqyhwr1uhqy2lh6r.pdf>

⁸¹ FIFA World Cup Qatar 2022 Sustainability Strategy, October 2019, <https://resources.fifa.com/image/upload/fifa-world-cup-qatar-2022tm-sustainability-strategy.pdf?cloudid=p2axokh26lzaafoutgs>

⁸² The Supreme Committee for Delivery and Legacy (SC), *Workers’ Welfare Standards*, <https://www.qatar2022.qa/en/opportunities/workers-welfare/our-standards>

⁸³ See <https://www.qatar2022.qa/en/opportunities/workers-welfare>

⁸⁴ FIFA World Cup Qatar 2022™, *First Sustainability Progress Report*, October 2020, p.18, <https://img.fifa.com/image/upload/qlsdbl7ipsax0ndjqyup.pdf>

⁸⁵ SC, *Fifth Annual Workers’ Welfare Progress Report*, February-December 2019, p.54, <https://www.qatar2022.qa/sites/default/files/Workers-Welfare-Progress-Report-dec-2019-EN.pdf>

⁸⁶ See Impactt, *Annual External Compliance Report of the Supreme Committee for Delivery & Legacy’s Workers’ Welfare Standards Building a legacy: laying the foundation*, <https://impacttlimited.com/wp-content/uploads/2020/07/IMPA09-2020-Qatar-Annual-Report-v12-Digital.pdf>

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*, p.7.

⁸⁹ Amnesty International, “*I have worked hard – I deserve to be paid*” *Exploitation on Qatar World Cup stadium*, 10 June 2020, <https://www.amnesty.org/en/latest/research/2020/06/exploitation-on-qatar-world-cup-stadium/>

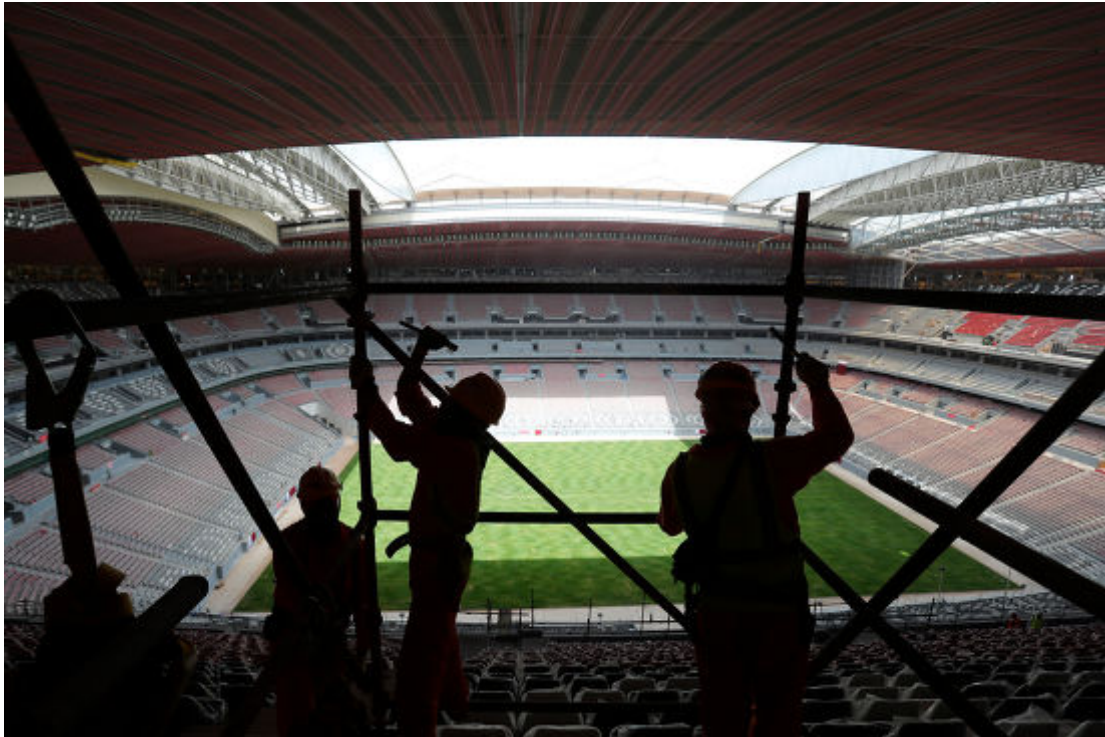
AL BAYT STADIUM

In June 2020, Amnesty International revealed that around 100 employees of Qatar Meta Coats,⁹⁰ a design and construction company subcontracted for work on Al Bayt Stadium,⁹¹ had not been paid for up to seven months and were owed between QR8,000 (US\$2,200) and over QR60,000 (US\$16,500) in salaries and allowances. The company had also failed to renew employees' residence permits, leaving them at risk of detention and deportation. Many of its employees had paid fees of up to US\$2,000 to recruitment agents back home that the company was not willing to reimburse.

The lengthy delays led to great hardship amongst the workers, and some explained how powerless they felt despite Qatar's promised reforms. As Ben told Amnesty International:

“We want [Amnesty] to help us because the rules are there, but the rules are not working. I can see [the Qatar government is] favouring the companies because when you take your case to court, instead of helping you, they will not do it. You will suffer. We don't have salary, we don't have money to go to court, so we have to ask friends, we have to beg. Only God knows what is going on. We are suffering. Now our family is calling us for money. They say we should come back because they don't want us to suffer.”⁹²

Soon after Amnesty International raised the case with FIFA, the Supreme Committee and Qatari authorities, employees began to receive part of what they were owed. At the time of writing, while most employees have now been paid the majority of their basic salaries, some workers still have several months of salary and allowances outstanding.



*Workers remove scaffolding at the Al Bayt stadium in Al Khor, Qatar, about 50 kilometres (30 miles) north of Doha.
© Kamran Jebreili/AP/Shutterstock*

This exploitation took place in plain sight of the Supreme Committee and the Qatari authorities, who said they had first learned of the problem in July and September 2019 respectively, nearly a year before Amnesty International's investigation. So, while the Workers' Welfare Standards appear to have enabled

⁹⁰ Ibid.

⁹¹ See <https://www.qatar2022.qa/en/stadiums/al-bayt-stadium>

⁹² Amnesty International, "I have worked hard – I deserve to be paid" Exploitation on Qatar World Cup stadium,

the Supreme Committee to detect the problem at Qatar Meta Coats quickly, they were unable to secure timely or full payment for the affected workers.

In correspondence with Amnesty International, the Supreme Committee has stated it “will continue to follow-up with MADLSA [Ministry of Labour] until the matter is satisfactorily resolved and all owed payments are made”.

FIFA

FIFA has said it was unaware of the Qatar Meta Coats situation until May 2020, when Amnesty International informed the Supreme Committee.⁹³ It added that it was not being “routinely notified” of all cases requiring remediation. Instead, it appears it is trusting its partners, including the Supreme Committee, and their systems to protect workers’ rights on World Cup sites. The fact that FIFA was unaware of the plight of workers at a World Cup site for so long shows it is still failing to take human rights abuses linked to the World Cup seriously enough.

As a non-profit organization which describes itself as an international governing body of association, FIFA is bound by the UN Guiding Principles on Business and Human Rights.⁹⁴ These state that companies must respect the rights of workers and take adequate measures to prevent, mitigate and – where necessary – redress human rights abuses connected to their operations. FIFA needs to do this in relation to all work connected to the World Cup, whether it involves construction of stadiums or other projects.

⁹³ Amnesty International, *Company responses to Amnesty International allegations of labour abuses on Al Bayt Stadium*, 11 June 2020, <https://www.amnesty.org/en/documents/mde22/2500/2020/en/>

⁹⁴ See https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

6. COVID-19 AND MIGRANTS' RIGHTS

When COVID-19 reached Qatar,⁹⁵ the government started to roll out measures to protect public health and slow the spread of the virus. With the infection rate rapidly increasing,⁹⁶ it closed down parts of Doha's industrial area on 17 March 2020⁹⁷ and soon after extended the lockdown to cover the whole country.⁹⁸ The virus peaked at the end of May and then became less prevalent. By the end of October, there had been over 130,000 confirmed cases and 230 deaths.⁹⁹

The authorities offered free health care and testing for everybody, including all migrant workers, with those infected moved to isolation centres to quarantine and receive care. They also launched awareness campaigns targeting employers and workers and set up an information centre operating in foreign languages to support migrant workers. In addition, they introduced a QR75 billion (US\$20.6 billion) package to reduce the impact of COVID-19,¹⁰⁰ aiming to support small businesses and sectors worst affected such as hospitality, tourism and retail.¹⁰¹

Despite these measures, many migrant workers were exposed to infection as a result of living in overcrowded and often unsanitary conditions.¹⁰² Many faced challenges in maintaining social distancing or taking other measures to protect themselves.¹⁰³

In addition, while businesses faced extraordinary challenges, migrant workers suffered particularly badly, with some running out of food after being left unpaid or without a job and with no means to support themselves or leave the country.¹⁰⁴ The government's financial schemes to support companies and mitigate impacts of the pandemic failed to sufficiently protect migrant workers' wages. Cases of unpaid salaries increased sharply from March 2020 with 8,756 companies "blocked" for violating the WPS, according to the ILO annual progress report.¹⁰⁵ The usual struggles for migrant workers to obtain remedy and seek justice were exacerbated especially during lockdown periods.¹⁰⁶

Additionally, the government told employers that they can "mutually agree" with their employees to take unpaid leave or annual leave, or reduce working hours during this period, in an effort to preserve jobs in

⁹⁵ Al-Jazeera, *Qatar reports first coronavirus case in citizen who was in Iran*, 29 February 2020,

<https://www.aljazeera.com/news/2020/2/29/qatar-reports-first-coronavirus-case-in-citizen-who-was-in-iran>

⁹⁶ See the Ministry of Public Health announcement on 11 March 2020, <https://twitter.com/QNAEnglish/status/1237766511324024838>

⁹⁷ See the Supreme Committee for Crisis Management announcement on 17 March 2020,

<https://www.thepeninsulaqatar.com/article/17/03/2020/Qatar-announces-more-closures-to-beat-coronavirus>

⁹⁸ See GCO announcement on 22 March 2020, <https://twitter.com/GCOQatar/status/1241631676452737024/>

⁹⁹ See <https://www.worldometers.info/coronavirus/country/qatar/>

¹⁰⁰ See International Monetary Fund Policy Tracker, *Policy Responses to COVID-19*, <https://www.imf.org/en/Topics/imf-and-covid19/PolicyResponses-to-COVID-19#Q>

¹⁰¹ Among the measures introduced were six-month exemptions on utilities payments (water, electricity) and on payment of rent for logistics areas and small and medium industries. The Qatar Central Bank established mechanisms to facilitate postponement of loan instalments and obligations of the private sector, and the Qatar Development Bank is administering the National Guarantee Programme to help companies meet wages and rental fees. Measures also included exemptions on customs duties on food and medical goods for six months.

¹⁰² See Ministry of Public Health announcement, 11 March 2020, <https://twitter.com/QNAEnglish/status/1237766511324024838> and Amnesty International, *COVID-19 makes Gulf countries' abuse of migrant workers impossible to ignore*, 30 April 2020,

<https://www.amnesty.org/en/latest/campaigns/2020/04/covid-19-makes-gulf-countries-abuse-of-migrant-workers-impossible-to-ignore/>

¹⁰³ According to report received by Amnesty International from workers residing in labour camps.

¹⁰⁴ See for example The Guardian, *Qatar's migrant workers beg for food as Covid-19 infections rise*, 7 May 2020,

<https://www.theguardian.com/global-development/2020/may/07/qatars-migrant-workers-beg-for-food-as-covid-19-infections-rise>

¹⁰⁵ See *ILO Progress Report 2020*, p.4.

¹⁰⁶ According to information received by Amnesty Information from both workers and organizations supporting them.

the long run.¹⁰⁷ Employers can also terminate contracts in line with provisions in the Labour Law regarding notice period, payment of end of service benefits and a ticket for migrant workers to return home.

However, given the power dynamics at play and with workers prevented from becoming unionized, the extent to which migrant workers can effectively negotiate with their employers in this regard is extremely limited. According to Human Rights Watch, some workers had their wages reduced during the pandemic without any discussions.¹⁰⁸

Amnesty International also documented how hundreds of migrant workers were rounded up and detained by police in parts of Doha whilst away from their accommodation, carrying out errands or shopping for groceries in March 2020.¹⁰⁹ Police told them they were being taken to be tested for COVID-19 and would be returned to their accommodation later. Instead, they were crammed onto buses and taken to a crowded detention facility where they were apprehended for days in inhumane conditions alongside scores of other people from various countries.

One man told Amnesty International: “We were asked to stop to test for the virus. Police told us that the doctor would come and check the virus. But they lied to us.”

The men were then held in overcrowded cells without beds or bedding, and not given enough food or water, before being deported several days later, many without having been paid their outstanding salaries and benefits from their companies.



Migrant workers rest after a day of work between 1 and 8 centimetres thick, in a labour camp dormitory in Doha's Industrial Area, on June 18, 2011 © Sam Tarling/Corbis via Getty Images

¹⁰⁷ Ministry of Labour, *Regulating the contractual relationship during the current crisis*, 14 April 2020, <https://www.adlsa.gov.qa/en/news/Pages/news150402020.aspx>

¹⁰⁸ Human Rights Watch, *"How Can We Work Without Wages?" Salary Abuses Facing Migrant Workers Ahead of Qatar's FIFA World Cup 2022*, 24 August 2020, <https://www.hrw.org/report/2020/08/24/how-can-we-work-without-wages/salary-abuses-facing-migrant-workers-ahead-qatar>

¹⁰⁹ Amnesty International, *Migrant workers illegally expelled during COVID-19 pandemic*, 15 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/qatar-migrant-workers-illegally-expelled-during-covid19-pandemic/>

CONCLUSION AND RECOMMENDATIONS

The recent legal reforms offer hope for migrant workers, particularly those trapped in abusive working conditions. But for these reforms to bring about the changes needed in workers' lives, they must be accompanied by strict and effective monitoring and accountability mechanisms to ensure their full enforcement and implementation, as well as further reforms in some key areas. Ultimately, Qatar needs to take serious action against employers who abuse the rights of migrant workers.

The need to hold perpetrators to account is paramount to end the cycle of abuse and exploitation. Accountability for labour abuses remains one of the most critical deterrents of abuse. It means that the government must fully implement laws, regulations and impose penalties so that abusers know they will face consequences for their actions. This in turn will send a strong message that abuses of labour rights and related crimes will be tolerated no longer. This is particularly important to protect domestic workers who face the most severe forms of abuse and exploitation.

To truly bring its laws and practices in line with international standards to protect migrant workers' rights, Amnesty International is calling on Qatar with the support of the ILO to do the following:

LEGAL PROTECTIONS:

- Fully and effectively implement and enforce all the legal reforms introduced to date.
- Build on the abolition of the "exit permit" and "No-Objection Certificate" to further reduce migrant workers' dependency on their employers, including by allowing migrant workers to renew their own residence permits and health cards when needed.
- Decriminalize the charge of "absconding".
- Enforce the ban on passport confiscation and punish employers who engage in such practice.

WAGE PROTECTIONS:

- Ensure payment of decent wages and tackle worker debt. This should be done by:
 - effectively implementing the Wage Protection System and extending it to include domestic workers;
 - adequately resourcing and systematically implementing the Workers' Support and Insurance Fund, taking into account the ongoing impact of COVID-19 and making it accessible to all workers whose employers have failed to pay them;
 - strengthening measures to protect workers from abusive recruitment practices; and
 - urgently reviewing and revising the level of the proposed minimum wage for migrant workers to ensure it is adequate to meet the cost of living.
- Improve migrant workers' access to justice and speed up the process by increasing the number of Labour Committees and accepting collective claims.

END IMPUNITY:

- **Strengthen enforcement of labour laws and reforms**, including by ensuring regular and rigorous labour inspections across all sectors, including for domestic workers.
- **Thoroughly investigate abusive employers and hold them to account**, including by:
 - following up properly on reports of abuse and exploitation to ensure they are quickly and thoroughly investigated and prosecuted as appropriate; and
 - penalizing employers and sponsors for failing to respect Qatari laws and regulations in ways that deter potential abusers.

PROTECT DOMESTIC WORKERS:

- **Strengthen protection of domestic workers** by:
 - including domestic workers in the Labour Law and the Wage Protection System, and in the meantime fully and effectively implementing and enforcing the Domestic Workers Law;
 - strengthening inspection and enforcement mechanisms;
 - protecting victims by fully operationalizing the refuge shelter and increasing its capacity; and
 - holding abusive employers to account, including through criminal prosecution as required.

LIFT THE BAN ON TRADE UNIONS:

- **Respect the right of migrant workers to form trade unions** and withdraw the related reservations to international treaties.

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ONE, IS AN
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REALITY CHECK 2020

COUNTDOWN TO THE 2022 WORLD CUP – MIGRANT WORKERS' RIGHTS IN QATAR

In the decade since Qatar successfully bid to stage the 2022 FIFA World Cup, reports of exploitation and labour abuse have consistently tarnished preparations, with workers exposed to forced labour, unpaid wages and excessive working hours.

So, it was with great anticipation that Qatar announced in 2017 a partnership with the International Labour Organization to bring its labour laws and practices in line with international standards, offering the possibility that the World Cup could instead leave a positive legacy for workers' rights.

This report highlights that Qatar has made some important progress to date, including major reforms announced in 2020 to facilitate freedom of movement and introduce a new minimum wage. Yet, it also demonstrates that the weak implementation and enforcement of other reforms introduced in recent years has left thousands of workers at the mercy of unscrupulous employers who have been allowed to commit abuses with impunity.

Qatar has a major opportunity to prove to the world that it is serious about workers' rights. As the countdown to kick off continues, will the promises of labour reforms be matched by the reality faced by the migrant workers upon whom Qatar so depends?