PROMISING LITTLE, DELIVERING LESS

QATAR AND MIGRANT LABOUR ABUSE AHEAD OF THE 2022 FOOTBALL WORLD CUP



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My company has never given me my ID so at any time the police can arrest me and I will be stuck in jail.

Because of this I rarely leave my camp. My life is just the construction site and this dirty room. If I could I would change jobs, but I can't because my sponsor has my passport and won't let me work for another company.

Ganga Prasad, construction worker

A year ago, on 14 May 2014, the Qatar government promised reforms to address the widespread exploitation of migrant workers in the country.² The announcement, made following months of pressure on the authorities over conditions for migrant workers, included only limited changes to the exit permit and other aspects of the "kafala" sponsorship system — a system that facilitates forced labour and a range of other abuses.

While a move towards reform is welcome, the changes proposed by the government are inadequate and will not address the daily abuse faced by tens of thousands of migrant workers across the country. Moreover, none of the proposed reforms have yet been implemented. On 4 May 2015, Qatar's Minister of Labour

and Social Affairs told a gathering of media that the changes proposed last year would likely be implemented "before the end of this year" – eighteen months after the plan was first announced. This is not the first time such promises have been made. Senior Qatari officials have reiterated their commitment to labour rights reforms over the past year, usually in response to international criticism of the labour rights situation in Qatar. 4

In 2014, Amnesty International identified nine key labour exploitation issues that Qatar should address urgently, based on extensive research into labour exploitation in the country over the past three years. These were:

- the exit permit that allows employers to stop workers leaving the country;
- the restriction on changing employers under Qatar's kafala system;
- the lack of protection of domestic workers under the Labour Law;

- the practice of late or non-payment of wages to migrant workers;
- fees charged and false promises made to migrant workers by recruitment agencies;
- harsh and dangerous working conditions on construction sites;
- obstacles to access justice for victims of labour exploitation;
- the denial of the right to form or join a trade union;
- and the authorities' failure to enforce existing labour standards.

This briefing reviews Qatar's progress on all nine issues identified by Amnesty International, which include the issues on which the government promised reform in May 2014.

Labour reforms promised by the Qatari authorities in May 2014

- Replace the current exit permit system with an automated system through the Ministry of Interior, automatically granting an exit permit to an employee after a 72-hour grace period. However, it appears that employers would have the right to object to an employee's departure during this period.
- Increase the penalty for passport confiscation from QAR 10,000 to up to QAR 50,000 (\$US2,700 13,700).
- Replace the "No Objection Certificate" (which workers currently have to obtain from their employer or sponsor before being allowed to change jobs), with an "employment contract system", enabling an employee to transfer to another employer at the end of their contract.
- Abolish the "two year rule", which currently prevents workers from coming back to Qatar for two years after they have ended a contract.



QATAR'S SCORECARD OVER THE LAST YEAR

Since Qatar announced reforms in May 2014, Amnesty International has been monitoring progress on nine core labour rights issues. The monitoring process has included visits to Qatar, interviews with migrant workers, and communications with the Qatar government, the National Human Rights Committee, the Qatar 2022 Supreme Committee for Delivery and Legacy, and other relevant stakeholders in the country.

Qatar's scorecard, below, reveals little progress in the last 12 months. Nothing has changed in four areas: the exit permit, the restriction on changing employers, the freedom to form or join a trade union, and protection of domestic workers under the Labour Law. Only limited progress has been achieved in the remaining five areas.

ACTUAL CHANGE SINCE MAY 2014 None Limited Partial

MIGRANT WORKERS DENIED EXIT PERMITS AND HAVE THEIR PASSPORTS CONFISCATED.

According to senior Qatari officials, draft laws based on the proposals announced in May 2014 are still being discussed by government authorities.⁶ However, none of the reforms proposed under the draft laws have taken place, nor has any timetable been provided for their approval and implementation.⁷

The draft laws limit an employer's ability to block a worker from moving to another job for the duration of a worker's contract, which could be as long as five years. The draft laws also amend the exit permit system to allow workers to leave the country 72 hours after they apply to do so. Employers would still have the chance to object to the government and stop the worker leaving. It remains unclear on what grounds an employer could object. and how the worker could challenge this objection. The reforms would also increase the penalty for passport confiscation from QAR 10.000 to up to QAR 50.000. The "two year rule", which currently prevents workers from coming back to Qatar for two years after they have ended a contract, would be abolished.

THE RESTRICTIVE SPONSORSHIP OR KAFALA SYSTEM GIVES RISE TO ABUSE, INCLUDING FORCED LABOUR.

As noted above, the government is still discussing the draft laws based on the proposals announced in May. No reforms relating to the Kafala system have taken place, nor has any timetable been provided for the approval and implementation of the draft laws.8

QATAR'S LABOUR LAW EXCLUDES DOMESTIC WORKERS.

In September 2014, the government told the UN that it would change its law to protect the labour rights of domestic workers. It also stated that it would criminalize domestic violence and ensure that a broad definition of the crime is applied so as to ensure the protection of all persons concerned,

including domestic workers. In November, Labour Ministers of the Gulf Cooperation Council (GCC) states, which includes Qatar, promised to develop a "unified contract" to protect the rights of domestic workers to freedom of movement, to set daily working hours at six, paid overtime of two hours, and provide "decent dwelling".9 However, soon after the announcement, the GCC distanced itself from these promises, noting that such reforms were for each member state to pursue under its domestic laws.10 In Qatar, no new laws have been passed, nor has the Qatar government made any formal, public announcements regarding improvements in the protection of the rights of domestic workers.

MIGRANT WORKERS PAID LATE OR NOT PAID AT ALL.

On 19 February 2015, Qatar's Emir approved an amendment to the Labour Law requiring businesses to pay workers through direct bank deposits. The amendment is still in the process of being implemented, with businesses given six months to comply, but the Minister of Labour maintains a discretion to extend this deadline. 11 The reform only applies to workers with a salary. It is unclear how the authorities will ensure wage protections for tens of thousands of workers who do not receive regular pay or who are employed under more informal arrangements.

MIGRANT WORKERS FREQUENTLY
PAY SUBSTANTIAL FEES TO
RECRUITMENT AGENCIES IN
ORDER TO OBTAIN WORK IN
QATAR. OFTEN THE RECRUITMENT
AGENCIES MAKE FALSE PROMISES
ABOUT SALARIES OR THE TYPE
OF WORK ON OFFER. IN SOME
CONTEXTS, DECEPTION OVER WORK
CONDITIONS AND THE SITUATION
IN WHICH MIGRANT WORKERS
THEN FIND THEMSELVES CAN
AMOUNT TO HUMAN TRAFFICKING.

In April 2015, the Labour Ministers of Nepal and Qatar vowed to stop the "illegal" practice

of recruiters charging fees from migrant workers. Bilateral agreements between Qatar and several countries, including Nepal, The Philippines and India, oblige Qatari employers to bear the cost of hiring workers from laboursending countries. However enforcement of these agreements is inconsistent, limited or non-existent, and Qatar has not provided any details on how it will address this. However enforcement

Nepali workers in Qatar have faced difficulty obtaining permission from their employers to return home following the 25 April earthquake, particularly individuals who have served less than the standard two-year contract term. Scores of Nepali workers and community representatives complained of inadequate assistance from companies and the authorities, as they are desperate for news about their relatives and to send money home to help rebuild damaged homes and livelihoods.¹

CONDITIONS ON-SITE FOR CONSTRUCTION WORKERS ARE HARSH AND DANGEROUS. WORKERS FACE BARRIERS IN ACCESSING HEALTH CARE.

The Qatari authorities say they are actively seeking to enforce mandatory work site protections, such as prohibitions on working during the hottest times of the day. Yet Amnesty International interviewed over a hundred workers who complained that these protections were not enforced on several different construction sites. Many said they were forced to work during the hottest parts of the day. 15 The government has not carried out an independent investigation into the death of migrant construction workers despite calls to do so from the UN and others, including the law firm DLA Piper that the government itself commissioned to review the migrant labour issue.

ACCESS TO JUSTICE FOR VICTIMS OF LABOUR EXPLOITATION IS DIFFICULT, TIME-CONSUMING AND EXPENSIVE.

The Qatari authorities promised to improve access to justice, but workers continue to report delays in filing complaints, holding

hearings and implementing judgments, and they risk abuse and sanctions for making formal complaints. For example, a migrant workers' employer can report the worker as having 'absconded', as a reprisal for making a complaint, which exposes the person to detention and deportation. The authorities rarely investigate the circumstances surrounding allegations of a worker 'absconding'.

MIGRANT WORKERS ARE FORBIDDEN FROM FORMING OR JOINING TRADE UNIONS.

Unlike Qatari nationals, migrant workers continue to be prevented from forming or joining trade unions.

LABOUR STANDARDS, INCLUDING IN RELATION TO ACCOMMODATION, ARE NOT ENFORCED PROPERLY. THERE ARE NOT ENOUGH INSPECTION IS NOT STRINGENT.

In July 2014, the cabinet approved a draft decision governing workers' living conditions, including an increase in the space allocated per worker. At the same time the government said it had increased the number of labour inspectors from 200 to 243, with a target of having 300 inspectors by the end of 2014. That figure has not yet been reached at time of writing (May 2015). According to the Ministry of Labour and Social Affairs there are currently 264 inspectors. 17 Government officials privately acknowledge that many more inspectors are required and that existing inspectors require significant training.18 The inspectors have judicial powers to issue penalties for violations related to workers' accommodation, work sites and occupational health and safety.

In May 2015 the government announced a plan to build seven 'labour cities' to accommodate a total of 258,000 migrant workers by the end of 2016.¹⁹

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OF MIGRANT WORKERS

At the heart of Qatar's construction boom and the unprecedented global scrutiny on the country is the 2022 FIFA Football World Cup. Three issues have dominated global media coverage of the World Cup in Qatar: allegations of corruption in the tournament bidding process; concerns about the summer temperatures in Qatar; and the exploitation of migrant construction workers.

Allegations of corruption and the issue of tournament scheduling to account for the high summer temperatures in Qatar have dominated the FIFA leadership's agenda for the last three years. The organisation commissioned a twoyear investigation, starting in July 2012, into alleged corruption in the bidding processes for the Russia and Qatar World Cup tournaments. Undertaken by an independent investigator,20 the investigation culminated in a 350-page report to the Adjudicatory Chamber of FIFA's

Ethics Committee, a body headed by a judge. The Adjudicatory Chamber publicly issued a summary of its findings in November 2014, and, after internal and public pressure, FIFA promised to publish the full report subject to redactions to protect the identity of key witnesses.21 The process has been criticised by the investigator who authored the report and others for lacking transparency, and there is lingering uncertainty as to when the report will be publicly released, and whether it will be released in its entirety.²² But the response to corruption allegations has demonstrated FIFA's capacity to carry out investigations into sensitive and potentially damaging issues when there is sufficient political will to do so.

FIFA has also spent considerable resources and political capital to move the Qatar World Cup from the northern summer to November-December 2022 when the temperatures are much cooler in the country. It held negotiations with regional football organisations and major business sponsors and required the rescheduling of the lucrative club tournaments in Africa, Europe and the Asia-Pacific that would have otherwise clashed with the World Cup.23

FIFA makes frequent public reference to its concerns about migrant labour conditions in Qatar. According to its public statements, concerns over migrant worker rights have been raised with senior Qatari officials, including the Emir.²⁴ The organisation has requested updates on improvements in worker conditions from the Qatar 2022 Supreme Committee for Delivery and Legacy, the body responsible for organising the 2022 World Cup. FIFA has also held regular meetings "with football stakeholders as well as other entities including human rights and labour organisations, and trade unions,"25 and committed to adding human rights criteria to future World Cup bidding processes.²⁶ While this engagement is welcome, it falls far short of the concrete action needed to ensure the World Cup in Qatar does not lead to or exacerbate labour exploitation. And it falls far short of the concrete action taken by FIFA in respect of other issues of international concern. While the primary responsibility for the rights of workers in Qatar rests with the Qatari authorities. FIFA has a clear responsibility to act in the face of the evidence of labour exploitation, knowing that it is migrant construction workers and migrant service industry workers who are on the frontline in delivering the World Cup experience in Qatar.

DECEIVED AND FORCED TO WORK FOR NO PAY

"I was promised 1600 Qatari Riyals (\$US370), but when I arrived my boss said I would only get paid 800. Until now, though, I have not been paid anything,"

said Ranjith, 29 a Sri Lankan national from a village outside Colombo who arrived in Qatar five months ago. Ranjith works as a metal worker on a major building project in the Musheireb area of Doha, a part of the city facing a construction boom in the lead up to the Qatar World Cup. "I haven't been given an ID or any contract. I wake up at 4am every morning, have my shower and small breakfast then leave my home in the Industrial Area for work at 5am and arrive an hour later at

6am," he added. "To come to Qatar I had to take a loan of 130,000 Sri Lankan Rupees [approximately \$US1,000] at an interest rate of 36 percent. I just want to work and earn some money for my wife and children, but because of my sponsor I cannot change jobs. If I go to the police they will arrest and deport me because I do not have an ID."

Ranjith lives in a small room with seven other men in the dusty, barren Industrial Area in a workers camp.

"The bathrooms smell and are filthy, so is the kitchen. Even our rooms are cramped and dirty."

Sadly, Ranjith's situation is typical for many of the hundreds of thousands of migrant construction workers in the country. Although the Qatari authorities have promised to increase protections for migrant workers like Ranjith, little has changed on the ground. In February the Emir of Qatar passed an amendment to the Labour Law that would require employers to make regular, recorded payments to their staff. But this would only apply to individuals with a salary. The authorities have yet to adequately explain how they will ensure people like Ranjith who have not been paid or provided identification documents and/or a contract will be compensated for their hard work.

QATAR 2022 SUPREME COMITTEE:

KEY PARTNER IN ADDRESSING

MIGRANT LABOUR RIGHTS

The Qatar 2022 Supreme Committee for Delivery and Legacy, the body responsible for organising the 2022 FIFA World Cup, is one of the few organisations in Qatar to establish worker welfare standards.27 At the end of 2014, the Supreme Committee invited Amnesty International to provide comments on its first Workers' Welfare Compliance Report prior to its release in December.²⁸ In its feedback, Amnesty International recognised the positive steps taken by the Supreme Committee, and raised a number of questions regarding the implementation of the welfare standards in line with international human rights standards. With the Supreme Committee's next compliance report due later this year, Amnesty International will continue to monitor the organisation's effectiveness in identifying and addressing labour rights issues on World Cup sites.



(Left) Construction worker, Doha, Qatar, May 2014. (© Warren Little/Getty Images)

(Right) Accommodation camp for migrant workers, Qatar, March 2015. (© Amnesty International)

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WHAT HAS BEEN THE

MOST SIGNIFICANT CHANGE

OVER THE LAST YEAR?

On 19 February the Emir of Qatar approved an amendment to the Labour Law requiring businesses to pay workers through direct bank deposits.30 This is the most significant reform that Amnesty International is aware of over the last twelve months. Employers who fail to carry this out risk fines of between 2000 and 6000 Riyals (around \$US530 to \$US1590) and a prison term of up to one month. Employers have been given until August 2015 to implement the law. However the amendment gives the Minister for Labour and Social Affairs the power to extend the deadline without explaining the parameters or limits on this authority, making it unclear when businesses will actually have to comply with the reforms.

The electronic payment reform or "wage protection system", as the amendment is commonly referred to, should provide the authorities and workers with clearer evidence of where employers are not paying salaries. However, its success will depend on the authorities monitoring the payment of salaries and implementing effective enforcement measures. While the wage protection system is an important and positive step, other fundamental reforms are needed, particularly with respect to the exit permit and other aspects of the kafala sponsorship system.

THE ROLE OF

SENDING COUNTRIES

Governments of migrant workers' countries of origin must prevent the exploitation of their citizens by predatory recruiters before they migrate to Qatar. Meanwhile, the multinational companies and businesses at the heart of Qatar's massive construction boom are only scratching the surface in terms of understanding how workers on their projects – particularly those employed by subcontractors and labour suppliers – may be abused, and putting in place systems to address this risk.

CONCLUSION

Measures to ensure the regular payment of workers, to make it easier for them to obtain an exit permit or change jobs, and to prevent passport confiscation are positive. If implemented these proposals would improve conditions for workers. However, the failure to implement even the moderate improvements in labour rights protection proposed in May 2014 leaves serious doubts about Qatar's commitment to make the significant shift necessary to protect the more than 1.5 million migrant workers³² at risk of abuse in the country.33 With Qatar's construction boom continuing and the migrant worker population set to expand to 2.5 million,34 the need for urgent reform is more pressing than ever.

AMNESTY INTERNATIONAL CALLS ON FIFA TO:

- Publicly and privately call on the Qatari authorities to implement effective reforms to protect migrant workers' rights and pursue these reforms consistently.
- Put in place adequate human rights due diligence systems to enable FIFA to become aware of and prevent human rights abuses linked to the staging of the World Cup. FIFA's due diligence processes should be made public, as should the specific actions taken to fulfil them.
- Work closely with the Qatar 2022 Supreme Committee, major corporate partners, and other agencies responsible for delivering the World Cup to ensure that international labour and other human rights standards are respected and due diligence frameworks are in place to prevent abuses.

(Left)

Migrant workers' living quarters, Qatar. (© Richard Messenger)



Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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(COVER IMAGE) Migrant labourers queue for the bus back to their