



NEW NAME, OLD SYSTEM?

QATAR'S NEW EMPLOYMENT LAW AND ABUSE OF MIGRANT WORKERS

AMNESTY
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Cover photo: A migrant worker in a labour camp in the Sanaya Industrial Area in Doha, during a government-guided tour, May 3, 2015. © REUTERS/Stringer

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1. BACKGROUND

“I went to the company office, telling the manager I wanted to go home [back to my country] because always my pay is late. The manager screamed at me saying ‘keep working or you will never leave!’”

Migrant worker in Qatar, interviewed by Amnesty International in May 2015

On 13 December 2016, Qatar’s notorious 2009 sponsorship law, widely identified as a key driver of the abuse of migrant workers, will be no more. This briefing examines whether its replacement, Law No. 21 of 2015 on the Entry, Exit and Residency of Foreign Nationals, will make any significant improvement to the lives of workers in the country.

The sponsorship (*kafala*) law has been in the headlines since 2010, when Qatar won the contest to host football’s 2022 World Cup. Since then, the country’s population has swelled by around 35%, to just over 2.6 million in October 2016, as hundreds of thousands of migrant workers have been recruited to meet the demands of a massive infrastructure development programme to support the event.¹

The sponsorship law ties workers to their employers, putting them at risk of forced labour and other forms of exploitation and abuse. Amnesty International, other international organizations and trade unions have long been calling for its urgent and fundamental reform, including to abolish the exit permit system that prevents exploited workers from leaving Qatar without their employer’s permission. In June 2014 the International Labour Organization (ILO) accepted a complaint brought against Qatar regarding non-compliance with its obligations as signatory to the ILO Convention No. 29 on Forced Labour and Convention No. 81 on Labour Inspections.²

The Qatari government says Law No. 21 abolishes the sponsorship system and heralds significant changes.³ In March 2016, officials described the new legislation as “sweeping reforms” in a letter to Amnesty International.⁴

¹ Qatar’s April 2010 census measured the total population to be 1,699,435. By October 2016 this figure has risen to 2,611,522 (see Ministry of Development and Planning monthly statistics), www.mdps.gov.qa/en/statistics1/StatisticsSite/Pages/Population.aspx

² At the 103rd Session of the International Labour Conference (ILC), delegates from 12 countries filed a complaint against the Government of Qatar relating to the violation of Convention No. 29 on Forced Labour and Convention No. 81 on Labour Inspection, www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_348745.pdf

³ *Gulf Times*, “New law lifts two-year ban on expats’ re-entry”, 1 November 2015, www.gulf-times.com/story/461194/New-law-lifts-two-year-ban-on-expats-re-entry; Qatar News Agency, 9 October 2016, www.qna.org.qa/en-us/News/16100918410055/Launch-of-Awareness-Campaign-on-New-Worker-Protection-Law

⁴ Letter received by Amnesty International from the Ministry of Foreign Affairs, 19 March 2016.

The government's recognition that the situation needs reforming is welcome. However, while the new law does not contain the words "sponsor" or "sponsorship", it introduces only limited changes.

It is unclear exactly how some of the provisions will be implemented. But what is certain is that the new law does not abolish the exit permit system and leaves employers with excessive control over people working for them during the period of their contract, which can last up to five years. The law may make it easier for workers to return to Qatar for new jobs after they have left, a potentially important improvement, but on the other hand it also appears to make it easier for employers to hold workers' passports against their will. Ultimately, the powers of the "employer" under the new system are similar to those of the "sponsor" under the old one.

Some migrant workers have told Amnesty International that they expect their lives to significantly improve after the new law comes into force. Their expectations seem unlikely to be realized.

Qatar's government, its international partners, and institutions with global influence such as football's world governing body FIFA and its sponsors, cannot and must not use this new law to claim that Qatar's migrant labour problem has been solved. It will not be solved until the sponsorship system is fundamentally reformed and the severe imbalance of power between worker and employer is addressed.

2. WHAT NEEDED REFORMING

“Our review confirms that the *kafala* sponsorship system, in its existing form, is no longer the appropriate tool for the effective control of migration in Qatar.”

Migrant Labour in the Construction Sector in the State of Qatar, report commissioned by the Qatari government, 2014⁵

The 2009 sponsorship law gives employers excessive control over workers, facilitating abuse. In particular:

- Workers are only allowed to change jobs with the permission of their current employer, who has to issue a “no objection certificate”.
- If workers leave their sponsor for any reason or work for another employer, this is a criminal offence and the workers are considered to have “absconded” or to be “runaways”.
- To leave the country, workers must get the permission of their employer in the form of an “exit permit”.
- Although the law requires that workers should possess their passports once administrative procedures have been completed, over 90% of Qatar’s low-income workers do not in fact have them in their possession.⁶

Amnesty International, Human Rights Watch and UN experts have found that employers use the sponsorship system’s mechanisms to coerce their workers.⁷ Indeed, the government’s own review of its labour system found that it facilitated forced labour.⁸

⁵ DLA Piper, *Migrant labour in the construction sector in the state of Qatar*, Page 44, www.engineersagainstpoverity.org/documentdownload.axd?documentresourceid=58

⁶ Andrew Gardner, Silvia Pessoa, Abdoulaye Diop, Kaltham Al-Ghanim, Kien Le Trung and Laura Harkness, “A portrait of low-income migrants in contemporary Qatar”, *Journal of Arabian Studies* 3.1, June 2013, Pages 1-17.

⁷ Amnesty International, *The dark side of migration: Spotlight on Qatar’s construction sector ahead of the World Cup* (Index: MDE 22/010/2013); “My sleep is my break”: Exploitation of migrant domestic workers in Qatar (Index: MDE 22/004/2014); and *The ugly side of the beautiful game: Exploitation of migrant workers on a Qatar 2022 World Cup site* (Index: MDE 22/3548/2016). Also, Human Rights Watch, *Building a better World Cup*, 2012; Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Human Rights Council 26th Session, A/HRC/26/35.

⁸ DLA Piper, *Migrant labour in the construction sector in the state of Qatar*, Pages 55, 61, 73, www.engineersagainstpoverity.org/documentdownload.axd?documentresourceid=58

ILO Convention No. 29 on Forced Labour, to which Qatar is a state party, defines forced labour as having two key elements:

- Work that someone is not doing voluntarily; and
- Work that is extracted under threat of a penalty.

The ILO has emphasized that “menace of penalty” refers to various forms of coercion such as threats, violence, retention of identification documents, and confinement or non-payment of wages:

“The key issue is that workers should be free to leave an employment relationship without losing any rights or privileges. Examples are the threat to lose a wage that is due to the worker or the right to be protected from violence.”⁹

Since 2012, Amnesty International has met people in Qatar doing work for which they have not offered themselves voluntarily, either because they have been deceived about the terms or conditions, or because their pay has been withheld for months at a time. In addition, they have faced credible threats of penalties if they were to stop working, including the active withholding of salaries, passports and permission to leave the country. Where workers were working involuntarily under a threat of penalty, these cases constituted forced labour. Where they were deceived into situations of forced labour, they were also victims of human trafficking.¹⁰

It is extremely difficult for workers to switch jobs in Qatar as they require a “**no objection certificate**” from their current employer and approval from the State. This makes workers particularly dependent on their employers. If they are subject to abuse or exploitation, they have few options to change their situation. Many migrant workers have paid extortionate fees to migrate and need to continue earning to pay back loans.

Under the 2009 sponsorship law, leaving an employer without their written permission is a crime referred to as “**absconding**”. Unscrupulous employers can exploit this provision, by threatening to report workers for “absconding”.

In October 2016, a group of taxi drivers told Amnesty International that they had filed a case with the Labour Court in July because their employer had reduced their salaries significantly, in breach of the contracts they had signed before migrating to Qatar.¹¹ In response, the employer filed charges of “absconding” against them. Five of the men were detained and held at the Ministry of Interior’s deportation centre. One was deported in October 2016. The message to the other employees was clear: complain and face arrest and deportation.

The **exit permit system** violates workers’ right to freedom of movement by giving an entity other than the government the ability to stop them leaving the country and returning home. Employers use this power to keep migrant workers in Qatar working involuntarily.

The exit permit system means that migrant workers are unable simply to resign and leave the country if their working conditions are intolerable. It also sends a signal to employers that it may be justified for them to prevent their employees from leaving the country, thereby encouraging the related but illegal practice of passport confiscation.

Employers routinely hold workers’ **passports**, in breach of the 2009 sponsorship law. A 2012 study found that 90% of surveyed low-income workers did not have their passports in their possession; their employers were holding them. Many workers may accept this situation initially, but when they wish to complain or leave the country they may find that their employer uses their passport to force them to keep working.

For example, in 2015 a worker told Amnesty International that when he complained about the terms of work, his manager said: “Work for another one to three months and accept whatever you get. If you don’t work, you won’t get paid and you won’t get your passport back.”¹²

⁹ ILO, Forced labour and human trafficking: A handbook for labour inspectors, Page 4.

¹⁰ Amnesty International, The dark side of migration; “My sleep is my break”; and The ugly side of the beautiful game.

¹¹ Amnesty International has seen Labour Court papers and arrest documents relating to the cases of several of the men.

¹² Amnesty International interview in Qatar, May 2015.

3. THE NEW LAW

“[The] exit permit will no more be required for travel since it was part of the Kafala [sponsorship] system, which will become invalid with enforcement of this law.”

Brigadier Mohammed Ahmed Al Atiq, Assistant Director General of the Department of Border, Passport and Expatriates Affairs at Qatar’s Ministry of Interior, November 2015¹³

“The Committee notes with regret that... Employers will continue to play a significant role in regulating the departure of their employees.”

International Labour Organization Committee of Experts commenting on Qatar’s Law No. 21 of 2015¹⁴

In describing their reform efforts, the Qatari authorities have veered between two quite different messages. On the one hand, they have stressed the need to reform the labour system gradually in order to be sensitive to the effect that changes will have on Qatari society. Officials have said that the country is on a “long journey”.¹⁵ In March 2016, the government told Amnesty International:

“Labour reform is a complex issue, especially in a nation with a small indigenous population and a far larger population of guest workers.”¹⁶

On the other hand, the authorities have said that Law No. 21 is a sweeping, significant reform.

The reality is that the new law does not significantly change the relationship between worker and employer, although it does include some minor improvements. Despite official statements, the reform will not end the sponsorship system. If Qatar is on a journey towards meaningful labour reform, it has not moved very far.

¹³ *The Peninsula*, “Kafala replaced by job contract system”, 1 November 2015, <http://thepeninsulaqatar.com/news/qatar/357116/kafala-replaced-by-job-contract-system>

¹⁴ ILO, “Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 104th Session, June 2015)”, www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255640

¹⁵ BBC, “Qatar 2022: ‘Forced labour’ at World Cup stadium”, 31 March 2016, www.bbc.co.uk/news/world-middle-east-35931031

¹⁶ Letter received by Amnesty International from the Ministry of Foreign Affairs, 19 March 2016.

The key shortcomings of the new law are:

- Workers still need their employer's permission to change jobs during their contract period, which can be as long as five years. Working for another employer during the contract period, without permission, remains a criminal offence.
- Workers still require exit permits and their employers still have a mechanism to block them from leaving.
- A loophole means that passport confiscation may not be illegal in certain circumstances.

DOMESTIC WORKERS AND THE NEW LAW

Qatari officials told Amnesty International in October 2016 that Law No. 21 of 2015 will apply to domestic workers. This was reiterated in an official press release issued on 1 December 2016.¹⁷ This issue has been the subject of some uncertainty.

However, the application of the new law to domestic workers does not represent a significant change, as the 2009 sponsorship law also applied to them. The real problem for domestic workers is that they, with some other categories of workers, are excluded from the protections of the 2004 Labour Law, which places limits on working hours and provides other important legal protections, including a process to lodge complaints and file court cases against employers. Domestic workers are generally at heightened risk of abuse in the workplace, and this is particularly exacerbated in Qatar as a result of their legal status.¹⁸ The government has said for nearly 10 years, including in several UN processes, that it will introduce a specific law to regulate the employment of domestic workers, but has failed to deliver on this commitment. Officials told Amnesty International in October 2016 that a committee to study this issue had been set up.

3.1 EMPLOYERS' CONTROL OVER WORKERS

Under the 2009 sponsorship law, employers can block their employees from moving to another job indefinitely while they remain in Qatar, and for a further two years after they leave the country unless their employer gives them permission to return within the two-year period with a new employer.

The new law instead ties workers to their employer for the duration of their contract. This is why the government refers to the new system as “contract-based” rather than as one based on sponsorship.

During the contract period, workers require a “no objection certificate” to move jobs, as under the old system.

At the end of the contract, after giving notice to their employer, a worker can switch jobs without their previous employer's permission. According to a government press release issued in December 2016, if the contract does not specify an end date, the worker can move without permission after five years, after issuing notice to their employer and securing permission from the Ministry of Administrative Development, Labour and Social Affairs. The government has stated that contract start dates will take into account the time the employee has already worked before the implementation of the new law,¹⁹ though it is not clear exactly when, or if, workers in Qatar will be issued with new contracts. During the contract period, workers who leave

¹⁷ “New Expat Law Awareness Campaign Proves Popular”, Government of Qatar press release, issued 1 December 2016.

¹⁸ For fuller analysis of the situation of domestic workers in Qatar, see Amnesty International, *“My sleep is my break”: Exploitation of migrant domestic workers in Qatar* (Index: MDE 22/004/2014), www.amnesty.org/en/documents/MDE22/004/2014/en/

¹⁹ The Peninsula, “New residency law makes job change easier; will come into force on Dec 13”, 1 December 2016, www.thepeninsulaqatar.com/article/01/12/2016/New-residency-law-makes-job-change-easier-will-come-into-force-on-Dec-13

their job without their employer's permission will be considered to have committed a criminal offence, as under the 2009 law.²⁰ Employers will therefore retain the ability to report employees as "absconders".

The significance of the new contract-based system should not be overestimated. For a migrant worker, the prospect of being tied to one employer for up to five years, unable to change employer to secure better conditions or escape poor treatment or abuse, is not greatly different from their current position. It will not significantly reduce the risk of coercion of workers by their employers. Like the 2009 sponsorship law, the new law includes a provision providing for the transfer of workers in cases of abuse or a law suit with their employer. Amnesty International has found in its previous research that this mechanism is difficult for workers to access and in reality few are able to take advantage of it.²¹

There has been speculation that some employers have been preparing to ensure that workers were placed on the maximum five-year contracts in advance of the implementation of the new law.²²

The new law does not include the "two-year ban rule", which under the 2009 sponsorship law prevented workers from coming back to Qatar for two years after they had left, unless they had the permission of their former employer. Explaining the new law, a Ministry of Interior official said in November 2015:

"A person who had previously worked in Qatar would not have to seek the approval of his former sponsor if he is recruited by a new employer."²³

The removal of the "two-year ban rule" could in principle have a positive impact, as the rule facilitated coercion and exploitation. Many migrant workers who need to pay back money borrowed to fund their recruitment have felt unable to leave exploitative jobs knowing that they would be prevented from securing a new job in Qatar.

However, any positive impact of the reform may be undermined by a measure related to the new law, which was reported in Qatari media in October 2016:

"The executive regulations of the new residency law indicate that expatriate workers who terminate their job contracts and leave the country before completion of the contract period are not allowed to return to the country before the end of the contract period."²⁴

This suggests that a worker who leaves the country to remove themselves from a coercive or exploitative employment relationship will be unable to return, potentially for up to five years. This could be a far longer period than under the "two-year ban rule".

²⁰ Article 16, Law No. 21 of 2015.

²¹ Amnesty International, Dark side of migration: Spotlight on Qatar's construction sector ahead of the World Cup (Index: MDE 22/010/2013) Page 95-96

²² See for example the US State Department's Trafficking in Person Report, 2016, p. 312: "Despite the new law's elimination of indefinite contracts, it remains unclear whether employers will pressure employees to sign new five-year contracts (the maximum allowed) before these reforms come into effect; it is possible that these actions could subject workers to unfair labor practices." www.state.gov/documents/organization/258876.pdf

²³ *Gulf Times*, "New law lifts two-year ban on expats' re-entry", 1 November 2015, www.gulf-times.com/story/461194/New-law-lifts-two-year-ban-on-expats-re-entry

²⁴ *The Peninsula*, "New residency law to take effect on Dec 13", 23 October 2016, www.thepeninsulaqatar.com/article/23/10/2016/New-residency-law-to-take-effect-on-Dec-13

3.2 EXIT PERMITS

Although it says that “freedom of movement is explicitly guaranteed” by the new law,²⁵ the government has failed to abolish the exit permit system. Under the new law, workers must still apply for permission to leave the country. Crucially, their employers will still be able to stop them going home.

It appears that workers will now have two stages at which their request to leave can be considered:

- They must seek their employer’s permission, in the same way as they do under the 2009 sponsorship law; or
- If employers deny workers their request to leave the country, workers can lodge a complaint with the exit permit grievances committee, which then notifies the employer that the worker is planning to leave. The employer has to notify the authorities within 72 hours that they have a valid reason to object to the worker’s departure and present evidence to support this. If the employer is unable to demonstrate this, workers are issued with an exit permit.

According to a December 2016 government press release, the exit permit grievance committee will be composed of officials from the Ministry of Interior, the Ministry of Administrative Development, Labour and Social Affairs, and the National Human Rights Committee.²⁶ The government has presented the committee as a body that will likely favour the worker:

“The government anticipates that the majority of cases heard by the Exit Permit Grievances Committee will be decided in favour of workers.”

In its December 2016 statement the government issued information about the circumstances in which an employer can object to a worker leaving the country:

“When contacted, the employer will be asked if they have any objections to the request. Valid objections may include: a) reason to believe that the employee has committed fraud b) reason to believe that the worker is attempting to evade prosecution for a crime.”

If these are the only two circumstances that an employer can legitimately object to a worker leaving the country, there is no reason for a blanket exit permit system or for the creation of a specialized committee to manage it. Qatari courts already may – and regularly do – issue travel bans to individuals involved in criminal cases or civil cases involving financial matters. Those subject to a travel ban are generally stopped at airport immigration and prevented from leaving. In a context where such travel bans are already issued as a matter of course,²⁷ the imposition of an exit permit system appears to serve little purpose other than to award employers an additional tool with which to control or coerce their migrant workforce.

Exploitative employers are likely to manipulate the system to prevent workers from leaving Qatar, and to deter employees from seeking to leave. Amnesty International has documented cases of employers filing, or threatening to file, spurious criminal charges against workers when they have sought to leave the country. This has included accusations of “absconding”, theft and physical assault.²⁸ The UN Special Rapporteur on the human rights of migrants noted the same phenomenon:

“Often when a migrant reports abuse by their sponsor, the sponsor retaliates by filing criminal charges against him or her.”²⁹

²⁵ “New Expat Law Awareness Campaign Proves Popular”, Government of Qatar press release, issued 1 December 2016.

²⁶ “New Expat Law Awareness Campaign Proves Popular”, Government of Qatar press release, issued 1 December 2016.

²⁷ The Canadian government has apparently seen this happen often enough to warn its citizens: “Authorities may withhold the passport of an individual involved in legal processes, including labour dispute, or issue a travel ban, pending resolution of the case.” <https://travel.gc.ca/destinations/qatar>

²⁸ Amnesty International, Dark side of migration: Spotlight on Qatar’s construction sector ahead of the World Cup (Index: MDE 22/010/2013) Pages 96-98

²⁹ Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Human Rights Council 26th Session, A/HRC/26/35. Paragraph 55



👁️ ↑ Migrants gather at the Search and Follow Up Department at the Ministry of Interior in Doha on November 8, 2016 © AFP

Even if the grievances committee is – as the government states – disposed to favour the worker’s right to leave the country, some workers may refrain from appealing to the committee at all, for fear of retaliation from their employers. The fact that the new law places the burden on workers, rather than employers, to open a grievance process exacerbates this risk.

The government’s statement also leaves significant room for confusion. It is not clear whether these are the only valid objections employers can present, or whether “valid objections may include” [emphasis added] reasons other than the two specified. For example, the authorities mention “fraud” as a valid objection, but in the same statement state that “the applicant will be able to get an Exit Permit unless he ... has defaulted on any debt in Qatar that remains unsettled” [emphasis added]. This indicates that there may in fact be at least three valid objections that employers can raise.

The government has provided limited details about how the exit permit grievances committee will operate, and it is not clear whether workers will receive legal and translation assistance during proceedings, and whether they will be required to pay for any element of the appeal process.

Ultimately, the new law leaves workers – as ever – dependent on the goodwill of a private person for their freedom of movement. The existence of a state-run grievances committee does not substantially alter this equation. In this respect, the new legislation, like the old sponsorship law, directly violates a fundamental human right of migrant workers and leaves them at high risk of exploitation.

WHY HAS QATAR RETAINED THE EXIT PERMIT?

Qatar has retained the exit permit despite consistent recommendations to abolish it from human rights organizations, trade unions, the UN Special Rapporteur on the human rights of migrants, and the ILO Committee of Experts. Even the review that Qatar commissioned itself recommended that “the exit visa is phased out over time”.³⁰

The business community in Qatar has lobbied for retaining some form of exit permit system. A representative of the Qatar Chamber of Commerce and Industry told Amnesty International in October 2016 that companies often do not want workers to leave because of business pressures and the need to maintain a stable workforce.³¹ The Chairman of the Chamber said in 2013 that:

“It should be ensured that whenever the exit permit system is removed, the move does not adversely impact Qatari companies.”³²

The Chamber raised two specific concerns: the financial and operational risks to companies if employees left the country unannounced; and the possibility of workers leaving the country without paying off loans, which would then fall to the company.

Amnesty International has seen no evidence that there is such a widespread problem of workers leaving Qatar without paying off loans or committing crimes of a financial nature as to justify a blanket travel restriction on all foreign national workers in the country. The UN Special Rapporteur on the human rights of migrants said in his 2014 report on Qatar:

“The claim that [the exit permit] is meant to prevent the flight of migrants after committing crimes can only apply to a few individuals and does not justify the pre-emptive punishment of thousands.”³³

Additionally, the vast majority of migrant workers would be unlikely to meet the criteria to take out loans from financial institutions in Qatar. For example, the Commercial Bank of Qatar requires a minimum salary of 6,000 Qatari riyals a month to qualify for a personal loan.³⁴ This is 8-10 times the typical salary of a Nepali construction worker.

Concerns over the cost of recruitment also appear to be behind support for the exit permit – despite the fact that it is well-documented that migrant workers in many cases pay a large slice of the fees themselves to fund their recruitment to Qatar.³⁵ Employers, particularly individuals recruiting domestic workers, often complain that they spend money on recruiting workers and if the worker leaves early, the employer has to pay the costs of a new recruitment process. The implication of such a view is that by paying the costs of migrant workers’ recruitment, employers have bought the right to control their lives for the duration of the contract.

In this respect an ILO study on trafficking in the Middle East found that employers’ “sense of entitlement over the worker is heightened by the significant cash outlay they have made to recruit him or her from another country.”³⁶

The existence of the exit permit system constitutes a violation of the right to freedom of movement. The Universal Declaration of Human Rights states that “everyone has the right to leave any country, including his own, and to return to his country”.

The International Convention on the Elimination of All Forms of Racial Discrimination, to which Qatar is a state party, includes the following provision: “State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... The right to leave any country, including one's own, and to return to one's country.”

The Arab Charter on Human Rights, to which Qatar is a state party, provides: “1) No one may be arbitrarily or unlawfully prevented from leaving any country, including his own, nor prohibited from residing, or compelled to reside, in any part of that country. 2) No one may be exiled from his country or prohibited from returning thereto.”

3.3 PASSPORT CONFISCATION

The most regressive element of the new law is that employers can legally hold workers' passports. Article 8 stipulates that passports can be held by the employer if the worker requests this in writing, and must be returned to the worker on request.

Until now, it has simply been illegal for employers to hold workers' passports. This prohibition has rarely been enforced, and almost all employers have flouted the ban. The new legislation effectively legalizes current practice.

The caveats in the law that workers must make a written request to have their passport held and that employers must return workers' passports on request are not adequate safeguards. Employers in Qatar enjoy a disproportionate level of influence and control over their employees. It will be impossible to ascertain whether employees who have asked their employer to retain their passport did so freely.

The new law does increase the penalty for passport confiscation to 25,000 riyals (US\$6,866) from 10,000 riyals (US\$2,746), which is a welcome development. However, since employers may be able to "explain away" complaints of passport confiscation by presenting written requests from workers, it is feasible that the number of prosecutions for passport confiscation may drop under the new law. Such a drop might not reflect a reduction in exploitation of passport retention by employers, but rather the increased ease of retaining workers' passports against their will while technically complying with the law.

³⁰ DLA Piper, Migrant labour in the construction sector in the state of Qatar, Page 9.

³¹ Amnesty International meeting with Qatar Chamber of Commerce and Industry, 9 October 2016.

³² Qatar Day, "Qatar Chamber Defends Exit Permit System", 6 November 2013, www.qatarday.com/blog/information/qatar-chamber-defends-exit-permit-system/606 accessed 13 November 2016.

³³ Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Human Rights Council 26th Session, A/HRC/26/35. Paragraph 32

³⁴ See Commercial Bank, "Qatar's Best Personal Loan", www.cbq.qa/en/personal/loans/pages/personal-loan.aspx

³⁵ See Ray Jureidini, *Ways forward in recruitment of low-skilled migrant workers in the Asia-Arab states corridor*: ILO white paper, ILO, ILO Regional Office for the Arab States. - Beirut: ILO, 2016: www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_519913.pdf

³⁶ Hélène Harroff-Tavel and Alix Nasri, *Tricked and trapped: Human trafficking in the Middle East*, ILO Regional Office for the Arab States, 2013, Page 15, www.ilo.org/beirut/publications/WCMS_211214/lang--en/index.htm

4. CONCLUSIONS AND RECOMMENDATIONS

The introduction of Law No. 21 follows significant international criticism of Qatar’s sponsorship system and extensive documentation by journalists, trade unions and human rights groups of widespread abuse and exploitation of migrant workers. As well as Law No. 21, the government has also introduced a Wage Protection System, which it states reduced the number of complaints by workers regarding payment of salaries in 2016.³⁷ New accommodation facilities have been constructed for workers,³⁸ and the government has proposed a fast-track labour court system to expedite cases brought by workers against their employers and reduce widely documented delays.³⁹ Contractors on World Cup stadiums and some other high-profile projects are required under contract to meet minimum standards of “worker welfare”, though Amnesty International has documented serious gaps in the enforcement of these standards.⁴⁰

Amnesty International welcomes the recognition by Qatari authorities of the need to address the chronic exploitation of migrant workers. However, with a global spotlight shining on Qatar in the lead-up to its hosting of the FIFA 2022 World Cup tournament, the shortcomings of Law No. 21 represent a failure to seize the opportunity to use the event as a catalyst for meaningful change, as the authorities have promised.

To deliver on that promise, the Qatari authorities must recognize that without significant amendment, Law No. 21 will not achieve the goal of delivering the FIFA 2022 World Cup in a labour environment in which the migrant workers building the stadiums, transporting the fans and serving visitors are not exploited.

In March 2017, the ILO will decide whether the problem of forced labour in Qatar warrants further investigation. Amnesty International’s analysis indicates that Law No. 21 fails to provide sufficient legislative protection for migrant workers and that much more needs to be done to build a system that protects their basic human rights in Qatar.

³⁷ *Qatar News Agency (QNA)*, “Praise for wage protection system as Qatar labour reform marks one-year anniversary”, 2 November 2016, www.qna.org.qa/en-us/News/16110200090068/Praise-For-Wage-Protection-System-As-Qatar-Labour-Reform-Marks-One-Year-Anniversary

³⁸ *Qatar News Agency (QNA)*, “HE Prime minister inaugurates the largest labour city in the gulf region”, 1 November 2015, www.qna.org.qa/en-us/News/15110114050041/HE-Prime-Minister-Inaugurates-the-Largest-Labour-City-in-the-Gulf-Region

³⁹ *Qatar News Agency (QNA)*, “Cabinet holds regular weekly meeting”, 19 October 2016, www.qna.org.qa/en-us/News/16101914450043/Cabinet-Holds-Regular-Weekly-Meeting

⁴⁰ Supreme Committee for Delivery and Legacy (SCDL) website, “Workers’ Welfare Standards”, www.sc.qa/en/opportunities/workers-welfare/workers-welfare-standards. See Amnesty International, *The ugly side of the beautiful game: Exploitation of migrant workers on a Qatar 2022 World Cup site* (Index: MDE 22/3548/2016), <https://www.amnesty.org/en/documents/mde22/3548/2016/en/>

Qatar needs to deliver reforms that tackle the fundamental drivers of migrant worker exploitation. To achieve this, Amnesty International is calling on the Qatari authorities to:

- Abolish the exit permit so that employers have no authority to arbitrarily interfere with a migrant worker's freedom of movement.
- Enforce an unambiguous prohibition on passport confiscation and require that all employers provide each worker with a safe, lockable space to individually store their passport.
- Ensure that workers can change jobs without requiring the permission of their current employer.

Amnesty International is also calling on the Qatari authorities, as a matter of urgency, to issue clarifications so that migrant workers know what the Law No. 21 of 2015 means for them and how it affects their choices and options:

- Clarify how the exit permit grievances committee will be constituted, in particular:
 - Whether workers will incur any costs during the process;
 - Whether workers will be required to attend the committee during working hours;
 - Whether workers will be provided with free legal assistance and translation throughout the proceedings of the committee;
 - What precise criteria the committee will use to decide whether to uphold or reject appeals and what level of evidence employers are required to provide to support their case.
- Outline what proactive measures will be introduced to ensure that employers do not pressure or coerce workers to sign documents authorizing them to keep their passports, and that employers return passports to workers on request.
- Make clear that “absconding” charges filed against workers who have lodged labour complaints against their employer will be disregarded until the case has been resolved by the Ministry of Labour or Labour Courts.

Widespread attention on the abuse of migrant workers and their rights in Qatar has proved awkward for international institutions and governments seeking commercial and other forms of co-operation with Qatar. The country's international partners, and institutions with global influence such as FIFA and its sponsors, may be tempted to point to Law No. 21 to claim that Qatar's migrant labour problem has been solved. They must not.

Amnesty International is calling on governments and institutions that seek co-operation with Qatar to:

- Recognize that the sponsorship system has not been abolished.
- Acknowledge, publicly and privately, that Law No. 21 of 2015 fails to address adequately the causes of abuse and exploitation.
- Press the Qatari authorities to accelerate the reform process and move towards real change in the relationship between workers and employers.

Qatari officials have frequently referred to the labour reform process as “a journey”. They and their international partners should instead view the reform process through the lens of the journeys being made to Qatar by hundreds of thousands of migrant workers who will continue to face an inherent risk of abuse until the sponsorship system is fundamentally reformed.

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NEW NAME, OLD SYSTEM?

QATAR'S NEW EMPLOYMENT LAW AND ABUSE OF MIGRANT WORKERS

Qatar has been under intense international scrutiny for its treatment of migrant workers since being awarded the rights to host the 2022 World Cup.

Particular focus has been placed on the notorious 2009 sponsorship law, which ties workers to their employers, putting them at risk of forced labour. In December 2016, this law is being replaced. This briefing examines whether its replacement, Law No. 21 of 2015, will make any significant improvement to the lives of workers in the country.

While the Qatari government has recognized the need to address the chronic exploitation of migrant workers, Amnesty International's analysis indicates that the new law fails to provide sufficient protection for migrant workers and that much more needs to be done to build a system that protects their basic human rights in Qatar. In particular, under the new law, employers will retain the ability to prevent workers from changing jobs and to stop them leaving the country.

With a global spotlight shining on Qatar in the lead-up to its hosting of the FIFA 2022 World Cup tournament, the shortcomings of the new law represent a failure to seize the opportunity to use the event as a catalyst for meaningful change, as the authorities have promised. To fulfil the promise of a World Cup that does not exploit migrant workers building stadiums, transporting fans and serving visitors, Qatar needs to do more than change the name of the sponsorship system: it needs to deliver reforms that tackle the fundamental drivers of the exploitation of migrant workers.