



Slaving Away

MIGRANT LABOR EXPLOITATION AND
HUMAN TRAFFICKING IN THE GULF

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Acronyms

CCPR	Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEFRD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Covenant on Economic, Social and Cultural Rights
CIA	Central Intelligence Agency
FIFA	Fédération Internationale de Football Association
GCC	Gulf Cooperative Council
GDP	Gross Domestic Product
GNP	Gross National Product
ILO	International Labor Organization
ITUC	International Trade Union Confederation
LMRA	Labor Market Regulatory Authority
NGO	Non-Government Organization
UAE	United Arab Emirates
UN	United Nations
US	United States

Foreword

Since the creation of the modern metric for human rights standards, the Member States of the Gulf Cooperation Council (GCC) have habitually ranked near the bottom. Yet, while the human rights situation of domestic persons in Gulf countries is very rightfully highlighted by both the international community and domestic civil society in their respective countries, the plight of migrant or trafficked workers in the Gulf is often understated by those same actors. This report aims to fill that gap, analyzing the situation of migrant workers and human trafficking in three key Gulf countries: Bahrain, Qatar, and Saudi Arabia. In so doing, it examines not only promises and commitments made by the countries as regards how they will tackle the enormous issues associated with migrants' rights, but also measures the implementation of those promises. It is not enough for a country to pass a law protecting migrant workers or criminalizing human trafficking; that law must be enforced in order for those protections to mean something.

Central to this analysis is the issue of the *kafala* system, an oppressive employment system that quashes worker mobility by forcing migrant workers to continue their employment relationship with abusive employers. Ostensibly dismantled in Bahrain and with Qatar and Saudi Arabia having in the past made commitments towards at least weakening the system if not abolishing it completely, it is somewhat surprising that the *kafala* system continues to flourish in all three countries. In Qatar and Saudi Arabia, it is altogether illegal for an employee to seek alternative employment without first obtaining permission from his original employer, while in neighboring Bahrain a worker must wait a year before seeking permission from the government to relocate (a request that is routinely denied). This raises significant concerns, as under *kafala* it is impossible for a migrant worker domestic servant to find work elsewhere when her employer physically abuses her, as is it equally impossible for a migrant construction worker to find alternative work when his employer forces him to work 12 hours per day in 100 degree weather.

This is to say nothing of the litany of other abuses endemic for migrant workers in the Gulf. Promised a decent wage upon leaving their home country and hoping to send the extra back home, migrant workers often find themselves given wages at a less-than-subsistence level, or can even have their wages completely withheld for up to years at a time. Many migrant workers are forced into overcrowded and unsanitary labor camps lacking clean water or decent food. Oftentimes, young women are lured to Bahrain, Qatar, or Saudi Arabia with the promise of a well-paying domestic worker job for a good family, only to find themselves sold into sex slavery upon arrival. Runaways are labeled illegal, and can be detained for years or deported at their own expense as GCC governments effectively sponsor human rights violations.

Correcting these issues should be of paramount importance to the governments of Bahrain, Qatar, and Saudi Arabia, but so far efforts towards reform have been lackluster. The three countries have all individually legislated reform, but, as with so many other human rights commitments made by the three governments, progress towards implementation has been doggedly lazy. With the plight of migrant workers in the Gulf now highlighted by the 2022 Qatar World Cup, however, migrant source countries as well as members the international community have a renewed opportunity to push for a better realization of the rights of migrant workers in these countries. This report aims to inform those actors.

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Methodology

This report is based on an extensive desk review, and draws from a range of sources including, but not limited to, official reporting by governmental bodies, information collected from international and domestic NGO reports including those in migrant source countries, and news sources. It should be noted that, due to the general difficulties encountered by civil societies operating in the treated countries, the ability to obtain primary sourcing was extremely limited, and thus the report is extensively based on secondary sources. Recognizing the limitations that such reporting entails but still believing that continued analysis is necessary, we hope to inform the conversation concerning migrant rights in Bahrain, Qatar, and Saudi Arabia and ultimately update the international community on the migrant rights and human trafficking problems endemic in the Gulf.

Introduction

Bahrain, Qatar, and Saudi Arabia are Gulf Cooperative Council (GCC) countries¹ that have extraordinarily high proportions of migrant labor. With migrants comprising 54% of the workforce in Bahrain, 90% in Qatar,² and 70% in Saudi Arabia,³ the labor of migrant workers represents a significant portion of the economies of these States.⁴ Benefits of importing foreign labor are clear: foreign workers provide both a basic workforce and specialists to compensate for the limited number of nationals with required skills and attitudes, stimulate the domestic consumption of goods supplied by local merchants, and boost local property markets.⁵

Many of these foreign workers traveled to the Gulf from South and Southeast Asia after the discovery of oil and natural gas resources began lifting the region's economy.⁶ Bahrain was the first Gulf State to discover oil in June 1932.⁷ It was also the first to reap the benefits that came with increased revenue, and experienced marked improvement in the quality of education and health care.⁸ Qatar also experienced an oil boom due to the discovery of crude oil and liquid natural gas reserves, which currently account for approximately 80% of the country's exports.⁹ Significantly beyond the oil wealth in Bahrain and Qatar, Saudi Arabia can produce 10 million barrels of crude oil per day.¹⁰

While oil and natural gas have provided the bulk of these States' resources, the three countries are also actively diversifying their economies resulting in the mass migration of foreign workers to the region. Migrant workers in Bahrain, Qatar, and Saudi Arabia are employed in a variety of sectors including construction, manufacturing, seafaring, and agriculture,¹¹ and provide a workforce to compensate for the limited number of domestic nationals.¹²

Most migrant workers arrive in the region with the hope that they can send remittances home to support their families. Instead, they often face many hardships on arrival such as lower-than-promised wages, poor living conditions, scant legal protection, passport confiscation, debt, physical abuse and fear of deportation at a moment's notice.¹³ At the root of this problem is the

- 1 The GCC is a political and economic union of Arab States bordering the Persian Gulf, namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.
- 2 Human Rights Watch, "Qatar: Serious Migrant Worker Abuses," last modified 21 January 2014. <http://www.hrw.org/news/2014/01/21/qatar-serious-migrant-worker-abuses>.
- 3 Gabriella Gonzalez et.al. "Facing Human Capital Challenges of the 21st Century: Education and Labor Market Initiatives in Lebanon, Oman, Qatar, and the United Arab Emirates" 51, 2008.
- 4 Andrzej Kapiszewski. "Arab Versus Asian Migrant Workers in the GCC Countries." United Nations expert group meetings on international migration and development in the Arab region. May 2006.
- 5 Ibid.
- 6 Rob Franklin. "Migrant Labor and Politics of Development in Bahrain. Middle East Research and Information Project. 1985. <http://www.merip.org/mer/mer132>.
- 7 His Highness Sheikh Mohammed bin Rashid al Maktoum.com, "GCC Countries," last accessed 11 April 2014, <http://www.sheikhmohammed.com/vgn-ext-templating/v/index.jsp?vgnextoid=b10a4c8631cb4110VgnVCM100000b0140a0aRCRD>.
- 8 Ibid.
- 9 Ibid.
- 10 Ibid.
- 11 "Migrant Workers in the Middle East Often Exploited, UN Reports at Human Trafficking Conference," UN News Centre. April 2013. http://www.un.org/apps/news/story.asp?realfile/www.unesco.org/story.asp?NewsID=44604&Cr=labour&Cr1=#.U07ihbkU_VI.
- 12 Ibid. note 4, p. 10.
- 13 Alastair Sloan. "African: The Gulf's New disposable Workforce." Think Africa Press, February 2014. <http://thinkafricapress.com/economy/migrant-workers-gulf-africa>.

kafala (sponsorship) system, a deeply seeded structural system that causes, permits, and in some cases encourages violence towards migrant workers. The *kafala* system requires that migrant workers be sponsored by employers in order to live and work in the region, enabling employers to exert significant control over their employees' lives.¹⁴ As the system ties migrant workers to their employers, it often increases their vulnerability to exploitation and abuse. The system exists in all three countries to varying degrees, and is justified as a means to prevent workers from leaving before employers recoup initial investment costs associated with recruitment fees.¹⁵

The following report will examine migrant labor in Bahrain, Qatar, and Saudi Arabia, documenting how the combination of poor working and living conditions of migrant workers, the consequences of the *kafala* system, and the limited efforts made by the governments to protect migrant workers has continued to leave them extremely vulnerable to exploitation and forced labor or sex trafficking. Adequately protecting migrant workers and holding offenders accountable will require the governments of Bahrain, Qatar, and Saudi Arabia to properly implement reforms that are currently in place, as well as to create new reforms that will address the social and legal discrimination that migrant workers face.

14 To see more, Human Rights Watch. "For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda." October 2012.

15 Migrant Rights. "Lack of Privacy Endangers Domestic Workers." 25 August 2012. <http://www.migrant-rights.org/research/lack-of-privacy-endangers-domestic-workers/>.

Bahrain

Bahrain is a small archipelago located in the southwestern coast of the Persian Gulf. It is a Muslim country with a Shi'a majority that has been ruled by the Sunni al-Khalifa family since the 18th century.¹⁶ Bahrain's government is comprised of a bicameral parliament consisting of the Shura Council and the Council of Representatives.¹⁷ The unelected Shura Council is appointed by the king and holds the majority of power; for instance, bills need approval of the Shura Council before being enacted into law.¹⁸ With the lowest amount of crude reserves in the GCC, Bahrain found it necessary to diversify its economy early, and currently possesses one of the most diversified economies in the region. While much of the economy is still dependent on the export of petroleum products, service industries are among the fastest growing sectors of the Bahraini economy. Foreign workers represent approximately half of Bahrain's population of 1.2 million people.¹⁹ The three countries that send the most migrants to Bahrain are India, Pakistan and Egypt,²⁰ while migrants from Thailand, Philippines, Vietnam, Morocco, Jordan, Syria, Lebanon, and Russia continue to increase in number.²¹ Comprising approximately 77% of Bahrain's workforce,²² migrant workers have made great contributions to the economic development of the country.

Workers often come to Bahrain with hopes of finding an opportunity to provide for their families back home.²³ Yet in reality, migrant workers are often lured to Bahrain by recruiting agencies with false promises of better wages and decent working conditions, often accumulating large amounts of debt in the process.²⁴ On arrival, migrant workers often face significant abuse at the hands of their employers, including unpaid wages, passport confiscation, unsafe housing, excessive work hours, physical abuse, and forced labor.²⁵ A lack of law enforcement by police²⁶ and slow, lengthy complaint procedures in Bahrain²⁷ means that punishment for abusive employers is rare. Additionally, migrant workers may be reluctant to report or leave an abusive situation because of fear or lack of money, often exacerbated by heavy debt accumulated before their arrival in Bahrain.²⁸ Even if a worker does escape, he or she may be identified as an illegal migrant and detained.²⁹ Social discrimination is also a factor in the lack of progress toward implementing

16 Encyclopædia Britannica Online, s. v. "Bahrain," <http://www.britannica.com.proxyau.wrlc.org/EBchecked/topic/49072/Bahrain>.

17 Ibid.

18 United States Department of State. "Bahrain." last accessed 11 April 2014. <http://www.state.gov/documents/organization/160073.pdf>.

19 Sigma Huda. "Report of the Special Rapporteur on trafficking in persons, especially women and children: Mission to Bahrain, Oman, and Qatar." United Nations Human Rights Council, 2006.

20 World Bank. Migration and Remittances. Factbook 2011.

21 U.S. Department of State. "Bahrain Trafficking in Persons Report." Manama: Office to Monitor and Combat Trafficking in Person. 2013.

22 Labor Market Regulatory Authority. "Foreign employment reaches 514,156 workers by end of fourth quarter 2013." 2013. http://blmi.lmra.bh/2013/12/mi_dashboard.xml.

23 Heather Murray. "Hope for Reform Springs Eternal: How the Sponsorship System, Domestic Laws and Traditional Customs Fail to Protect Migrant Domestic Workers in GCC Countries." Cornell International Law Journal, 2012: 462-58.

24 For more about the seriousness of migrant workers' unawareness in conditions of work before coming to Bahrain, see the 2010 Trafficking in Persons Report, 10th edition, U.S. Department of State, June 2010.

25 Human Rights Watch. "For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda," October 2012.

26 Migrant Rights. "Bahrain's New Reforms Misdirected." 2013.

27 Ibid. note 25.

28 Ibid.

29 Ali Al Jabal. "Human Trafficking: The Bahrain Experience." The Juridical Current, 2010: 46-52.

protections for migrant workers. Their experience is often ignored by Bahraini society, as the victims are foreign nationals who are often discriminated against and are considered to have low social status. This makes it even more difficult to protect victims and prevent further abuse from occurring. Additionally, women are among the most vulnerable of migrant workers, as they work primarily as domestic servants and are not at all protected by labor laws in Bahrain.³⁰ These factors create favorable conditions for trafficking purposed towards forced labor or sex.

The Government of Bahrain has taken limited measures to protect migrant rights and combat human trafficking in the country. In the last several years, the government has passed a series of laws designed to dismantle the *kafala* system,³¹ instituted complaint mechanisms for persons victimized by human trafficking,³² and created a shelter for women forced into prostitution.³³ However, the government has failed to back these efforts with proper implementation; *kafala* remains significantly operative in the country, the complaints mechanism is not widely publicized, and the shelter is seldom used. In order to truly tackle the issues plaguing the country, the government needs to recommit to implementing the reforms that it has passed, as well as legislate and enforce new reforms better targeted at solving the issues.

Identifying Bahrain's Migrant Workers

As of 2013, foreign employment comprised 77% of total employment in Bahrain, a 5.1% increase from 2012.³⁴ The presence of migrant labor alleviates unemployment in source countries and provides inexpensive labor for growing industries.³⁵ Foreign migrants work predominantly in the private sector; men are most often employed by large construction companies and women are most often employed as domestic workers.³⁶ Migrant workers come to Bahrain predominantly from South and Southeast Asia.³⁷ According to the most recent statistics collected in 2011 by the Government of Bahrain's Labor Market Regulatory Authority (LMRA), the majority of male migrant workers are from India (55%) while most female migrant workers are from the Philippines (42%).³⁸ Recently, there has been an increase in African migrant workers from Sudan, South Sudan, Uganda, Kenya, Somalia, and Ethiopia, many of whom are illegal.³⁹ The exact number of African workers currently in Bahrain is unknown because migration often occurs through unregulated and informal channels, but it is estimated that over 100,000 workers came from these countries

30 Human Rights Watch. "Claiming Rights: Domestic Workers' Movements and Global Advances for Labor Reform. Joint Report," 2013.

31 Protection Project. "A Human Rights Report on Trafficking in Persons, Especially Women and Children: Bahrain." Country Report, 2010.

32 Bahrain Center for Human Rights. "Bahrain in the Trafficking in Persons Report 2012." 22 June 2012. <http://www.bahrainrights.org/en/node/5329>.

33 Ibid. note 21.

34 Ibid. note 22.

35 Ibid. note 19.

36 International Trade Union Confederation. "Bahrain: Exploitation of migrant workers, including for political reasons, puts their lives at risk." 1 April 2011. <http://www.ituc-csi.org/bahrain-migrants-exploited-their?lang=en>.

37 Specifically, they travel from India, the Philippines, Bangladesh, Pakistan, Sri Lanka, Nepal, Pakistan, Indonesia, Thailand, and Eritrea. See Ali Al Jabal. "Human Trafficking: The Bahrain Experience." *The Juridical Current*, 2010: 46-52 and U.S. Department of State Trafficking in Persons Report 2013, Country Narratives: Countries A Through C.

38 Labor Market Regulatory Authority, "Top Nationalities of Non-Bahraini Workers: 2011 January." 2011. http://blmi.lmra.bh/2010/12/data/ems/Table_07a.pdf.

39 Ibid. note 13. African migrant workers work in mainly the same roles as their Asian counterparts, but have also been recruited to work as riot police.

in 2012.⁴⁰ Many migrant workers come from impoverished backgrounds and have little to no education; data collected by the government in 2010 indicates that 22% of migrant workers are illiterate or have only a primary education.⁴¹ Illiterate migrant workers are particularly vulnerable to maltreatment as a result of their inability to communicate with their employer or understand the legal protections to which they may have access.

The Kafala System and Recruitment Processes

Deception and exploitation often begins even before migrant workers leave their home countries. The *kafala* system, which requires workers to be sponsored by employers to live and work in Bahrain, often facilitates this exploitation.⁴² Workers are provided to potential employers via recruitment agencies in source countries.⁴³ These agencies charge workers substantial fees, sometimes equal 10-20 months' wages.⁴⁴ Because of the substantial fees associated with seeking work in Bahrain, migrant workers regularly sell or mortgage their homes or properties to cover the cost.⁴⁵ The debt incurred through this process means workers are less likely to be able to leave an abusive employer when they arrive in Bahrain to work. If workers do decide to leave their sponsors, they must leave the country immediately at their own expense instead of having their employers cover their return airfare at the end of their contract.⁴⁶ This often compels a migrant worker to endure an exploitative situation, as they may feel that they have no other option but to do so.

Another avenue of exploitation is the work contracts that migrant workers may sign prior to arriving in Bahrain. Contracts may be presented to a worker in an unfamiliar language so that he or she signs it without knowing its terms.⁴⁷ Other workers may never even see their employment contracts. Statistics published by the LMRA indicate that the majority of workers have not seen their employment contract and/or are unaware of the terms of the contract when they arrive in Bahrain.⁴⁸ Some migrant workers may also face physical abuse or threats from recruitment agencies in order to coerce them into signing unfair contracts.⁴⁹

The consequences of paying large amounts in recruitment fees and/or unknowingly agreeing to exploitative terms in the contract make migrant workers extremely vulnerable once they arrive in Bahrain. The *kafala* system compounds this vulnerability, as the employee's visa is completely dependent on a sponsoring employer. Employers take advantage of this vulnerability by withholding passports, restricting movement, engaging in contract substitution, withholding wages, issuing threats, and committing physical or sexual abuse.⁵⁰ Given such widespread abuse of migrant workers, some source countries have made substantial efforts towards protecting their

40 Ibid.

41 Labor Market Regulatory Authority. "Number of workers by sex, Bahraini, Non-Bahraini citizenship, and educational attainment." 2010. http://blmi.lmra.bh/2010/12/data/gos/Table_08.pdf.

42 Migrant Forum in Asia. "Policy Brief No. 2: Reform of the Kafala (Sponsorship) System." Diliman, Quezon City, Philippines, 2012. <http://www.mfasia.org/resources/publications>.

43 Ibid.

44 Ibid. note 25.

45 Ibid.

46 Ibid.

47 Ibid. note 19.

48 Ibid. note 21. 65% of migrant workers had not seen their employment contract and 89% were unaware of their terms of employment upon arrival in Bahrain.

49 Ibid. note 19.

50 Ibid. note 29.

workers travelling to Bahrain. In response to civil society pressure, some source countries have refused to send workers until they are satisfied with the progress Bahrain has made in reforming its migrant labor system.⁵¹ For example, in 1989 the Government of Bangladesh implemented a ban on sending domestic workers to Bahrain.⁵² However, the economic benefits sending countries receive from their nationals working in Bahrain may prevent those countries from demanding a more comprehensive reform of the *kafala* system.⁵³ Additionally, the establishment of stronger protection by one country often means that employers and recruiters turn to other source countries with less protection for workers.⁵⁴

Working Conditions

Once in Bahrain, migrant workers are forced to endure terrible and dehumanizing working conditions, including low or withheld wages and physical and psychological abuse. One of the most common forms of exploitation experienced by migrant workers is low wages, which can make them vulnerable to forced labor after arriving in Bahrain.⁵⁵ The majority of migrant workers in Bahrain receive lower wages than Bahraini citizens. Migrant workers earn an average of BHD 205 (USD 544) per month, compared to Bahraini citizens who earn an average of BHD 700 (USD 1,853) per month.⁵⁶ Domestic workers earn even less: their average monthly income can be as low as BHD 40 (USD 106), almost 20 times less than that of Bahraini citizens.⁵⁷ Bahrain has no minimum wage, and the government has thus far resisted efforts to adopt one.⁵⁸ Some labor-exporting countries have set minimum wages for their nationals working abroad and try to ensure that these rates are reflected in an employment contract.⁵⁹ However, Bahraini employers have admitted that they often pay workers less than the minimum monthly wage their governments stipulated.⁶⁰ For example, Filipino workers often earn 33% less than mandated by the bilateral agreement between Bahrain and the Philippines.⁶¹

Further complicating the situation is the fact that employers commonly withhold employees' wages. The Migrant Workers Protection Society, an NGO that operates a shelter for female migrant workers in Bahrain, reported in 2012 that the number one complaint of female migrant workers was unpaid salary.⁶² Even though withholding wages violates Bahraini labor law and is a

51 Ibid.

52 Simel Esim and Monica Smith, "Gender and Migration in Arab States: the Case of Domestic Workers," International Labour Organisation, June 2004, pp. 37-39.

53 Ibid. note 42.

54 Ibid.

55 U.S. Department of State Trafficking in Persons Report 2012, Country Narratives: Countries A Through F, <http://www.state.gov/j/tip/rls/tiprpt/2012/192366.htm>.

56 Ibid. note 25. Further, though Purchasing Power Parity in Bahrain is increasing every year, purchasing power for workers in Bahrain, including migrant workers has been sharply declining since 1980. This demonstrates that the welfare of the migrant workers has been deteriorating despite the economic development of the country. See more at: "Purchasing Power Parity Converted GDP Laspeyres per worker for Bahrain." Economic Research, Federal Reserve Bank of St. Louis. <http://research.stlouisfed.org/fred2/series/RGDPLWBHA627NUPN>.

57 Scalabrini Migrant Center. "Bahrain." <http://www.smc.org.ph/administrator/uploads/pdf/1362036229.pdf>.

58 Ibid.

59 For example, the Indian government requires a BD100 (\$265) monthly salary for its nationals working in Bahrain; the Philippines requires at least BD150 (\$398).

60 Ibid. note 57.

61 Ibid.

62 Migrant Workers Protection Society. "MWPS Shelter Statistics, 2012." Shelter Report, Manama, 2013.

crime under the penal code,⁶³ employers continue to do so, often by physically coercing laborers into accepting lower wages. Employers are required to provide workers with receipts showing they have been paid in full, but workers have reported that employers often beat and threaten workers into signing these receipts.⁶⁴ As a result, workers often lack the proof necessary to show they have not been paid according to the terms of their contract, or may be too afraid to report the non-payment.⁶⁵

However, there are many workers who do file formal complaints with the Ministry of Labor, the institution responsible for mediating labor disputes in Bahrain.⁶⁶ Unpaid wages are the most common complaints the Ministry of Labor receives; in 2009, the Ministry received 987 complaints of withheld wages from migrant workers.⁶⁷ Unfortunately, the complaint procedure is often drawn out, and it is not uncommon for workers to wait more than a year before they receive any response from their employers or Ministry officials.⁶⁸

For workers whose wages are withheld for even one month, the impact is serious. They immediately fall into arrears on debt they owe in their home countries, often incurring additional interest, which may lead to detention and deportation.⁶⁹ In many cases, a migrant falling into such debt can significantly endanger his family back home, as they often rely on remittances for daily living.⁷⁰ In October 2009, thirty-eight migrant workers in Bahrain staged protests outside the Indian Embassy, claiming that they had not been paid for five months and had only been paid between BHD 80 (USD 212) and BHD 90 (USD 239) for working for the company for three to ten years.⁷¹ S. Prasad, one of the workers said, “We are suffering as the company didn’t pay us for five months...We have families and it is so difficult to convince them that the owner didn’t pay us, as they think that we are working outside India and therefore are earning a lot of money.”⁷² The workers also revealed that they were physically and verbally abused when they asked for their salary.⁷³

Powerless and isolated migrant workers in Bahrain often suffer from severe physical and psychological abuse. Some of this abuse comes in the form of harsh punishments like beatings or burnings,⁷⁴ administered for something as trivial as forgetting to use salt when preparing a meal.⁷⁵ An example of the brutality of this physical abuse can be seen in the experience of Eskedar, an Ethiopian national who came to Bahrain to work as a domestic worker when she was 19 year old.⁷⁶ While working for a family for over two years, she experienced severe punishments and physical

63 Bahrain Penal Code and its Amendments, No. 15 of 1976, art. 302, as amended by Legislative decree No. 6 of 1993, art. 2.

64 Ibid. note 25.

65 Ibid.

66 Ibid.

67 Ibid.

68 Ibid.

69 Global Detention Project. “Bahrain – Introduction.” September, 2009. <http://www.globaldetentionproject.org/countries/middle-east/bahrain/introduction.html>.

70 Carnegie Endowment. “Central Asia’s Migrant Headache.” 21 June 2012. <http://carnegieendowment.org/2012/06/21/central-asia-s-migrant-headache/c41a>.

71 “Pay Protest by Workers,” Gulf Daily News, 25 October 2009; and Ben Millington, “38 Workers Strike in Bahrain,” Construction Weekly Online, 25 October 2009. <http://www.constructionweekonline.com/article-6738-38-workers-strike-inbahrain/>.

72 Ibid.

73 Ibid.

74 Ibid. note 30.

75 Ibid. note 25.

76 Migrant Workers Protection Society, “Eskedar’s Story.” 12 Oct 2012. <http://www.mwpsbahrain.com/cases/eskedar-story.aml>.

abuse almost daily, mostly at the hands of her employer's wife. She has scars on her arm from when she was punished with a hot iron and on her knees from long hours of scrubbing floors with bleach. She also lost sight in her left eye permanently after being punched in the face by her employer's son.⁷⁷

Living Conditions

Migrant workers are often subjected to living in terrible and unhealthy conditions. Typically, male workers live in dormitory-style buildings.⁷⁸ This housing is often cramped, with up to 20 men sleeping in one room.⁷⁹ Sanitation is poor; there have been reports of crowded buildings with only two bathrooms, no running water, and no air conditioning.⁸⁰ The buildings themselves may be deteriorating, and often contain hazards such as exposed electrical wires. In fact, fires are common in these overcrowded buildings; in 2009, six fires occurred in such buildings in only one month.⁸¹ These fires can result in the deaths of many workers; a fire in January 2013 burned down dormitory housing in Manama, injuring eight Asian workers and killing thirteen.⁸²

Due to the nature of living conditions for domestic workers, they are extremely vulnerable to exploitation and abuse, as the majority of them live in their employers' homes. With limited opportunities to leave the house, they are completely dependent on their employers for food and housing.⁸³ In a study conducted by the International Labor Organization, most interviewees had private bedrooms, but others slept with the children or a female adult, lived with other female workers or even slept in the kitchen.⁸⁴ They are often forced to work long hours without leave⁸⁵ and are often restricted to a small space in the house.⁸⁶

Because domestic workers are not viewed as professionals, the boundary between employers and domestic employees can be obfuscated; an employer may be able to control virtually all aspects of a domestic worker's life, including monitoring what she does when she is not working.⁸⁷ For instance, employers may prohibit domestic workers from using phones or the internet, or prevent them from having a social life.⁸⁸ As a result of domestic workers living with their employer's family, this abuse is either unknown to authorities or authorities are reluctant to investigate because it may be seen as interfering in private family matters.⁸⁹ The combination of abuse and the ability of an employer to cut-off a domestic worker from outside communication can be very dangerous, and often results in a situation where domestic workers are forced to endure abuse without being able to reach out for help. Qamarunnisa Rassoul worked as a domestic worker in Bahrain for over

77 Ibid.

78 Ibid. note 25.

79 Ibid.

80 Ibid.

81 Bahrain Center for Human Rights, "Bahrain: 13 Migrant Workers Killed and 8 Injured in an Apartment Building Fire Due to the Lack of Proper Housing Conditions." 20 January 2013. <http://www.bahrainrights.org/en/node/5604>.

82 Ibid.

83 Ibid. note 23.

84 Sabika al-Najjar, "Women Migrant Domestic Workers in Bahrain," ILO Report: Gender & Migration in Arab States, The Case of Domestic Workers. June 2004, pp. 24-40.

85 Gloria Morento-Fontes Chammartin. "Domestic Workers: Little Protection for the Underpaid." Migration Policy Institute. April 2005. <http://www.migrationpolicy.org/article/domestic-workers-little-protection-underpaid>.

86 Ibid. note 19.

87 Ibid. note 15.

88 Ibid.

89 Ibid. note 19.

fifteen years.⁹⁰ Although she experienced extreme physical abuse at the hands of her employer and her employer stopped paying her, Rassoul was unable to leave.

Rassoul's forehead bears scars of a deep cut from a broken mirror she bumped into while running away from her employer who was trying to beat her. Another scar stands out on her nose, allegedly from the TV remote control unit thrown at her when she asked for permission to get some rest because she was sick that day.⁹¹

She remained trapped when her employer prevented her from contacting her family for help:

[...] when her employer confiscated her phonebook [, her] contacts with India were cut off. When her family called, the employer said Rassoul no longer worked from them. The employer took all letters that arrived from India. Rassoul's husband gave up and got married to another woman. Rassoul also lost contact with her mom and brother.⁹²

It wasn't until a friend started looking for her that she was able to seek help from the Indian embassy.⁹³ Had her friend not been looking for Rassoul, it is likely she would have remained isolated and trapped for many more years.

Sex Trafficking

Women are among the most vulnerable migrant workers; they are at the greatest risk of experiencing forced labor and/or sex trafficking, with Bahrain being a destination country for sex trafficking.⁹⁴ Domestic workers may be victims of sex trafficking after being deceived into coming to Bahrain with regular working visas and later being forced into prostitution.⁹⁵ Escaped domestic workers are also picked up by a sex trafficking ring after fleeing an abusive employer. In 2010, authorities discovered two underage Bangladeshi girls with forged passports at an airport in Bahrain.⁹⁶ The young women were part of a larger trafficking ring that consisted of Thai and Bahraini nationals who deceived women into believing they would work as domestic servants but then forced them into prostitution in entertainment venues.⁹⁷

Victims of sex trafficking are primarily from South and Southeast Asia (especially the Philippines and Thailand), but many come from Morocco, Jordan, Syria, Lebanon, Russia, Ukraine, China, Vietnam, and Eastern Europe.⁹⁸ Women and girls who are trafficked for sex are often subjected to similar exploitation as domestic workers: their passports and visas are confiscated, thus eliminating their freedom of mobility. Additionally, these women often endure physical, sexual, and psychological abuse by their traffickers, and are sometimes moved from country to country.⁹⁹

90 Hana Buhejji. "Bahrain's 'Third Millennium Slavery.'" 2011. Lorenzon Natali Prize. http://lorenzonaliprize.eu/wp-content/uploads/2011/12/Article-of-Hana-Buhejji_EN.pdf.

91 Ibid. p. 2.

92 Ibid.

93 Ibid.

94 Bahrain is on the Tier 2 watch list as being a country that "does not fully comply with minimum standards of eliminating human trafficking but is making efforts to do so and meets one of the following criteria: 1. they display high or significantly increasing number of victims, 2. they have failed to provide evidence of increasing efforts to combat trafficking in persons, or, 3. they have committed to take action over the next year." Central Intelligence Agency. CIA World Factbook. 2014.

95 Ibid. note 31.

96 Habib Tuomi. "Bahrain, Thailand Bust International Trafficking Rings." Gulf News, 19 June 2010.

97 Ibid.

98 Ibid. note 21.

99 Ibid. note 29.

This makes it particularly difficult for victims to seek help, as well as for perpetrators to be prosecuted in Bahrain.

The Government of Bahrain does not have a legal mechanism to identify potential victims of trafficking. Instead, victims are usually labeled illegal migrants or prostitutes and then detained and deported.¹⁰⁰ One figure states that 7,346 undocumented migrants were deported from Bahrain in 2013, and in a period of three months, 2,114 more were arrested.¹⁰¹ Victims of human trafficking likely comprised a substantial portion of these persons.

Efforts Undertaken by the Government of Bahrain

There is a general unawareness about the plight of migrant workers among police¹⁰² and the public. This may in part be due to discrimination and xenophobia toward foreign migrant workers, who are often viewed negatively and blamed for stealing jobs from native Bahrainis.¹⁰³ Because of this, migrant workers are often themselves blamed for the abuses that they suffer.¹⁰⁴ In order for meaningful change to occur, attitudes that are more compassionate to migrant workers need to be encouraged among the general public. Migrant Workers Protection Society reports that in 2013, the number of women sheltered by the organization increased by 25%, which may suggest that awareness of migrant worker abuse is increasing and more women are seeking protection.¹⁰⁵ This is a positive step, but more reforms are required in order to adequately protect the rights of migrant workers.

The Government of Bahrain has legislated more reform on migrant labor and human trafficking than neighboring Qatar and Saudi Arabia. Much of the legal efforts undertaken by the Government of Bahrain have centered on ostensibly dismantling the exploitative *kafala* system. The Labor Code of 1976 states employment must be regulated by a written contract and prohibits charging workers for employment and withholding passports.¹⁰⁶ However, this law is generally not enforced, and withholding passports is still widely practiced.¹⁰⁷ In a substantial step forward, the Government of Bahrain passed the Mobility Law¹⁰⁸ of 2009, which allowed workers to switch employers without a current sponsor's permission, after which they had 30 days to remain in the country legally while searching for new employment.¹⁰⁹ Yet in 2011, this law was amended, and workers are now required to stay with their employers for at least one year after their arrival before they are allowed to change employers.¹¹⁰ Workers are therefore still tied to their sponsor during this period of time under Bahraini law, even if they experience abuse. This speaks to a larger

100 Ibid.

101 Migrant Rights. "Research Centre." 4 Jan 2014. <http://www.migrant-rights.org/research/7346-deported-from-bahrain-in-2013/> (accessed March 26, 2014).

102 U.S. Department of State Trafficking in Persons Report 2013, Country Narratives: Countries A Through C, <http://www.state.gov/documents/organization/210738.pdf>.

103 Ibid. note 19.

104 Ibid. note 26.

105 Greg Fountain, "Protection call." Gulf Daily News. 23 March 2014. <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=373273>.

106 Ibid. note 26.

107 Ibid.

108 Decision No. 79 of 2009, Regarding the Mobility of Foreign Employees from One Employer to Another.

109 Ibid.

110 Migrant Rights. "Bahrain Further Restricts Migrant Rights While Publicly Expressing Concern for Migrants." 29 June 2011. <http://www.migrant-rights.org/research/bahrain-further-restricts-migrant-rights-while-publicly-expressing-concern-for-migrants/>.

pattern of the Government of Bahrain's efforts to address the rights of migrant workers: efforts remain largely cosmetic and any reforms that have been enacted are not enforced, leaving migrant workers effectively unprotected by the law in Bahrain.

The Government of Bahrain has likewise failed to adequately address human trafficking in the country. Legal attempts aimed at combating human trafficking have been restricted to Law No. 1 of 2008 with Respect to Human Trafficking in Persons, which set minimum punishments for persons found guilty of human trafficking and created special protections for victims.¹¹¹ The law also established the Committee for the Assessment of the Status of Foreigners who are Victims of Trafficking in Persons.¹¹² A shelter for female victims of trafficking and other abuses was established in 2005, and has to date, sheltered more than 1,200 women.¹¹³ However, the law has failed to adequately address human trafficking issues, and has not functioned to effectively protect victims or prosecute perpetrators of human trafficking. In 2013, the Government of Bahrain investigated only seven trafficking cases (six of which were sex trafficking, while one was forced labor). Additionally, the Government of Bahrain still lacks a mechanism to proactively identify potential victims of human trafficking, and continues to treat trafficked persons as illegal migrants.

Similarly, domestic workers still significantly lack protection under Bahraini labor law. The Labor Code of 1976 excludes domestic work,¹¹⁴ while social attitudes towards domestic workers further prevent their rights from being protected.¹¹⁵ In August 2009, some achievements were made through the Mobility Law, which focused on improving working conditions for foreign workers. The law stated that domestic workers are no longer required to seek permission from employers to leave their jobs.¹¹⁶ However, this law was later amended to mandate a year of service prior to changing employers. In July 2012, a new labor law expanded protections for domestic workers to include annual sick leave and access to labor mediation, but significantly ignored other basic rights such as setting a minimum wage and the ability to leave an employer.¹¹⁷

Most recent regional efforts focus on bilateral agreements and international conventions. In May 2009, three national trade centers in Sri Lanka and their counterparts in Bahrain signed bilateral cooperation agreements on the protection of migrant workers' rights.¹¹⁸ In January 2012, trade unions in Bahrain also signed bilateral agreements with the General Federation of Nepalese Trade Unions.¹¹⁹ Bahrain is a member of the International Labor Organization (ILO) and has ratified important international conventions related to the elimination of forced labor, child labor, and

111 Ibid. note 31.

112 Ibid.

113 Migrant Workers Protection Society. "About Us." 2014. http://www.mwpsbahrain.com/about_us/summary-mwps.aml.

114 Ibid. note 19.

115 Ibid. note 15.

116 Ibid.

117 Ibid. note 30.

118 Alix Nasri and Hélène Harroff-Tavel, "Tricked and Trapped: Human Trafficking in the Middle East." International Labor Organization, Geneva: International Labor Office, 2013.

119 Ibid.

discrimination based on employment and occupation.¹²⁰ However, Bahrain has not yet ratified ILO convention No. 189 on the rights of domestic workers,¹²¹ No. 87 on freedom of association and protection of the right to organize, and No. 98 on the right to organize and collective bargaining.¹²² Activists and NGOs are also currently working to persuade Bahrain to adopt international labor convention standards to protect migrant workers' rights.¹²³

Bahrain also has ratified human rights treaties that obligate protection of labor rights, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Covenant on Civil and Political Rights (ICCPR); and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹²⁴ Additionally, Bahrain has ratified protocols related to elimination of human trafficking, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, and the Protocol against the Smuggling of Migrants by Land, Sea, and Air.¹²⁵ Despite the ratification of these relevant protocols, the international community has repeatedly observed the Government of Bahrain's failure to comply with the obligations they impose.¹²⁶

Bahrain's Special Procedures Recommendations

A United Nations (UN) Special Rapporteur is an expert on human rights appointed by the UN Human Rights Council to investigate and report on specific countries or issues regarding human rights abuses. The Special Rapporteur on trafficking in persons, especially women and children, visited the Kingdom of Bahrain, the Sultanate of Oman, and the State of Qatar in 2006 to observe the environment in which trafficked persons and migrant workers live and the institutions in place that support or neglect their rights. More specifically, the Special Rapporteur aimed to determine what protection, prevention, and punishment tools were being put into place to reduce the number of abuses against migrant workers and the inflow of trafficked persons.

The following section updates the 2007 report by the Special Rapporteur with efforts and failures of the Government of Bahrain in responding to recommendations given by the Special Rapporteur in regard to prevention of human trafficking, protection of victims, and punishment of perpetrators.

120 Bahrain has ratified the following ILO conventions: No. 29, 1930 Forced Labor Convention; No. 105, 1957 Abolition of Forced Labor Convention; No. 11, 1958 Discrimination (Employment and Occupation) Convention; No. 182, 1999 Worst Forms of Child Labor Convention; No. 81, 1947 Labor Inspection Convention; No. 14, 1921 Weekly Rest Convention; No. 89, 1948 Night Work (Women) Convention; No. 155, 1981 Occupational Safety and Health Convention; and No. 159, 1983 Vocational Rehabilitation and Employment (Disabled Persons) Convention. International Labor Organization. "Up-to-date Conventions not ratified by Bahrain." 2014. http://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:103396

121 International Labor Organization "C189 - Domestic Workers Convention, 2011 (No. 189)." 2013. http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551460:NO.

122 Ibid. note 25.

123 There was a recent conference in Lebanon where activists are working to persuade Bahrain and other Arab countries to adopt international conventions such as International Labor Organization Convention 189 on Domestic Workers Rights. Anderson, Brooke. "Arab migrant network aims to educate about labor rights." *The Daily Star*, 28 January 2014.

124 ADHRB, A Follow-Up Report on Bahrain's UPR Second Cycle: The Deteriorating Human Rights Situation in Bahrain, 2013.

125 Ibid.

126 Ibid. note 124.

PREVENTION

In the report, the Rapporteur recommended that the Government of Bahrain sign a number of international conventions, implement international human rights commitments regarding human trafficking and migrant workers, specifically target vulnerable domestic workers with new legislation, abolish the *kafala* system, secure bilateral and multilateral agreements with source countries, collaborate with international institutions such as the International Organization for Migration (IOM) and the International Labor Organization (ILO), monitor recruitment agencies, and provide training to public officials on the nature of human trafficking and the freedoms of migrant workers.¹²⁷ Since the report's release, the Government of Bahrain has taken limited steps to address the recommendations put forth by the Special Rapporteur, and a majority of the recommendations are not fully implemented or enforced. To date, Bahrain has not signed or ratified the International Convention of the Protection of the Rights of All Migrant Workers and Members of Their Families,¹²⁸ nor has it ratified ILO Convention No. 97 or No. 143.¹²⁹

In 2008, the Government of Bahrain appeared to make progress in aligning domestic legislation with the Palermo Protocol when it passed a comprehensive anti-trafficking law. The law sets punishments for persons found guilty of human trafficking, including harsher punishments for perpetrators who are corporate employees or if a victim is under age 15.¹³⁰ The law also mandates protection for victims and prevention of human trafficking by raising public awareness.¹³¹ While this is a positive step toward the prevention and prosecution of human trafficking and the protection of victims, substantial evidence demonstrates that the law is not enforced¹³² and that officials have not used this law to prosecute forced labor trafficking.¹³³ Further, though the government has established a shelter for victims, there is not a formal referral process for victims seeking shelter, and many victims still lack the protection they need.¹³⁴ Finally, there is no formal legal mechanism for identification of victims, who are often labeled as prostitutes or illegal migrants and are arrested, detained, and deported.¹³⁵

The Government of Bahrain has also made limited efforts regarding the legal protection of domestic workers. The Mobility Law of 2009, which allows employers to leave employees without their consent, applies to domestic workers.¹³⁶ In 2012, a law was passed extending minimal protection to domestic workers, but ignored other basic rights and failed to set a minimum wage.¹³⁷ To date, domestic workers are still widely excluded from legal protection, and social attitudes on the role of domestic workers continue to prevent adequate protection of domestic workers' rights.¹³⁸ In 2012, the Government of Bahrain said it would consider ratifying ILO Convention No. 189 on Domestic

127 Ibid. note 19, p.26-27.

128 United Nations Treaty Collection. "Chapter IV: Human Rights." April 2014. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en

129 Ibid. note 120.

130 Ibid. note 31.

131 Ibid.

132 Ibid. note 21.

133 Ibid. note 25.

134 Ref World, "Trafficking in Persons Interim Assessment – Bahrain." Published by the U.S. Department of State. Feb 2010, <http://www.refworld.org/docid/4b8e7a7f2.html>.

135 Ibid. note 21.

136 However, 2011 reforms of this law continue to prevent domestic workers from being able to leave employers freely. Ibid. note 31.

137 Ibid. note 30.

138 Ibid. note 26.

Workers,¹³⁹ but has since taken no further action on the subject.¹⁴⁰

Furthermore, the Government of Bahrain continues to institutionalize human trafficking in the form of the *kafala* system, which has been dismantled in name only. Although the Mobility Law of 2009 allowed employees to leave their jobs without consent of employers,¹⁴¹ the law was reformed in 2011 to require workers to stay with their employers for one year before they are allowed to change jobs without permission.¹⁴² It is also extremely difficult for workers to be granted permission by the LMRA to change employers. In 2011, the LMRA rejected 98% applications submitted by workers who sought to change jobs without their employers' permission.¹⁴³ The Government of Bahrain has also failed to take any substantial efforts to prevent human trafficking by failing to enforce labor contracts between employers and employees.¹⁴⁴

The Special Rapporteur has called for a framework of cooperation through bilateral and multilateral agreements with source countries and through engagement with international human rights organizations. There have been recent attempts at bilateral agreements with trade unions in Sri Lanka (2009) and Nepal (2012) to agree to protect the rights of migrant workers.¹⁴⁵ The Special Rapporteur also urged cooperation between governments in the conviction and extradition of human trafficking offenders. There is some evidence of this cooperation between Bahrain and source countries, most notably in the 2010 bust of a Thai trafficking ring in Bahrain, where Bahraini and Thai officials worked together to identify and repatriate victims.¹⁴⁶ However, regular cooperation is limited.

Ongoing cooperation between the Government of Bahrain and international organizations on human rights in general is also limited. In September 2013, OHCHR issued a joint statement with 47 countries about the situation of human rights in Bahrain, explicitly calling for Bahrain to increase cooperation with OHCHR and engagement with the Human Rights Council.¹⁴⁷ While the Government of Bahrain recently allowed OHCHR into the country,¹⁴⁸ it agreed to do so only if OHCHR's mandate was extremely limited with no reporting mandate. In regard to labor issues more specifically, the ILO recently issued direct requests to the Government of Bahrain regarding updates on the status of the ratification of labor conventions, including Convention No 14 (weekly rest) and Convention No 89 (night work of women).¹⁴⁹ Bahrain has not yet responded to these inquiries.

The Government of Bahrain has also failed to foster an environment in which civil society may

139 Ibid. note 25.

140 Ibid. note 121.

141 International Labor Organization, "Kingdom of Bahrain: Decent Work Country Programme, 2010–2013." March 2010. <http://www.ilo.org/public/english/bureau/program/dwcp/download/bahrain.pdf>

142 Ibid. note 110.

143 Ibid. note 25.

144 Ibid. note 26.

145 Ibid. note 118.

146 Sandeep Singh Grewal. "Woman Arrested in Global Vice Camp." Gulf Daily News. <http://m.gulf-daily-news.com/NewsDetails.aspx?newsid=336713>.

147 Permanent Mission of the United States of America to the United Nations and Other International Organizations in Geneva. "Joint Statement Expresses Concern about Human Rights Situation in Bahrain." 9 September 2013. <https://geneva.usmission.gov/2013/09/09/joint-statement-expresses-concern-about-human-rights-situation-in-bahrain/>.

148 "Bahrain Welcomes OHCHR's technical team." Bahrain News Agency. 19 February 2014. <http://bna.bh/portal/en/news/603984>.

149 International Labor Organization, "Direct Request (CEACR) - adopted 2013, published 103rd ILC session." 2014. http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:3134122:NO.

function to help combat trafficking. The 2011 political unrest prompted the government to initiate a security crackdown in Bahrain, which resulted in civil society leaders, including many human rights activists, being arrested, imprisoned, and tortured.¹⁵⁰ The Government of Bahrain has continued this crackdown on civil society and human rights defenders through 2014. Human rights defenders have been subjected to police and government harassment, including arrest, incarceration, and even death threats.¹⁵¹ The press is also severely restricted in Bahrain, limiting accountability for human rights abuses including those associated with migrant workers and human trafficking.¹⁵² Though these abuses are not related specifically to the protection of migrant rights and the prevention of human trafficking, it creates an environment where civil society organizations that document human rights abuses are unable to fully operate, thereby preventing any accountability on these issues from the Government of Bahrain.

Migrant workers remain largely uninformed about their rights and obligations as employees and residents in Bahrain. In 2012, the LMRA attempted to improve its treatment of processing work visas and initiating workers' education campaigns.¹⁵³ While these campaigns may attempt to educate incoming workers on Bahraini life and legal procedure, they do not protect workers from trafficking or the labor abuses they experience from their employers. Trafficked persons and migrant workers continue to be abused by Bahraini families who may refuse to settle and often ignore Ministry of Labor meeting requests. Due to these issues, the Ministry resolved only 30% of complaints filed by migrant workers from 2009 to 2011.¹⁵⁴ The LMRA attempted to educate and inform workers of trafficking-related information through its website, radios, and other media outlets in English, Hindi, and Malayalam. Unfortunately, this effort has had minimal impact, as migrant workers often do not have access to domestic media or the internet.

Finally, there has been little success in regard to trafficking-related training for public officials and recruiting agencies. The Bahrain government's interagency Committee for Combating Trafficking in Persons convened only periodically in 2013 and hosted only two national seminars to raise awareness about trafficking, while participating in few regional trainings and workshops. The committee also conducted a trafficking survey, though the results of the survey were unknown.¹⁵⁵ The impact of these seminars and trainings is minimal, as there has been no reduction in the influx of human trafficking and abuse against migrant workers. The U.S. State Department reinforces this by stating that the government made no efforts to curb the demand for commercial sex or forced labor in 2013.¹⁵⁶

PROTECTION

In regard to the protection of victims of human trafficking, the Special Rapporteur made recommendations that the government develop procedures for identifying and safeguarding victims of human trafficking, guarantee migrant workers fair trial rights, establish, maintain,

150 Freedom House. "Freedom in the World 2013: Bahrain." 2013. <http://www.freedomhouse.org/report/freedom-world/2013/bahrain#.Uz2J4vldUeg>

151 Brian Dooley. "Targeting of Bahraini Human Rights Defenders Intensifies." Human Rights First. 12 June 2012. <http://archive.humanrightsfirst.org/2012/06/12/targeting-of-bahraini-human-rights-defenders-intensifies/>

152 Brian Dooley. "Bahrain Escalates Attacks on Civil Society." Human Rights First. 3 July 2012. <http://www.humanrightsfirst.org/2012/07/03/bahrain-escalates-attacks-on-civil-society>

153 Human Rights Watch. "Bahrain: Abuse of Migrant Workers Despite Reforms." 1 October 2012. <http://www.hrw.org/news/2012/09/30/bahrain-abuse-migrant-workers-despite-reforms> (accessed April 2, 2014).

154 Ibid. note 105.

155 Ibid. note 21, p.27

156 Ibid.

and implement a complaints procedure in compliance with international norms, prohibit mass HIV/AIDS testing, inform detained nationals and their embassies of the reasons for their arrest, establish mechanisms to monitor workplace compliance with employment contracts (especially in relation to domestic workers), regularly monitor compliance with and enforcement of labor codes, take special precautions as they relate to minors in human trafficking, and set up a shelter for abused domestic female workers.

The Government of Bahrain has been largely unsuccessful in providing comprehensive protection for victims of human trafficking. Although the 2008 Law to Combat Trafficking in Persons prohibits all forms of trafficking in persons, there is no systematic procedure to identify victims of trafficking in detention centers. In 2005, a shelter for female migrant workers was established, and it has protected more than 1,200 women.¹⁵⁷ The number of women seeking shelter has increased each year, indicating that more women are seeking protection; however, the number is still extremely low relative to the population.¹⁵⁸ In order to address this issue, the government has funded and built a 120-bed domestic violence shelter for female victims of trafficking and their children. Its utility has been limited, however; in 2012, the shelter took in 25 victims suspected of being trafficked into Bahrain, and in 2013, a total of 124.¹⁵⁹ None of these services are granted to male trafficking victims, and there are reports of migrant workers in need of assistance being turned away by the government and advised to go to their respective embassies.¹⁶⁰ This often means that migrant workers who have no embassy representation in Bahrain have few places to go for support.¹⁶¹ Additionally, the government has not taken into consideration providing victims with a social worker to accompany them outside of the shelter. Instead, victims can leave the shelter unaccompanied, potentially exposing them to capture and trafficking.¹⁶²

Vulnerable groups such as migrant domestic workers who have fled their employers or women who are arrested for prostitution remain at risk of detention and deportation.¹⁶³ In 2012, Bahrain extended its labor law to provide some protections for domestic workers.¹⁶⁴ However, these extensions do not address the unique conditions of the work of domestic laborers that make them particularly vulnerable.¹⁶⁵ The 2012 law does not deal with excessive work hours and fails to set maximum daily or weekly hours for domestic workers that their employers must follow. It also does not require that workers receive overtime pay or mandate that employers give workers weekly days off.¹⁶⁶ The Deputy Director for the Middle East and North Africa at Human Rights Watch commented that, “Without more vigorous enforcement, these efforts do little to address the most widespread rights violations such as failure to pay wages and withholding workers’ passports.”¹⁶⁷ This is a clear indication that the Government of Bahrain has failed to develop a comprehensive human rights framework for migrant workers.

157 See section on “Efforts by the Government of Bahrain” in Bahrain report.

158 See section on “Efforts by the Government of Bahrain” in Bahrain report.

159 Ibid. note 21.

160 Ibid.

161 International Federation for Human Rights. “The Situation of Women Migrant Domestic Workers in Bahrain, Report submitted to the 42nd session of the CEDAW Committee,” October 2008.

162 Ibid. p.86.

163 Ibid. note 29.

164 See section on “Efforts by the Government of Bahrain” in Bahrain report.

165 See section on “Living Conditions” in Bahrain report.

166 Ibid. note 30.

167 Ibid. note 153.

Outside of their workplaces, migrant workers also lack legal protection if arrested by the Bahraini government.¹⁶⁸ It has been reported that some migrant workers have been detained for several years after being arrested for outstanding debts.¹⁶⁹ Language barriers can prevent detained migrant workers from being able to seek legal aid and understand the reasons for their arrest.¹⁷⁰ Due to the lack of transparency and access for independent inspectors to visit detention facilities in Bahrain prior to approval from the government, there is little information on how migrant workers are treated in detention centers.¹⁷¹

Migrant workers also face discriminatory practices in regards to HIV/AIDS testing. HIV/AIDS tests should be conducted only with the voluntary and informed consent of the individual,¹⁷² but migrant workers in Bahrain are targeted and continuously forced into mandatory HIV/AIDS testing¹⁷³ which is against the right to equality before the law and freedom from discrimination.¹⁷⁴ In addition, mandatory testing leaves migrant workers vulnerable to unethical deportation.¹⁷⁵ Although Bahrain is a member of the World Health Organization and a signatory to the Universal Declaration of Human Rights, social misconceptions surrounding HIV/AIDS and high costs of treatment are still present in society.¹⁷⁶ Many Bahrainis still consider those living with HIV/AIDS as engaging in “un-Islamic” activities, primarily because it can be transmitted through unprotected sex.¹⁷⁷ Therefore, when a positive test result is found, migrant workers are often confined and deported without explanation.¹⁷⁸

Little progress has been made in terms of protection of migrant workers from poor working conditions. The Government of Bahrain announced that it would launch an inspection campaign to ensure employers do not withhold wages or confiscate passports. However, that campaign has not yet been launched¹⁷⁹ and employers continue to confiscate passports with impunity.¹⁸⁰ Additionally, the Ministry of Labor’s slightly increased of the number of inspectors that monitor compliance with labor laws and health and safety regulations; in 2010, there were 33 inspectors, while that number climbed to 58 in 2011.¹⁸¹ Despite this positive step, these numbers remain extremely low; considering that there are over 50,000 companies that employ migrant workers¹⁸² and several hundred thousand migrant workers in the country. Further, inspectors can only issue

168 Global Protection Project. “Bahrain Detention Profile.” September 2009. <http://www.globaldetentionproject.org/countries/middle-east/bahrain/introduction.html>.

169 Ibid.

170 Ibid. note 26.

171 Ibid. note 168.

172 Southern Africa Litigation. “Protecting Rights: Litigating Cases of HIV Testing and Confidentiality of Status,” September 2012, SALC Litigation Manual Series, p.11.

173 Suad Hamada. “Bahrain: No Change Seen on Ban on Entry of People with HIV.” International Press Service. 6 September 2010. <http://www.ipsnews.net/2010/09/bahrain-no-change-seen-in-ban-on-entry-of-people-with-hiv/>.

174 United Nations Human Rights. “International Covenant on Civil and Political Rights (ICCPR).” Office of the High Commissioner for Human Rights, 23 March 1976 and United Nations Human Rights. “International Covenant on Economic, Social, and Cultural Rights (ICESCR).” Office of the High Commissioner for Human Rights, 3 Jan 1976. These rights are cited in the Preamble, Article 2 and Article 26 of ICCPR as well as in Article 2(2) of ICESCR.

175 Coordination of Action Research on AIDS and Mobility. “Removal of Mandatory HIV Testing for Migrant Workers,” CARAM Asia Policy Brief.

176 Ibid. note 173.

177 Ibid.

178 Ibid. note 175.

179 Ibid. note 25.

180 See “Withholding Wages” Section under “Working Conditions” in Bahrain report.

181 Ibid. note 25.

182 Ibid.

citations – not fines – to employers who violate labor laws; if an employer still does not comply, the case is forwarded to a labor court, initiating a process that can take up to two years.¹⁸³

With respect to the protection of minors, the Government of Bahrain put into effect Labor Law 36 in 2012. The law requires that the Ministry of Labor must have a guardian or parents' signed approval for their minor to work, proof that the minor underwent a physical test and can work in difficult settings, and assurances that the minor will not be working in hazardous environments prior to being allowed to work in Bahrain.¹⁸⁴ The U.S. State Department reports that the Government of Bahrain is effectively implementing the law and that labor inspectors effectively monitor and implement child labor laws in the industrial sector.¹⁸⁵

PUNISHMENT

Finally, the Special Rapporteur recommended that the government fulfill its international obligations in prosecuting human trafficking offenders, compile comprehensive statistics on investigations and prosecutions of human trafficking, harmonize domestic law with international prosecutorial standards for human trafficking, ensure that court decisions are promptly and strictly enforced, and better coordinate with neighboring countries to eliminate human trafficking.¹⁸⁶

Many of the Special Rapporteur's recommendations for Bahrain have not been implemented, even in the most minimal of capacities. The Government of Bahrain has not complied with basic standards for eliminating or reducing human trafficking and has failed to regularly prosecute and punish perpetrators.¹⁸⁷ There is also no legal mechanism to identify victims of human trafficking or a system to provide victims with "legal alternatives to their removal to countries where they faced hardship or retribution,"¹⁸⁸ Additionally, the Government of Bahrain has not actively enforced the 2008 anti-trafficking law or prosecuted trafficking offenders.¹⁸⁹

Counter to the recommendation to harmonize national legislation with the Palermo Protocol and define cases of human trafficking and forced labor as crimes and not labor disputes, the Government of Bahrain has proceeded to try forced labor offenders in civil proceedings instead of a criminal court.¹⁹⁰ Despite the anti-trafficking legislation aimed in part at imposing harsh punishments upon offenders, in 2012-2013 the legal courts' record for prosecuting and punishing trafficking offenders has not been positive, with the government only investigating seven cases of trafficking, six of which were related to forced prostitution and only one of which concerned forced labor.¹⁹¹ In that year, three persons were prosecuted, none of whom were convicted, and four cases remain open.¹⁹² The Government of Bahrain also did not report any efforts to investigate government complicity in trafficking offenses.¹⁹³ In cases involving other types of migrant abuse where the court does prosecute, court decisions and penalties are not enforced promptly or strictly.¹⁹⁴

183 Ibid.

184 Bureau of Democracy, Human Rights, and Labor. "Country Reports on Human Rights Practices." Washington: U.S. State Department, 2013.

185 Ibid. p.44.

186 Ibid. note 19, p. 29.

187 Ibid. note 21.

188 Ibid.

189 Ibid.

190 Ibid.

191 Ibid.

192 Ibid.

193 Ibid.

194 See section on "Withholding Wages" in Bahrain report.

Conclusion

While the Government of Bahrain has seemingly made significant efforts to promote the rights of migrant workers and eliminate human trafficking, failure to implement legislated reforms means that significant steps remain to ensure adequate protection of migrant workers. Though the Government of Bahrain has claimed that it has dismantled the *kafala* system, *kafala* still operates in society in many ways and contributes to creating the conditions conducive to forced labor. Migrant workers still experience exploitation and human rights abuses regularly, including confiscated passports and other legal documents, low or withheld wages, physical and sexual abuse, and poor living conditions. Domestic workers are particularly vulnerable to exploitation, and unfortunately are still largely unprotected in Bahrain even though they make up the majority of female Bahraini migrant workers.¹⁹⁵ Impunity is common for perpetrators of such abuse. The degrading conditions to which workers are subjected cannot continue. The Government of Bahrain needs to ensure the reforms they have enacted are enforced, and must continue to enact additional reforms that further protect migrant workers and victims of human trafficking.

¹⁹⁵ Ulandssekretariatet. Bahrain – Labour Market Profile 2013. Ulandssekretariatet LO/FTF Council, 2013.

Qatar

Qatar is a small Middle Eastern State located in the Persian Gulf, bordered by Saudi Arabia and with close proximity to Bahrain and the United Arab Emirates. Once controlled by the British, it is now an independent State with its own government and a legal system consisting of a mix between civil and Islamic law. The Emir Shaikh Tamim bin Hamad al-Thani acts as both the head of State and head of government. Qatar's economy is heavily dependent on its oil and gas reserves, accounting as they do for more than 50% of the total GDP of the country. Furthermore, oil and gas comprised about 85% of the State's export earnings and 50% of the total government revenue in 2013.¹⁹⁶ With its abundance in oil and natural gas resources, Qatar has one of the highest per capita incomes in the world and one of the lowest unemployment rates.¹⁹⁷

It is therefore not surprising to find many people migrating to Qatar to find work. Of the approximately 2 million people in Qatar, about 1.38 million are migrant workers, who make up 94% of the workforce.¹⁹⁸ Migrants hold various jobs in the country - they may be white-collar workers (e.g., professors), service & hospitality workers, or civil service workers (e.g., judges from mainly Sudan or Egypt).¹⁹⁹ Most migrant workers, however, work in construction and domestic fields, or hold miscellaneous jobs that are dirty, demeaning and dangerous (also known as "3D jobs"). There are currently about 506,000 migrant workers employed for construction projects, and an additional 84,000 women employed as domestic workers in Qatar.²⁰⁰

Migrant workers face significant dangers in Qatar. First, the *kafala* system in Qatar restricts migrant workers' rights and power to form a union or go on strike. In many cases, Qatari sponsors and employers will take away their workers' passports, thereby restricting their ability to obtain exit visas and thus eliminating their mobility. Furthermore, migrant construction workers most often find themselves living in cramped and unsanitary conditions. Though migrant workers may sometimes be promised higher wages in Qatar than elsewhere in the region, sponsors and employers are often unwilling to pay wages, placing their migrant workers in financially difficult situations and exposing them to harassment from debt collectors.²⁰¹

Female migrant workers mostly work in the domestic sector and come primarily from Nepal and other parts of Southeast Asia. While domestic workers do not work in dangerous construction zones, they often experience physical, psychological, and sexual abuse in their work places. By way of example, Nepalese women often do not end up in the job advertised to them in their home country.²⁰² In addition, they are forced to work extra hours and do not receive their promised

196 Central Intelligence Agency (CIA), "Qatar," The World Factbook. 27 March 2014. <https://www.cia.gov/library/publications/the-world-factbook/geos/qa.html>.

197 Ibid.

198 Amnesty International. "Qatar: Treat Us Like We Are Human: Migrant Workers in Qatar." 18 November 2013. <http://www.amnesty.org/en/library/info/MDE22/011/2013/en> (Accessed 5 February 2014).

199 Robert Siegel. "As World Cup Looms, Qatar's Migrant Worker System Faces Scrutiny." NPR. 22 December 2013. <http://www.npr.org/blogs/parallels/2013/12/23/256599114/as-world-cup-looms-qatars-migrant-worker-system-faces-scrutiny>.

200 "Economic Characteristics." Census Committee of Qatar. <http://www.qsa.gov.qa/QatarCensus/Economic.aspx>.

201 International Trade Union Confederation, "The Case Against Qatar: Host of the FIFA 2022 World Cup." 16 March 2014. <http://www.ituc-csi.org/ituc-special-report-the-case>.

202 "Increasing Number of Women Heading to Gulf for Employment." Himalayan News Service. 29 December 2013. <http://www.thehimalayantimes.com/fullNews.php?headline=Increasing+number+of+women+heading+to+Gulf+for+employment&NewsID=401272>.

salaries. When faced with abuse, some women run away from their employers.²⁰³ However, without a passport and visa, local Qataris can easily exploit their weakness and threaten to hand them over to the police; risk of detainment and deportation is high. Forced prostitution is another significant concern for runaway domestic workers.²⁰⁴

The following section of this report describes the state of migrant workers in Qatar. The section will identify source countries from which migrant workers come as well as their motivation to work in Qatar. It will highlight the types of abuse migrant workers face in Qatar, drawing attention to Qatar's *kafala* system that creates favorable conditions for human trafficking. Finally, the report will address the Government of Qatar's efforts and failures in addressing human rights abuses of migrant workers.

Identifying Qatar's Migrant Workers

High economic development has led to a significant rise in per capita income in Qatar, making Qatari citizens some of the wealthiest people in the world.²⁰⁵ Due to high levels of economic progress and a government push for accelerated advancement in higher education, most Qataris are attracted to employment in the public sector, which has created a scarcity in the private sector. This is alleviated though a large migration of foreign workers who come to Qatar to fill this gap.²⁰⁶

The majority of migrant workers come from India, Nepal, Pakistan, Sri Lanka, Bangladesh, and the Philippines. They are employed in various sectors of the Qatari economy, most notably including construction, domestic services, retail, and mining but also including banking services and education.²⁰⁷ Though migrant workers are employed in various sectors of the Qatari economy, most of the stagnant problems are concentrated within construction and domestic work, the two areas in which migrant labor is very heavily concentrated.

The *Kafala* System and Recruitment Processes

Like migrant workers in Bahrain, migrant workers in Qatar face deception and exploitation before entering Qatar. All migrant workers come to Qatar under the *kafala* system. In the *kafala* system, official work visa and residency are obtained and held solely by the sponsors, usually local citizens or companies, also known as the *kafeel*.²⁰⁸ In order to obtain a sponsor, most migrant workers go through recruitment agencies in their countries of origin that usually charge hefty recruitment fees ranging from approximately USD 700 - USD 3500, oftentimes amounting to several months' worth of pay.²⁰⁹ In addition to the high recruitment fees, recruitment agencies deceive and exploit by misrepresenting the jobs workers will perform or the salaries they will obtain.²¹⁰ While the deception and exploitation occurs in home countries, Qatar is still liable, as

203 Ibid.

204 U.S. Department of State, "2013 Trafficking in Persons Report." 2013, <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215549.htm>.

205 Claude Berrebi, Francisco Martorell & Jeffery C. Tanner. "Qatar's Labor Markets at a Crucial Crossroad." *The Middle East Journal* 63, no. 3 (2009): 421-442. <http://www.jstor.org/stable/20622929>.

206 Ibid.

207 Ibid. note 200.

208 Migrant Rights. "End the Kafala System." <http://www.migrant-rights.org/campaign/end-the-kafala-system/>.

209 Human Rights Watch. "Qatar: Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022." 12 June 2012. <http://www.hrw.org/reports/2012/06/12/building-better-world-cup-0> (accessed 20 March 2014).

210 Ibid. note 209, p. 51.

Qatari employers supposedly responsible for paying such recruitment fees often pass those fees onto their workers.²¹¹ The organization Migrant Rights has commented that some employers view their employees as owned property due to the financial investment.²¹² Such perceptions allow sponsors to often justify abusive and ill-treatment of migrant workers.

Confiscations of passports and the restrictions of movement are among these abusive actions. Passports serve not only as forms of identification, but also allow migrant workers to work and live legally in Qatar and, ultimately, to leave Qatar. 90% of migrant workers have their passport confiscated by their employer,²¹³ removing their ability to freely change employment and visit their families. Many migrant workers are often mistreated by their sponsors, and without their passports and immigration documents, migrant workers are forced to remain with their original sponsors for fear of detention and deportation.

Working Conditions

Migrant workers in Qatar are often subjected to harsh and demeaning working conditions. Most commonly, they experience delay or nonpayment of wages from their employers, overwork, and injuries sustained during work. In addition to those injuries, dangerous working conditions have led to a there significant number of deaths at work sites.

Delayed payment or nonpayment of wages affects all sectors of migrant worker employment.²¹⁴ Construction workers often complain of lack of payments spanning several months.²¹⁵ Some reports have stated that a reason for the lack or nonpayment of migrant workers is due to expenses incurred from immigration documents and travelling. This is a clear violation of the many bilateral labor treaties between the Government of Qatar and migrant workers' countries of origin. For example, bilateral agreements between the Government of Qatar and the Government of India state that Qatari employers will be responsible for the expenses incurred from immigration documents and travelling.²¹⁶

Many migrant workers are also forced to work over time without compensation, often resulting in injury. Research shows that construction workers are generally forced to work 12- to 14-hour shifts,²¹⁷ often in temperatures around 38°C (100°F) or more without any proper safety procedures in place.²¹⁸ Injuries are common on construction sites, and around 10% of injuries result in permanent disability.²¹⁹ Anil Lamichhane, a 22-year-old construction worker from Nepal, states, "We don't get safety shoes in time, we don't get helmets, we don't get good gloves, we don't get good accommodation, we don't get good food. We don't get good salaries - only \$9 per day - and we work six days per week."²²⁰

211 Ibid.

212 Migrant Rights. "End the Kafala System: Background." <http://www.migrant-rights.org/campaign/end-the-kafala-system/>.

213 Ibid. note 198, p. 10.

214 Ibid. p. 11.

215 Ibid. note 201, p. 13.

216 Ibid. p. 8.

217 Ibid.

218 Ibid. p. 14.

219 Ibid. note 198, p. 11.

220 Leana Hosea. "Inside Qatar's Squalid Labour Camps." BBC News. 7 March 2014, <http://www.bbc.com/news/world-middle-east-26482775>.

In 2013, 276 Nepalese workers died due to overwork, and 20% of migrant worker deaths were on work sites.²²¹ Factors such as scorching temperatures, limited drinking water and food, and the lack of compliance with labor laws in Qatari construction sites contribute to high death rates for construction workers.²²² The Qatari government's inability to properly oversee labor compliance is further compounded by the fact that there are only 150 labor inspectors monitoring compliance, and their inspections do not include worker interviews.²²³

2022 FIFA WORLD CUP

Qatar, much like their fellow Gulf nations, suffers from persistent disregard for the rights of migrant workers, resulting in increasing scrutiny from the international community about the lack of follow up from the government regarding the abolition of the *kafala* system. It's the recent award of 2022 World Cup by the Fédération Internationale de Football Association (FIFA) has made Qatar's issues regarding migrant workers more acute and has rightly drawn increased attention on the plight of migrant workers in the country. With the World Cup approaching in less than ten years, the country is now obligated to implement a frenzied construction of new stadiums, hotels, new roads, an airport, and multiple rail projects for the tournament. This has had clear and significant repercussions on migrant workers in Qatar.²²⁴

Following the 2 December 2010 announcement that Qatar was to become the first Middle Eastern nation to host the World Cup,²²⁵ the euphoria and excitement of the Qatari people turned into immediate plans to begin prepare for the construction of new infrastructure. Qatar is currently in the process of building new infrastructure projects totaling an estimated USD 140 billion.²²⁶

Since the successful bid for the tournament, and with increasing spotlight and criticisms for the treatment of migrant workers, Qatar has released two charters designed to provide migrant workers for the World Cup with greater protections: the Qatar Foundation Mandatory Standards (released April 2013) and the Supreme Committee²²⁷ Workers' Welfare Standards (*henceforth* the Workers' Charter).²²⁸ The most recent charter makes the following statement: "[The Supreme Committee] is committed, and shall require its contractors and sub-contractors, to adhere to the following principles in their treatment of all workers: health and safety; employment standards; equity; dignity; unlawful practices; working and living conditions; wages; grievances; access to information; and training."²²⁹ Yet even with the creation of these standards, little has changed for

221 Amena Bakr. "UPDATE 1 – Nepali Official Denies Labour Abuses in Qatar." Reuters. 30 September 2013. <http://www.reuters.com/article/2013/09/30/qatar-labor-rights-idUSL6N0HQ41K20130930>.

222 Ibid. note 201, p. 4.

223 Human Rights Watch. "Qatar: World Report 2013." 2013. <http://www.hrw.org/world-report/2013/country-chapters/qatar?page=1> (accessed 19 February 2014).

224 Mark Byrnes. "How Qatar's World Cup Could End Up Killing 4,000 Migrant Workers." The Atlantic. 25 March 2014. <http://www.theatlanticcities.com/jobs-and-economy/2014/03/how-qatars-world-cup-could-end-killing-4000-migrant-workers/8713/>.

225 Jamie Jackson. "Qatar Win 2022 World Cup Bid." The Guardian. 2 December 2010. <http://www.theguardian.com/football/2010/dec/02/qatar-win-2022-world-cup-bid>.

226 Ibid. note 224.

227 FIFA. "Ex-Co Backs FIFA's Work to Help Improve Working Conditions in Qatar." 21 March 2014. <http://www.fifa.com/aboutffifa/organisation/bodies/news/newsid=2301310/index.html>.

228 Ibid. note 201, p. 16.

229 Qatar Supreme Committee for Delivery and Legacy. "SC Workers' Welfare Standards." March 2014. <http://www.scribd.com/doc/206643598/Sc-Workers-Welfare-Standards-Edition-1>.

migrant workers: abuses continue to occur, and there is little faith by international organizations that the Qatari government will ensure safety and better treatment for workers. Furthermore, a greater concern is that these charters are strictly designed for labor related to the 2022 FIFA World Cup, and have no effect on other sectors of Qatari migrant labor. This is deeply concerning and demonstrates that there is a lack of willingness on behalf of the Qatari government to shed overarching institutionalized systems that exploit migrant workers.

Several hundred migrant workers have died since the FIFA 2022 World Cup was awarded to Qatar. The Government of Qatar has dismissed the number as small or even normal.²³⁰ However, when compared to the death toll of other FIFA World Cup tournaments, the death toll in Qatar is undeniably large.²³¹ Three-hundred and eighty two Nepalese workers over since 2012²³² and 717 Indian workers since 2010 have died on Qatar's construction sites.²³³ In 2012, more than 1,000 people were admitted to the trauma unit in Doha's main hospital sustaining injuries caused by falling from heights at work.²³⁴ Of these individuals, 10% incurred a disability, and the mortality rate was "significant."²³⁵ Furthermore, an investigation completed by *The Guardian* estimates that there is a death rate of at least one Nepalese worker per day during the summer of 2013 in Qatar. Most of those that died were young men who suffered from sudden heart attacks, heart failure, or workplace incidents.²³⁶ If the Government of Qatar fails or refuses to make significant changes in the near future, it could see as many as 4,000 additional workers die before the inauguration of the 2022 World Cup.²³⁷

DOMESTIC WORKERS

Because most domestic workers are women, they are particularly vulnerable to physical and sexual abuse. After working an average of 60 hours a week, domestic workers are confined to their employers' houses and are unable to leave.²³⁸ Some have reported that employers will take away their cell phones, which further contributes to their isolation and vulnerability.²³⁹ In some instances, employers have raped their live-in domestic workers,²⁴⁰ while other cases describe how strangers would take advantage of domestic workers' isolation and rape them. In one case, a domestic worker was attacked and raped by a man who trespassed into her employers' home²⁴¹

230 "Qatar Official Says Worker Death Rate Normal." Al Jazeera. 19 February 2014. <http://www.aljazeera.com/news/middleeast/2014/02/qatar-official-says-worker-death-rate-normal-20142181886988990.html>.

231 Ibid. note 201, p. 15.

232 Owen Gibson and Pete Pattison. "Qatar World Cup: 185 Nepalese Died in 2013 – Official Records." *The Guardian*. 24 January 2014. www.theguardian.com/world/2014/jan/24/qatar-2022-world-cup-185-nepalese-workers-died-2013.

233 Owen Gibson. "More than 500 Indian Workers Have Died in Qatar Since 2012, Figures Show." *The Guardian*. 18 February 2014. <http://www.theguardian.com/world/2014/feb/18/qatar-world-cup-india-migrant-worker-deaths>.

234 Andrew North. "Qatar Migrant Workers 'Treated like Animals' - Amnesty." *BBC News*. 17 November 2013. <http://www.bbc.com/news/world-middle-east-24980013>.

235 Ibid.

236 Pete Pattison. "Revealed: Qatar's World Cup 'Slaves.'" *The Guardian*. 25 September 2013. www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves.

237 Ibid. note 201, p. 15; see also Terrence McCoy. "Staggering Number of Workers Said to Die as Qatar Prepares for World Cup." *The Washington Post*. 15 April 2014. http://www.washingtonpost.com/news/morning-mix/wp/2014/04/15/staggering-number-of-workers-die-as-qatar-prepares-for-world-cup/?tid=hp_mm.

238 Ibid. note 198, p. 13.

239 Ibid.

240 Rebecca Falconer. "Qatar's Foreign Domestic Workers Subjected to Slave-Like Conditions." *The Guardian*. 26 February 2014. <http://www.theguardian.com/global-development/2014/feb/26/qatar-foreign-workers-slave-conditions>.

241 Ibid. note 198, p. 13.

Unfortunately, due to strict rules and laws in Qatar, female domestic workers are often criminalized for “illicit relations” when attempting to report instances of rape,²⁴² with such maltreatment often leading to the development of mental illnesses, including anxiety and depression.²⁴³

Living Conditions

In addition to working in hazardous conditions, many migrant workers are forced to live in uninhabitable conditions, further contributing to their abuse. Most migrant workers are forced to live in crowded and highly unsanitary labor camps, two of which are located in northern Qatar in the cities of Ras Laffan and Al Khor.²⁴⁴

Overcrowding in labor camps’ quarters is a pervasive problem. Generally, migrant workers are forced to sleep in small crowded rooms with 10 to 15 people, often without functioning air conditioning that further contributes to health hazards.²⁴⁵ In addition, many labor camps lack sufficient sanitation systems. Sewage usually overflows in uncovered septic tanks, bathrooms and kitchens are poorly maintained, and trash remains uncollected for long period of time. This can lead to insect infestation²⁴⁶ and exposes food and water to contamination, a great problem in installations that lack potable water.²⁴⁷

As a result of such horrid working and living conditions, some migrant workers attempt to escape. In the attempt, they immediately become “illegal”, resulting in the loss of any back pay, as well as the possibility of being fined, detained, and even deported.²⁴⁸ To make matters worse, if the migrant worker cannot afford their ticket home, it may lead to the individual being abandoned or incarcerated in Qatar without a possibility of obtaining the means to return home.

Sex Trafficking

Substandard working and living conditions, the flaws of the *kafala* system, and the Government of Qatar’s failure to address systematic abuse of migrant workers have all contributed to the creation of favorable conditions for forced prostitution and human trafficking. According to the U.S. Department of State’s 2013 U.S. Trafficking in Persons Report, female domestic workers in Qatar who have tried to run away from their employers have at times been forced into prostitution. Absent official immigration documents and passports, they are considered illegal and can easily fall prey to local Qatari and foreign nationals, who exploit their weakness and vulnerability.²⁴⁹ Similar to runaway domestic workers, people from under-developed, conflict-heavy nations, or rural areas where economic and educational development are heavily lacking are also exploited by local Qataris and foreign nationals, who prey upon poor rural farmers and traffic them into Qatar.²⁵⁰

242 Ibid. p. 12.

243 Ibid.

244 Sam Bollier. “International Union Visits Qatar Labour Camps.” Al Jazeera. 9 October 2013. <http://www.aljazeera.com/news/middleeast/2013/10/international-union-visits-qatar-labour-camps-201310972015897744.html>.

245 Ibid. note 198, p. 11.

246 Ibid. note 198, p. 11.

247 Andrew Gardner. “Labor Camps in the Gulf States.” 2010. Middle East Institute. <http://www.mei.edu/content/labor-camps-gulf-states>.

248 Ibid. note 198, p. 4.

249 U.S. Department of State Office to Monitor and Combat Trafficking in Persons. “The Facts About Children Trafficked For Use As Camel Jockeys.” <http://2001-2009.state.gov/g/tip/rls/fs/2005/50940.htm>.

250 Ibid.

One prominent case of human trafficking in Qatar is the use of trafficked boys for camel racing, a popular and favorite sport in the Gulf countries. According to the U.S. State Department Trafficking in Persons report, boys as young as 2 years old are trafficked from conflict-ridden countries such as Sudan and under-developed countries such as Bangladesh and Pakistan to train and participate in camel racing as jockeys.²⁵¹ Many have reported that these boys are greatly mistreated by their custodians.²⁵² In order to maximize their speed during the race, the trafficked boys are intentionally starved in order to prevent weight gain and stunt their growth.²⁵³ Nearly all jockeys sustain injuries due to the “constant [and painful] pressure on the back end and smashing of the genitals” and many jockeys become impotent.²⁵⁴ Safety is a significant issue for child jockeys; due to their custodians’ neglect, many children sustain significant injuries or permanent disabilities from stampeding camels, and some have even been killed. The law banning the use of child jockeys is only sporadically enforced, and efforts by the government are undermined by the fact that these children were too young when trafficked and are unable to properly identify their home country and family.

Efforts Undertaken by the Government of Qatar

Attempts by international organizations to have Qatar ensure the rights of migrant workers have to this date failed. Most prominently, the Government of Qatar has failed to follow through on its promises to terminate the *kafala* system and replace it with a system that ensures an equal relationship between sponsor and migrant worker. Following Bahrain’s announcement to amend its *kafala* system, Qatar announced its intentions to abolish the system, as well. Since this announcement in 2009, no visible measures have begun to dismantle the system.²⁵⁵

The undersecretary for Qatar’s Labor and Social Affairs Ministry stated in 2013 that companies that fail to pay migrant workers in a timely fashion will be blacklisted after cordial solutions are attempted.²⁵⁶ Statements such as these demonstrate recognition by the Government of Qatar of abuses faced by migrant workers, particularly those that are unpaid by their sponsors. Yet the lack of strong action by the government has allowed for the continuation of abuse. In the past, the Ministry of Interior has “blacklisted” about 2,400 companies and 1,200 individuals from sponsoring workers.²⁵⁷ However, there is no evidence that the “blacklisting” has resulted in the Government of Qatar taking any substantive action against these companies or individuals.

Additionally, with the successful bid for the 2022 FIFA World Cup, Qatar introduced the Workers’ Charter in February of 2014. The Workers’ Charter is a 50-page document describing areas in which the Qatari government will act in order to improve the situation for migrant workers for the 2022 FIFA World Cup.²⁵⁸ However, as mentioned in the World Cup section of this report, there is

251 Ibid.

252 Kristin Alynn Hussein. “Illegally Trafficked Children Used As Camel Jockeys in Qatar.” CNS News. 7 July 2008. <http://cnsnews.com/news/article/illegally-trafficked-children-used-camel-jockeys-qatar>.

253 Agence France-Presse. “Qatar Bans Use of Children as Jockeys for Camels.” The New York Times. 30 December 2004, http://www.nytimes.com/2004/12/30/international/middleeast/30qatar.html?_r=2&.

254 Ibid. note 252.

255 Migrant Rights, “Do Promises to End the Sponsorship System Hold Any Merit?” 10 May 2012.

<http://www.migrant-rights.org/research/do-promises-to-end-the-sponsorship-system-hold-any-merit/>.

256 Peter Kovessv. “Official: Qatar Firms to Face ‘Blacklisting’ Over Late Wages,” Doha News. 27 October 2013. <https://dohanews.co/official-qatar-firms-to-face-blacklisting-over-late-wages/>.

257 Ibid.

258 “ILO: More Decisive Actions Needed in Qatar.” International Labour Organization. 13 February 2014. http://www.ilo.org/brussels/press/press-releases/WCMS_235626/lang--en/index.htm (accessed 13 February 2014).

continued concern due to the significant omission in the Workers' Charter pertaining to the rights of association, self-organization, and of a minimum wage.²⁵⁹

Furthermore, the Qatari government has also shown reluctance to regulate and standardize wage levels among migrant workers in private firms.²⁶⁰ The only instance where the Government of Qatar has implemented minimum wages is through a bilateral agreement with the Government of Bangladesh. According to a report by *Doha News*, the Government of Bangladesh agreed to continue sending women to work as housemaids in exchange for a steady salary of USD 205 (QAR 746) a month.²⁶¹

Meanwhile, the Government of Qatar has also created a series of bilateral agreements with the Government of the Philippines, signed on 10 May 1997 and updated on 18 October 2008, where both governments agree to certain stipulations regarding the humane treatment of migrants workers and the guarantee of all provisions for migrant workers (such as payment of wages, housing, etc.).²⁶² Qatar has also signed a bilateral agreement with the Government of India which contains similar language concerning migrant workers to the bilateral agreement with the Government of the Philippines.²⁶³

Qatar's high dependence on foreign nationals for its continued economic development underscores the importance of upholding and implementing international laws, treaties and norms relating to the treatment of migrant workers. One of the most prominent legal documents on international migrant labor standards is the United Nations' International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, entered into force 1 July 2003.²⁶⁴ To date, Qatar has failed to sign and ratify the convention and continues to demonstrate an unwillingness to ensure that migrant workers are adequately protected from abuse. The ratification of the Convention by the Government of Qatar, as well as subsequent adherence to the law, would ensure that migrants are treated equally, do not have their documents confiscated, have the right to freely enter and exit Qatar, and are protected from physical abuse.²⁶⁵

The Government of Qatar has also failed to sign and ratify numerous conventions created by the ILO, including the Migration for Employment Convention C097;²⁶⁶ the Migrant Workers

259 International Labour Organization. "ILO: Qatar's Workers' Charter Took Only Some ILO Recommendations." 11 February 2014. http://www.ilo.org/global/about-the-ilo/activities/all/WCMS_235435/lang--en/index.htm (accessed 13 February 2014).

260 Ibid. note 256.

261 Ibid.

262 Philippine Overseas Employment Administration. "Agreement Between the Government of the Republic of the Philippines and the Government of the State of Qatar Concerning Filipino Manpower Employment in the State of Qatar." Bilateral Labor Agreements. http://www.poea.gov.ph/lmi_kiosk/labor_agreements.htm (accessed 1 March 2014).

263 The Ministry of Overseas Indian Affairs. "Agreement Between India and Govt. of Qatar on Manpower." Memorandum of Understanding (MOUs). <http://moia.gov.in/services.aspx?ID1=349&id=m4&idp=81&mainid=73> (accessed 1 March 2014).

264 United Nations Treaty Collection. "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families." 18 December 1990. https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en (accessed 24 March 2014).

265 Office of the United Nations High Commissioner for Human Rights. "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families." 18 December 1990. <http://www2.ohchr.org/english/bodies/cmw/cmw.htm> (accessed 24 March 2014).

266 International Labour Organization. "Migration for Employment Convention (Revised), 1949 (No. 97)." 1949. http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0:NO::P12100_ILO_CODE:C097 (accessed 24 March 2014).

(Supplementary Provisions) Convention C143;²⁶⁷ and the Abolition of Forced Labor Convention C105.²⁶⁸ These three conventions were created as a means to ensure that migrant workers' rights are respected, to minimize forced labor and trafficking; and to minimize the level of deception migrant workers are exposed to while dealing with recruitment agencies. Yet to date Qatar has only ratified the latter convention (C105), resulting in inaction on many of the issues that are pervasive for migrant workers.

Qatar's UN Special Procedures Recommendations on Human Trafficking

The United Nations Special Rapporteur on the trafficking in persons visited the Kingdom of Bahrain, the Sultanate of Oman, and the State of Qatar in 2006 to observe the environment in which trafficked persons and migrant workers live and the institutions in place that support or neglect their rights. More specifically, the Special Rapporteur aimed to determine what protection, prevention, and punishment tools were being implemented to reduce the number of abuses against migrant workers and the inflow of trafficked persons. The following section updates the 2007 report to reflect the efforts and failures of the Government of Qatar in responding to recommendations given by the Special Rapporteur.

A. PREVENTION

In her report, the Special Rapporteur recommended that Qatar ratify a number of international treaties, align domestic legislation with international commitments, specifically target legislation at protecting domestic workers, cooperate with international institutions concerning migration and human trafficking, and train public officials and recruiting agencies in best practices to combat human trafficking.²⁶⁹

According to the United Nations, as of 8 April 2014, the Government of Qatar has not signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;²⁷⁰ nor has the Government of Qatar signed the ILO Conventions No. 97 on Migration for Employment²⁷¹ and No. 143 Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.²⁷² In addition, despite the Government of Qatar's recognition that the *kafala* system is a source of mistreatment of migrant workers, it has yet to abolish the *kafala* system after promising to abolish the system in 2009.²⁷³

With respect to the Special Rapporteur's recommendations on migrant workers' contracts and

267 International Labour Organization. "Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). 1975. http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C143 (accessed 24 March 2014).

268 International Labour Organization. "C105 – Abolition of Forced Labour Convention." http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C105 (accessed 24 March 2014).

269 Sigma Huda. "Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children." Human Rights Council. 2007. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/124/75/PDF/G0712475.pdf?OpenElement>.

270 Ibid. note 264.

271 International Labour Organization. "CO97 – Migration for Employment Convention" 1949. http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:312242:NO (accessed 24 March 2014).

272 International Labour Organization. "C143 – Migrant Workers Convention" http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:312288:NO.

273 Ibid. note 255.

conditions, the Government of Qatar's Supreme Committee for Delivery and Legacy (henceforth Supreme Committee) released a Workers' Charter and Welfare Standards in March 2013. In the Charter, the Supreme Committee (SC) mentions that it will ensure that all contractors and sub-contractors will follow the principles within the Charter, which include: (1) compliance with SC's and Qatari laws and employment standards; (2) ensure a safe and sanitary working and living environments; (3) guarantee that wages will be paid to workers on time; (4) deliver information regarding workers' rights in the language that the workers would understand; and (5) train workers on the necessary skills to help them with their tasks.²⁷⁴

The first problem with the Supreme Committee's Charter is the fact that it only focuses on construction workers working on the infrastructure and projects for the 2022 FIFA World Cup. The Charter did not mention the current situation of construction workers working in other parts of the country or the plight of domestic workers in Qatar as the Special Rapporteur recommended. Although the Charter mentions that it wants to ensure compliance with the laws of the Supreme Committee and Qatar on employment standards, it does not mention how the committee is going to implement and enforce these laws and standards. In addition, while migrant workers will be trained on the necessary skills for their work, the Government of Qatar still will not provide orientation sessions to properly inform migrant workers about their rights. By refusing to take such measures, migrant workers will remain extremely vulnerable to exploitation and human trafficking.

As mentioned in the Efforts by the Government of Qatar section in this report,²⁷⁵ the Government of Qatar has bilateral labor agreements and memorandums with the Government of the Philippines, the Government of India and the Government of Bangladesh. However, the bilateral labor agreements and memorandums with the Government of the Philippines²⁷⁶ and India²⁷⁷ only outline the general procedures and logistics for obtaining visas and traveling to and working in Qatar. The bilateral agreements do not include specific protections for migrant workers if they are subjected to abuse, delayed and non-payment of wages, or poor working and living conditions. Only the bilateral agreement between the Government of Qatar and the Government of Bangladesh covers the minimum wages requirement for Bangladeshi migrant workers.²⁷⁸ In addition, these bilateral agreements still do not include cooperation programs that inform migrant workers of their duties and rights. Therefore, the current bilateral agreements fail to fully address all the recommendations given by the Special Rapporteur concerning the prevention of human trafficking.

B. PROTECTION

In her report to Qatar, the Special Rapporteur recommended developing procedures to identify trafficked persons, allowing foreign workers access to justice, providing embassies with information regarding detained nationals, informing detained nationals of the reasons for their arrest, developing mechanisms by which to monitor compliance with labor contracts and working conditions standards, and paying special attention to issues regarding minor migrant laborers.

In recent years, the Government of Qatar has made some strides toward adhering to the Special Rapporteur's recommendation of establishing mechanisms to monitor the working conditions

²⁷⁴ Ibid. note 221.

²⁷⁵ See section on "Efforts by the Government of Qatar" in Qatar report.

²⁷⁶ Ibid. note 262.

²⁷⁷ Ibid. note 263.

²⁷⁸ Ibid. note 256.

of migrant workers and domestic workers. First, the government created a group of 150 labor inspectors to monitor working conditions, employer treatment, employment contracts, and the payment arrangements of the 1.2 million migrant workers in Qatar.²⁷⁹ Though this is a positive step, the inspectors are reportedly ill-trained and poorly equipped to carry out their immense task. For example, none of the inspectors actually speak any of the native languages commonly used by most migrant workers in Qatar.²⁸⁰ In addition, inspectors often do not conduct interviews of the migrant workers themselves conducting visits to companies' sites and review company records.²⁸¹ As a result, the inspectors cannot adequately determine whether or not workers have experienced any abusive, exploitative, or fraudulent practices at the hands of their employer.

In addition to the establishment of the group of labor inspectors, the Government of Qatar has increased its inspection and monitoring of recruitment companies. Through a series of raids, the government blacklisted 8,000 companies for labor law violations and cancelled the registration of 15 recruitment firms in 2012.²⁸² However, the government has not been very clear on what are the specific punishments and sanctions are imposed on companies that are blacklisted. The failure of the government to systematically investigate companies to prevent passport withholding, rather than just conduct a one-time raid, has done little to adequately prevent the continued exploitation of workers.

Next, the Government of Qatar has made minimal progress in adhering to the Special Rapporteur's recommendation of making sure that the special needs of women and children (to a much lesser extent) are included in any protective measures to combat human trafficking. The Government of Qatar has established the Qatar Foundation to Combat Human Trafficking (QFCHT),²⁸³ which operates a trafficking shelter that provides women and children access to medical care, social services, rehabilitation and reintegration programs, repatriation assistance, and legal aid. In addition, government officials, including police, public prosecutors, and other government ministry officials, reportedly referred some trafficking victims to the shelter though the use of the national victim referral system.²⁸⁴ QFCHT is also credited with conducting anti-trafficking trainings for law enforcement, as well as raising awareness about human trafficking among the Qatari public.

Despite these improvements, migrant workers continue to be detained for up to six months, often due to their inability to pay their debts or their employers filing false charges against them. In addition, since domestic workers are not covered under the provisions of the Labor Law, they are not provided the legal assistance and protections it affords.²⁸⁵ Further efforts should be made to ensure that all migrant workers are afforded the same treatment and rights in the government detention processes.

C. PUNISHMENT

The Rapporteur recommended that the government fulfill its international obligations regarding punishing human trafficking violators, compile comprehensive statistics on trafficking-related

279 Ibid. note 209.

280 Ibid. note 201.

281 Ibid.

282 Ibid. note 204.

283 Ibid.

284 Ibid.

285 Amnesty International. "Qatar: Submission to the UN Universal Periodic Review." 19th Session of the UPR Working Group. April 2014. <http://www.refworld.org/docid/533e7c544.html>.

offenses, ensure that court decisions are made promptly and are strictly enforced, and enter into extradition arrangements with neighboring countries to coordinate anti-human trafficking efforts.

To date, the Government of Qatar has made limited progress in implementing the law enforcement and punitive efforts recommended by the Special Rapporteur in order to effectively address the country's human trafficking problem. In 2011, the government enacted a comprehensive anti-trafficking law, Law No. 15, which prohibits all forms of trafficking and prescribes penalties of no less than seven years' imprisonment, with the prescribed maximum penalty of 15 years for the imprisonment for trafficking offenses committed with aggravating circumstances.²⁸⁶ However, in 2013, government officials stated that only one person had been charged with the crime of human trafficking. Moreover, there has not been any information given that indicates that any prosecution or conviction has occurred under this law.

With regard to improving its coordination of efforts on combating human trafficking with neighboring and source countries, the Government of Qatar has made minimal efforts to strengthen its ties with labor-sending countries. According to the U.S. State Department's 2013 Trafficking in Persons Report, the government has established a National Alliance to Combat Human Trafficking, which was intended to bring civil society and government agencies together to collaborate on anti-trafficking efforts.²⁸⁷ However, there is little information given by the Government of Qatar that highlights any substantial efforts to better improve its coordination in addressing human trafficking with source and neighboring countries or with respect to any other recommendations given by the Special Rapporteur that address the punishment of human trafficking-related offenses in Qatar.

Qatar's Special Procedure Recommendations on Migrant Labor

From 2 November 2013 to 10 November 2013, the Special Rapporteur on the Human Rights of Migrants, François Crépeau, visited Qatar to observe the environment in which migrant workers live and the institutions in place that support or neglect their rights. The report, provided following the Special Rapporteur's visit, aimed to determine what protection, prevention, and punishment mechanisms were put in place to reduce the number of abuses against migrant workers. The following section updates the 2013 report with efforts and failures of the Government of Qatar in responding to recommendations given by the Special Rapporteur in the last six months.

PREVENTION

In his report, the Special Rapporteur recommended that the government establish a minimum wage, ensure that illegal recruitment fees are not charged and that contracts signed in source countries are upheld, recognize the rights of workers to unionize, make it easier for migrant workers to change employment, ratify a number of international conventions, and consider seeking advice from OHCHR.

The recent release of the Worker's Charter in 2014, which permits only recruitment agencies that are registered with the Qatar Ministry of Labor to exercise the power to contract migrant workers, prohibits agencies from charging workers with recruitment fees, and prohibits translating contracts into "the Proscribed Languages," demonstrates a positive step by the Qatari government

²⁸⁶ Ibid. note 204.

²⁸⁷ Ibid.

to address migrant workers' rights.²⁸⁸ However, any efforts under this law have fallen short as a result of inconsistent efforts by the Government of Qatar to ensure that migrant workers are not paying recruitment fees and that they receive and sign contracts that they can understand. In fact, recent reports portray ongoing and systematic accounts of migrant workers indebted due to high rates of interest from lenders. There is also no evidence that registered complying recruitment agencies are the only ones functioning in source countries and in Qatar.²⁸⁹

Furthermore, the Worker's Charter represents a commitment by the Supreme Committee for Delivery and Legacy, the body overseeing the 2022 FIFA World Cup; it is not the Government of Qatar itself that is addressing the issues.²⁹⁰ Additionally, neither the issue of an established minimum wage nor the rights to freedom of association and assembly are reflected in the Worker's Charter.²⁹¹ The only true attempt by the Government of Qatar to establish a minimum wage was in its bilateral agreement with the Government of Bangladesh, where both governments agreed on a steady salary of \$205 a month for domestic worker.²⁹² Concerning the recommendation for the abolishment of the *kafala* system to be replaced by a regulated and open labor market, the Government of Qatar publicly stated its desire to transform and ultimately abolish the *kafala* system. However, it has not taken any significant actions to do so,²⁹³ and the *kafala* system remains the sole system under which migrant workers and their employers operate.

Recommendations five (5) through nine (9) ask the Government of Qatar to ratify and implement numerous U.N. and ILO conventions. To date, the Government of Qatar has failed to ratify the following international conventions recommended by the Special Rapporteur: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;²⁹⁴ the International Covenant on Civil and Political Rights (ICCPR);²⁹⁵ the International Covenant on Economic, Social and Cultural Rights (ICESCR);²⁹⁶ and the Optional Protocol to the Convention against Torture (OP-CAT) all remain unsigned and unratified.²⁹⁷ In its blatant disregard toward the numerous ILO conventions designed to protect the rights of migrant and domestic workers, the Government of Qatar has failed to demonstrate a genuine commitment toward ameliorating the status of such workers.

288 Ibid. note 229.

289 Mark Tran. "Qatar Urged to Pay Migrant Workers Electronically to Stamp Out Exploitation." The Guardian. 16 January 2014. <http://www.theguardian.com/global-development/2014/jan/16/qatar-migrant-workers-electronic-wages-exploitation>.

290 Ibid. note 229, p. 2.

291 Ibid. p. 2.

292 Ibid. note 256, p. 8.

293 Ibid. note 255.

294 United Nations Educational, Scientific and Cultural Organization. "Present State of Ratifications and Signatures of the UN Migration Convention." <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/international-migration-convention/present-state-of-ratifications-and-signatures/>.

295 United Nations Treaty Collection. "International Covenant on Civil and Political Rights Chapter IV." https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

296 United Nations Treaty Collection. "International Covenant on Economic, Social and Cultural Rights Chapter IV." https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en.

297 United Nations Treaty Collection. "Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en.

Among them, the Government of Qatar only ratified ILO Convention 105,²⁹⁸ and has failed to sign the ILO Convention on Migration for Employment (no. 97);²⁹⁹ Convention on Migrant Workers (no. 143);³⁰⁰ the Convention of Freedom of Association and Protection of the Right to Organize (no. 87);³⁰¹ the Convention on the Right to Organize and Collective Bargaining (no. 98);³⁰² the Convention on Domestic Workers (no. 189);³⁰³ and the Convention on Private Employment Agencies (no. 181).³⁰⁴

PROTECTION

The Rapporteur recommended that the government begin collecting disaggregated data concerning migrant worker complaints, create a strong labor protection system with more labor inspectors, never detain persons for running away from employers, and provide appropriate detention conditions, facilities, and rights to migrant workers.

Though the Government of Qatar has extensive information regarding the demographics of migrant workers within the State via its 2010 Census,³⁰⁵ it has not established a means of collecting data on complaints by migrant workers relating to their treatment by their employers or to determine the level of access they may have to any resources that are available to them. Information collected within this report was primarily obtained via international organizations and academic scholars who personally interview migrant workers on the abuses they face. Furthermore, there is a continued alarm concerning the absence of labor inspectors trained to ensure labor and human rights standards in Qatar. Only 150 inspectors monitor compliance throughout all sectors where migrant workers are present, and inspectors are not even allowed to interview migrant workers.³⁰⁶ Such a small number of inspectors are insufficient to adequately conduct oversight of the 1.38 million migrants currently working in Qatar.

Concerning detention, the Government of Qatar continues to detain migrant workers who do not have criminal backgrounds and do not present a threat to society. The mere act of absconding from abusive employers can result in arrest, detainment, and deportation.³⁰⁷ Conditions in detention centers have been reported to be crowded and unhygienic, and the government often forces individuals to wait for long period without informing them of their fate, and withholds

298 International Labour Organization. "C105 – Abolition of Forced Labour Convention." http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C105.

299 International Labour Organization. "Ratifications of CO97 – Migration for Employment Convention (Revised)." http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312242.

300 International Labour Organization. "Ratifications of C143 – Migrant Workers." http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312288.

301 International Labour Organization. "Ratifications of CO87 – Freedom of Association and Protection of the Right to Organize Convention." http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312232.

302 International Labour Organization. "Ratifications of CO98 – Right to Organize and Collective Bargaining Convention." http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312243.

303 International Labour Organization. "Ratifications of C189 – Domestic Workers Convention." http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:2551460.

304 International Labour Organization. "Ratifications of C181 – Private Employment Agencies Convention." http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312326.

305 Ibid. note 200.

306 Ibid. note 223.

307 Ibid. note 201, p. 28.

access to resources from their embassies.³⁰⁸ There is particular concern that women and children, often victims of abuse and who are without husbands or male sponsors, is being ignored by the Government of Qatar.³⁰⁹

PUNISHMENT

The Rapporteur recommended that the government effectively implement legislation, especially as it related to the confiscation of passports, to prosecute violations and impose meaningful punishments upon migrant rights offenders. While confiscation of passports was made illegal in 2009,³¹⁰ the practice of employers confiscating workers' passports continues in Qatar. In 2011, Qatar University's Social and Economic Survey Research Institute discovered that 91% of migrant workers relinquished their passports to their employers, demonstrating a continued indifference to ensuring the rights and safety of migrant workers.³¹¹ Furthermore, as addressed above, the Government of Qatar has established a system that "blacklists" companies and individuals who do not pay their employers in a timely manner.³¹² Yet, the enforcement of this "blacklisting" mechanism is questionable.

Conclusion

The plight of migrant and domestic workers in Qatar remains dire and is of urgent concern. The deaths of hundreds of migrant workers directly relating to the building of infrastructure for the 2022 World Cup underscores the need for urgent and meaningful reform with respect to the rights of migrant workers in the country.

Despite previous public commitments to tackle the abuse of migrant workers, the Government of Qatar has failed to implement legislation or sign international agreements concerning migrant workers in any significant way. Additionally, any newly revised laws are loosely enforced at best, and there are no substantive actions and changes that have occurred. The upcoming 2022 FIFA World Cup is seen by many as an opportunity for the Government of Qatar to correct many of the systematic issues existing in all sectors. Along with other international organizations, ADHRB is particularly concerned with the consequences that the international tournament will have on the working conditions and legal protections for migrant workers in the country and remains skeptical that the Government of Qatar will take steps to respect the rights and safety of such workers.

308 Ibid. p. 4.

309 Ibid.

310 Ibid. note 204.

311 Ibid. note 201, p. 29.

312 Ibid. note 256.

Saudi Arabia

Saudi Arabia occupies most of the Arabian Peninsula and is surrounded by Qatar, the United Arab Emirates (UAE), the Sultanate of Oman, Yemen, Jordan, Iraq, Kuwait, and Bahrain. Saudi Arabia is a hereditary Muslim monarchy with the King serving as prime minister, chief of State, head of government, and commander in chief of the military. King Abdullah bin Abdulaziz Al Saud has ruled since 2005 and governs with the help of the Council of Ministers or Cabinet and the Consultative Council, the country's legislative branch. The legal system in Saudi Arabia is based on Sharia law. The country's social and religious arenas are dominated by the *ulema*, a body of Islamic religious leaders and jurists. The *ulema* have historically been led by the Al ash-Sheikh, the country's leading religious family. The religious family has substantial influence in shaping government decisions and provides religious legitimacy for the Saudi family's rule. In addition, in return for official recognition of their religious authority, the *ulema* provides tacit approval and, when requested, public sanction for potentially controversial policies implemented by the ruling family.

Saudi Arabia is one of the leading destination countries for men, women, and children subjected to human trafficking and forced labor. Migration and trafficking processes are oftentimes interlinked in Saudi Arabia, as traffickers often exploit the methods by which individuals willfully travel into the country. For example, employment recruiters often deceive prospective domestic workers about their actual working conditions or issue fake passports to smuggle workers into the country.³¹³ This is the case for hundreds of thousands of men, women, and children from Southeast Asia, North Africa, and other Gulf countries who voluntarily travel to Saudi Arabia as domestic servants or other low-skilled workers but find themselves in conditions resembling involuntary servitude.

The Saudi Arabia government issued an anti-trafficking decree which prohibits all forms of trafficking, and includes specific provisions addressing migrant workers and children. However, the government has made no significant effort to implement its anti-trafficking laws, and has undertaken even less effort to fully comply with international law regarding the elimination of human trafficking.³¹⁴ The following section of this report describes the situation of migrant workers in Saudi Arabia. It focuses substantially on human rights violations pertaining to migrant workers, and in so doing makes plain the difficult and sometimes desperate situation in which migrant workers find themselves in Saudi Arabia. This report also chronicles reform efforts undertaken by the government, and shows that implementation of reform has been in some cases slow and in most cases nonexistent.

Identifying Saudi Arabia's Migrant Workers

Saudi Arabia is a prime destination for migrant workers from many countries in Asia, Africa, and the Middle East. Migrant workers occupy a little more than half the manual, clerical, and service jobs in Saudi Arabia.³¹⁵ In 2013, non-nationals comprised 32% of the Kingdom's population, 57% of the employed population, and 89% of the private sector workforce.³¹⁶ Moreover, 49% of migrant

313 Antoinette Vlieger. "Domestic Workers in Saudi Arabia and the Emirates: A Socio-legal Study on Conflicts." Human Rights & Culture Series. Quid Pro Books. 2012, p. 122.

314 U.S. Department of State Office to Monitor and Combat Trafficking in Persons. "Trafficking in Persons Report Saudi Arabia." 2013. available at <http://www.state.gov/documents/organization/210741.pdf>.

315 Human Rights Watch, "World Report 2014: Saudi Arabia," 2014, p. 2.

316 Françoise De Bel-Air, "Demography, Migration and Labour Market in Saudi Arabia." (European University Institute and Gulf Research Center)

workers are employed in construction and retail sectors of the economy. The remaining migrant workers are employed in the private sector and the health and education sectors.³¹⁷ High poverty rates, low levels of education, political crises, and substantial unemployment in source countries are among the reasons that migrants move to Saudi Arabia. Men and women often travel to Saudi Arabia in order to support their families at home or repay debts. This is particularly true of women, who at times may be main provider for their children due to domestic violence, divorce, or the inability of the father to support the family.³¹⁸

Thousands of men and women from countries like Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, and Kenya voluntarily travel each year to Saudi Arabia for work. In recent years, there has been an influx of workers from the Horn of Africa, reflecting a shift to cheaper sources of labor.³¹⁹ Remittances earned in Saudi Arabia contribute heavily to supporting the economy of migrant workers' source countries, often accounting for a large proportion of their annual Gross National Product.³²⁰ Migrant workers are estimated to have sent home USD 414 billion in 2013. Source countries like India, China, the Philippines, and Bangladesh, whose citizens work abroad make up part of the top ten developing country recipients: India with \$71 billion; China with \$60 billion; the Philippines with \$26 billion; and Bangladesh with \$15 billion.³²¹

Most men and women that migrate to Saudi Arabia are between the ages of 20 and 40 and are married, and often leave families in their home countries. In the last three decades, the number of female migrant workers has significantly increased, and now comprises an estimated 50 to 70% of international migrants.³²² Workers that migrate to Saudi Arabia have varying degrees of education, and a significant majority of migrants are poorly educated. Bangladeshis tend to be the least educated, are typically unskilled, and are the lowest paid.³²³ Migrant workers with the highest level of education are from the Philippines.³²⁴ With regard to their occupational distribution, most foreign migrant workers are confined to the lowest "blue collar" categories. Migrants from Bangladesh, Nepal, Pakistan, Sri Lanka, Vietnam, China, Egypt, and Morocco usually occupy lower-skilled jobs. At the same time, migrant workers also constitute 52% of managerial and specialist positions in Saudi Arabia. Migrant workers from India, Lebanon, Egypt, and Europe usually fill such higher-skilled positions within Saudi Arabia.³²⁵

In addition to leaving their home countries in search of better economic opportunities, a significant number of migrant workers are kidnapped from their home villages and transported to Gulf countries, or are kidnapped after running away from abusive employers in Saudi Arabia. Many are exploited for cheap or forced labor or are forced into prostitution.³²⁶ The element of forced

317 Ibid.

318 Regional Mixed Migration Secretariat. "Responses to mixed migration in the Horn of Africa & Yemen: policies and assistance responses in a fast-changing context." Regional Mixed Migration Secretariat. August 2013. http://www.regionalmms.org/fileadmin/content/gallery/series_three_booklet.pdf (accessed 4 March 2014).

319 Ibid. note 318.

320 Ibid. note 316, p. 113.

321 The World Bank. "Migrants from developing countries to send home \$414 billion in earnings in 2013." 2 October 2013. <http://www.worldbank.org/en/news/feature/2013/10/02/Migrants-from-developing-countries-to-send-home-414-billion-in-earnings-in-2013> (accessed 27 March 2014).

322 Human Rights Watch, "Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East," 2010. p. 7.

323 Human Rights Watch, "Bad Dreams: Exploitation and Abuse of Migrant Workers in Saudi Arabia," 2004, p. 8.

324 Ibid.

325 Ibid. note 316, p. 6.

326 Central Intelligence Agency. The World Factbook - Saudi Arabia. 28 January 2014. <https://www.cia.gov/library/publications/the-world-factbook/geos/sa.html> (accessed 16 January 2014).

migration or human trafficking is a growing trend that migrant workers face in Saudi Arabia, and the government provides them with little to no legal protection. Although the government ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2007,³²⁷ it has yet to implement any of the treaty's minimum standards and has failed to undertake any significant effort to do so.³²⁸ For example, migrant workers that have been abused and attempt to leave their jobs are still prevented from doing so absent exit visa approvals from their employers. In addition, if they displease their employers, migrant workers may run the risk of losing their legal status and being deported back to their home countries.

The *Kafala* System and Recruitment Process

Migrant workers usually enter the labor market in Saudi Arabia through the use of recruitment agencies, which uniformly charge fees to handle the labor contracts, traveling arrangements, basic job training, and other issues related to their employment in the country.³²⁹ Recruitment agencies often require Saudi employers to bear the initial costs of hiring a migrant worker. Many Saudi employers often point to this financial investment to justify the restrictive measures they impose on migrant workers to prevent them from running away, such as confiscating passports or withholding wages.³³⁰

Typical employment contracts include standards for basic living and working conditions, salary, transaction costs, deductions, and time off. Yet agencies tend to provide inaccurate information to the employers and migrant workers regarding the basic terms of their employment contract.³³¹ This lack of information or misinformation results in differing perceptions between the migrant worker and his or her employer regarding the terms of contract they signed. Recruiting agents often do not provide migrant workers with specific information regarding the type of work they will be doing, how many days and hours per week the worker is obligated to work, and how wage payment is conducted.³³² In other instances, migrant workers regularly enter contracts they cannot read, are prevented from reading their contract, are forced to sign multiple contracts, or are given no contract at all.³³³

The processes of recruitment, much like the methods by which migrant laborers arrive in host countries, can vary greatly. As the need for migrant labor increases in countries like Saudi Arabia, so does the need for recruitment agencies. As one domestic worker stated, "I paid 22,000 rupees to the agent to go to Dubai, but he sent me to Saudi Arabia; he played it wrong [tricked me]."³³⁴ The impact of such recruitment agencies on the life of a domestic worker cannot be understated: the standard contracts provided by these agencies tightly bind domestic and migrant workers to the wishes of the employers.

327 United Nations Treaty Collection, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en#EndDec.

328 Ibid. note 314.

329 Ibid. note 313, p. 119.

330 Nisha Varia, "As If I Am Not Human: Abuses against Asian Domestic Workers in Saudi Arabia." Human Rights Watch, <http://www.hrw.org/reports/2008/07/07/if-i-am-not-human>.

331 Ibid. note 313, p. 117.

332 Ibid. p. 273.

333 Mehran Kamrava and Zahra Babar, *Migrant Labor in the Persian Gulf* (New York: Columbia University Press, 2012), p. 140.

334 Ibid. note 330, p. 26.

Upon their entry into Saudi Arabia, most migrant workers are immediately enrolled in the *kafala* system. According to this immigration system, migrant workers cannot enter Saudi Arabia for work without a local guarantor or sponsor, which can be an individual, a government agency, or a private institution.³³⁵ The sponsor generally bears full responsibility for the worker's recruitment fees, completion of medical exams, and legal documentation. For this reason, Saudi employers often oppose the abolition of the sponsorship system, as they usually pay large fees (approximately \$1,000 to \$2,500 US dollars) to agencies, governmental institutions and other parties in order to hire a migrant worker.³³⁶ As such, it is commonplace for employers to confiscate migrant workers' travel documents, refuse to pay their wages, and force them to work without rest days under the *kafala* system. When migrant workers attempt to protest, they are often subjected to cruel and harsh treatments, including physical abuse, food deprivation, and forced isolation.

In response, source countries such as the Philippines and Sri Lanka have begun to establish agreements with Saudi Arabia to ensure that the rights of their citizens are protected.³³⁷ Saudi Arabia's Council of Ministers passed regulations in February 2014 that for the first time offer domestic workers certain basic protections, including a nine-hour daily break, prompt salary payment, sick leave, and a one-month paid vacation every two years. Yet the lack of implementation of similar measures in the past casts doubt on the efficacy of these laws going forward.

Working and Living Conditions

Although slavery was officially banned in the country in 1964,³³⁸ migrant laborers in Saudi Arabia often work in "slave-like" conditions,³³⁹ and reports regularly document that migrant workers suffer from substantial overwork, exhaustion, torture, and even food and water deprivation on the job site.³⁴⁰ Armed with the *kafala* system by which migrant laborers may not leave their employers under most situations, many Saudi employers feel empowered to abuse their workers, with migrants often complaining of extreme physical, psychological, and sexual abuse at the work place. While there are laws against forced labor, the government does not guarantee the protection of migrant workers' rights. Migrant workers, particularly domestic workers, are unable to legally end their contracts and often look for other employment opportunities, sometimes in illegitimate venues where working conditions are significantly worse than average.³⁴¹ The restrictive nature of this institution leads to increased vulnerability of migrant workers to forced labor conditions, in particular their ability to report abuses to the legal and civil courts.³⁴²

Additionally, as part of the benefit of working for a Saudi family, the understanding or agreement between employer and employee often calls for adequate accommodations for the migrant worker. While accommodations for the most part are made available to migrant workers, their conditions are often deplorable and usually inadequate. Migrant workers living in Saudi Arabia gave accounts

335 Ibid.

336 Ibid. note 313, p. 168.

337 Ibid. notes 372, 373.

338 Redress Information & Analysis. Exposing injustice, disinformation and bigotry. 8 December 2013. <http://www.redressonline.com/2013/12/the-abuse-of-migrant-workers-in-saudi-arabia/> (accessed 22 April 2014).

339 Ibid.

340 Human Rights Watch. Saudi Arabia: Protect Migrant Workers' Rights. 2 July 2013. <http://www.hrw.org/news/2013/07/01/saudi-arabia-protect-migrant-workers-rights> (accessed 22 April 2014).

341 Human Rights Watch. Saudi Arabia: Labor Crackdown Violence. 1 December 2013. <http://www.hrw.org/news/2013/11/30/saudi-arabia-labor-crackdown-violence> (accessed 22 April 2014).

342 Bureau of Democracy, Human Rights, and Labor. "Country Reports on Human Rights Practices." Washington: U.S. Department of State. 2012.

of having to sleep in constricted public spaces, such as in the kitchen or bathroom floor.³⁴³ As one worker described it, “My second employer only gave me a place to sleep under the staircase like a dog. I am not a dog, I am a human being...I migrated to work, I came here to do my best, but our employers also have to give us proper facilities.”³⁴⁴

During governmental deportation raids that started in late 2013, government forces have used excessive violence and at times have tortured, raped, and extrajudicially killed illegal immigrants. Several reports exist of Saudi policemen storming into homes of migrant workers unannounced and without warrants, swiftly and violently arresting migrants for the purposes of deportation. Government forces often use weapons during these raids: on several occasions, Ethiopian immigrants stated that policemen armed with machetes and guns have attacked migrant workers in their homes, and that firearms were discharged and swords were used without provocation. In at least one instance, a group of Saudi policemen entered a home and forcibly removed all of the men, after which they gang-raped a woman inside.³⁴⁵ The government has accompanied these abuses with a nationwide propaganda campaign designed to dehumanize Ethiopian workers in the eyes of domestic Saudis.³⁴⁶ Migrant workers that escape the violence are inevitably arrested and sent to inhumane deportation camps, where inmates often complain of unsanitary conditions and a lack of food and water, brutal mistreatment, and no health care. Deportation generally amounts to little more than driving a migrant to the other side of the Yemeni border and leaving them there with no provisions.³⁴⁷

Domestic Workers

Of the estimated 9 million foreign workers in Saudi Arabia, approximately 2 million are domestic workers. On average, there is one domestic worker for each household in Saudi Arabia.³⁴⁸ While men do occasionally work as domestic workers, most domestic work is usually performed by women from poor countries.³⁴⁹ Many domestic workers endure a range of abuses from their employers, including non-payment of salaries, forced confinement, food deprivation, excessive workload, and instances of severe psychological, physical, and sexual abuse. Embassies from labor-sending countries report that abuses against domestic workers account for the majority of the complaints they receive even though domestic workers only account for a smaller percentage of all migrant workers in Saudi Arabia.³⁵⁰

The access to justice for female domestic workers is even more limited than that of any other position filled by migrant workers in Saudi Arabia due to the fact that they are excluded from Saudi labor law. The United Nations ranks Saudi Arabia 92nd out of 93 evaluated countries with respect to gender empowerment, an indicator determined by women’s participation in economic and political life.³⁵¹ Saudi government policies, societal norms, and religious institutions greatly inhibit

343 Ibid. note 330, p. 81.

344 Ibid.

345 Ibid. note 341.

346 Migrant Rights. Dehumanizing Ethiopian Domestic Workers. 19 October 2013. <http://www.migrant-rights.org/2013/10/dehumanizing-ethiopian-domestic-workers/> (accessed 22 April 2014).

347 Ibid. note 338.

348 Ibid. note 313, p. 48.

349 Ibid. p. 45.

350 Ibid. note 330, p. 2.

351 United Nations Development Programme, “2013 Human Development Report,” 2013, <http://www.undp.org/content/undp/en/home/librarypage/hdr/human-development-report-2013/>.

women's rights by requiring them to obtain permission from their sponsors to work, travel, receive health care, access public services, and even talk to police. Moreover, the concepts of *khulwa* (illegal seclusion with a man) and *mahram* (male representation) and the strictly protected private sphere of the household all serve to limit women's access to the justice system.³⁵² For example, some judges insist that women must be represented by a *mahram*, a non-marriageable male in her family in order to bring forth a case in court.³⁵³ Female migrant workers are in a particularly vulnerable position because they are largely excluded from the legal system based on the fact that they are both non-citizens and women.³⁵⁴ Many female domestic workers try to escape their abusive employers through the aid of friends or family members. Another obstacle preventing domestic workers from reporting cases of abuse is the extreme level of isolation and confinement they face within their private households.³⁵⁵

Sex Trafficking

Many female domestic workers try to escape their abusive employers through the aid of friends or family members. While some attempt to return to their home country, many are unable to do so, and instead find themselves victimized by forced prostitution, sex trafficking, and human trafficking networks.³⁵⁶ Additionally, due to extreme poverty, some female domestic workers voluntarily become prostitutes even though the punishment for such an action is death. While many domestic workers report having been offered money in exchange for sex by their employers, most women do not usually admit actually partaking in such arrangements as a result of the stigma that accompanies prostitution.³⁵⁷

However, these cases are usually the exception, as most migrant women involved in prostitution are forced into the practice. Most female migrant workers involved in prostitution in Saudi Arabia are forced into the trade either by being kidnapped once they have run away from their abusive employers. Another way in which migrant women are trafficked into sex work is through the fraudulent actions of their employer or the recruitment agency. For example, an individual pretending to be an employer can hire a worker and then later claim not to want them anymore and send them back to the recruitment agency. The recruitment agency then sells the worker to another employer at a lower wage than what the worker agreed upon. However, that domestic worker's travel documentation remains in the hands of the individual designated as the original employer, making it impossible for the worker to legally leave the country.³⁵⁸ As a result, the migrant worker either becomes a victim of human trafficking, as she is passed from one employer to another to work at very low wages, or she decides to run away illegally and falls prey to sex trafficking or prostitution rings.³⁵⁹

There are several reasons why the Government of Saudi Arabia or the governments of source countries have not made any significant strides in addressing the problem of human trafficking and forced prostitution in Saudi Arabia. The largest is the economic benefit sex trafficking confers.

352 Ibid. note 313, p. 293.

353 Ibid. p. 88

354 Ibid. p. 208

355 Ibid. note 315.

356 Ibid. note 314, p. 300.

357 Ibid. note 313, p. 257.

358 Ibid. p. 53.

359 Committee on Overseas Workers' Affairs. "The Condition of Overseas Filipino Workers in Saudi Arabia," 2011. http://www.cfo.gov.ph/images/stories/pdf/cowa_report_saudi.pdf.

One estimate suggests that the dollar value of the human trafficking business in Saudi Arabia is comparable with the combined value of both the illegal arms and drug trade. Because human trafficking is such a large industry, many within and outside the government seek to hinder reforms that may affect their financial gain.³⁶⁰

Efforts Undertaken by the Government of Saudi Arabia

The Government of Saudi Arabia has made several attempts to legislate protection of migrant workers in recent years. First, in 2009, the government passed the “Suppression of the Trafficking in Persons Act” which defines and outlaws any form of human trafficking with a punishment of 15 years in prison or a fine.³⁶¹ To increase public awareness, the Government of Saudi Arabia reports that it has recently broadcasted 250 programs and public service announcements on human trafficking issues and the treatment of migrant workers.³⁶² In addition, the government is seeking to reduce the number of recruitment agencies to only a few big agencies that remain under the oversight of the government within the next few years.³⁶³ Finally, the government has stated that it will seek to pass new reforms to its labor laws that will ensure certain basic protections for domestic workers and improve the sponsorship system in the country.³⁶⁴

Many systemic problems within the government’s efforts still remain largely untreated, however. The U.S. Department of State ranks the Government of Saudi Arabia as a Tier 3 country in terms of trafficking in persons - the lowest rank in the system - because it “does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so.”³⁶⁵ For example, though the government created new legislation, the new reforms do not ascribe any criminal penalties to perpetrators of abuse against migrant workers, nor do they specifically consider domestic workers’ rights. Moreover, despite anti-trafficking legislation and other small steps taken to address this issue, many government officials still lack the necessary training to effectively prevent, identify, and prosecute human trafficking cases and abuses reported by migrant workers. Additionally, there is a lack of consistent reporting on the plight of migrant workers and a strict media censorship policy enforced by the Ministry of Culture and Information, contributing to a general unawareness of issues related to migrant workers.³⁶⁶

Millions of migrant workers continue to suffer due to their lack of protection under the law. In 2013, the Council of Ministers passed a number of amendments to the 2005 Labor Law in an attempt to reform its migrant worker system. However there is little evidence to convince both domestic civil society organizations and migrant workers that the government will support its labor law with active application.³⁶⁷ In spite of its heavy reliance on migrant workers, the Government of Saudi Arabia is currently carrying out a crackdown on undocumented migrant workers. In April 2013, King Abdullah issued a policy declaration requiring all irregular migrants to “regularize”

360 Ibid. note 313, p. 172.

361 Abdul Hamid Al-Ansari, “72 Human Trafficking Cases Booked in 2012.” Arab News. 23 August 2013. <http://www.arabnews.com/news/462964>.

362 Ibid. note 314, p. 320.

363 Ibid. note 330, p. 27.

364 “New Program to Protect Labor Rights.” Saudi Gazette. 15 March 2014. <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20140315198694>.

365 Ibid. note 314, p. 318.

366 ³⁶⁶ Ibid. note 313, p. 167.

367 Al-Watan. “Legal Rights of Employees According to Labor Law.” Saudi Gazette. 27 March 2013. <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20130327158640>.

their situation or face detention and deportation by November 2013. During this grace period, an estimated one million migrant workers took advantage of the amnesty and left voluntarily.³⁶⁸ On the 4th of November, authorities began raiding businesses and setting up various checkpoints across the country, arresting and deporting thousands of illegal migrant workers. On some occasions, illegal migrants faced extreme violence, and reports exist of Saudi police torturing, raping, and extrajudicially killing migrant laborers during deportation raids.³⁶⁹ As of January 2014, there have been an estimated 250,000 foreign migrant workers deported from Saudi Arabia.³⁷⁰ By March, that number had climbed to over 370,000.³⁷¹ In addition, the government has re-doubled its effort to seal and secure the 1,800km border it has with Yemen and Oman. Both efforts reflect the government's goal to reduce the country's reliance on foreign migrant labor and secure jobs for its citizens.

Source countries such as Sri Lanka, Indonesia, and the Philippines have instilled temporary bans on their citizens' attempts to find work in Saudi Arabia until it adopts measures to protect migrant workers. Bilateral agreements between Saudi Arabia and source countries are one measure currently being implemented to outline the expectations that source countries have regarding the protection of their migrant workers' rights. Recently, Sri Lanka and Saudi Arabia signed a landmark agreement aimed at protecting Sri Lankan workers in Saudi Arabia.³⁷² The agreement establishes the ability of Sri Lankan migrant workers to hold onto their travel documents, receive direct deposits of their salaries into their bank accounts, and be informed through clear, understandable language in their contracts of the type of facilities that will accompany the jobs they apply for. In February 2014, Saudi Arabia also signed a bilateral agreement with Indonesia agreeing to similar terms for Indonesian maids.³⁷³ While bilateral agreements are certainly a step in the right direction, they cannot effectively substitute for comprehensive change in and enforcement of domestic Saudi labor law. First, they do not encompass all migrant worker jobs in Saudi Arabia. Additionally, they do not effectively address the inability of migrant workers to access the justice system to report employer abuses, nor do they prevent withholding of wages. While they make progress in some areas, these bilateral agreements significantly fail to demand accountability from the Saudi government.

Access to the justice system is challenging for migrant workers in Saudi Arabia. National labor laws prevent migrant workers from creating labor unions, collectively bargaining for fair wages, or holding strikes.³⁷⁴ Saudi Arabia has also not ratified the ILO's Convention No. 87 (1948) on the Freedom of Association and Protection of the Right to Organize, or Convention No. 98 (1949)

368 "Saudi Arabia to Crack down on Illegal Workers." Aljazeera.com., 17 April 2013, <http://www.aljazeera.com/video/middleeast/2013/04/201341714211888365.html>.

369 Freedom House. The Dire Situation of Ethiopian Migrant Workers in Saudi Arabia. 10 January 2014. http://www.freedomhouse.org/blog/dire-situation-ethiopian-migrant-workers-saudi-arabia#.U1Vlh_IdU1k (accessed 22 April 2014).

370 "Quarter Million Illegals Deported in Three Months." Saudi Gazette. 23 January 2014. <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20140123193484>.

371 Fox News. Saudi Arabia says it has deported 370,000 foreign workers over the past 5 months. 20 March 2014. <http://www.foxnews.com/world/2014/03/20/saudi-arabia-says-it-has-deported-370000-foreign-workers-over-past-5-months/> (accessed 22 April 2014).

372 "Sri Lanka, Saudi Arabia sign landmark deal on migrant workers." *ColomboPage - Sri Lanka Internet Newspaper*. 14 January 2014.

373 . "Saudi Arabia moves to protect rights of Indonesian maids." *British Broadcasting Corporation*. 19 February 2014. <http://www.bbc.com/news/world-middle-east-26259326> (accessed 20 February 2014).

374 Ibid. note 342, Section 7. Worker Rights.

on the Right to Organize and Collective Bargaining. As such, migrant workers face possible imprisonment, deportation, and fines for participating in unions and similar activities.

In January of 2012, the International Trade Union Confederation (ITUC) presented a report on Saudi Arabia's trade policies to the World Trade Organization's General Council. The report affirmed that the country had ratified six core ILO Labor conventions³⁷⁵: ILO Convention No. 111 prohibits any form of discrimination, and yet non-citizens often experienced severe physical and psychological violence at the workplace.³⁷⁶ Saudi Arabia has also ratified ILO Conventions No. 29 and No. 105 on Forced Labor and the Abolition of Forced Labor; however, many migrant workers, especially female migrant workers, have experienced violence, intimidation, day long chores when ill, and lack of access to health services.³⁷⁷ Though the government has ratified these conventions, it is evident that a lack of implementation of the few national and standard international laws protecting both domestic and migrant workers exists. Many of the recommendations provided by the ITUC report are requests to the government to create institutions that will ensure the practices of these laws and protection of migrant workers. Not having access to the various tools of justice undermines the physical and mental ability of migrant workers to lead stable and healthy lives.

Conclusion

Saudi Arabia, like Bahrain and Qatar, has much to accomplish in order improve its migrant rights record and reduce the inflow of human trafficking. Like its regional neighbors, the amended labor laws in Saudi Arabia have not been successfully implemented, nor have they resulted in visible changes in the lives of migrant workers. The lack of publicity of the plight of migrant workers and the ambivalent nature by which the legal system punishes victims of sexual crimes gives cause for alarm among civil society groups abroad as well as future potential migrant workers hoping to immigrate to the country. Saudi Arabia has ratified six conventions of the ILO but continues to authorize the discrimination of migrant workers in the workplace, employ children for hazardous labor, and push women into forced labor and prostitution rings in contradiction to the purposes of the conventions. In order to genuinely and effectively tackle migrant labor and human trafficking, the Government of Saudi Arabia must not only legislate, but also enforce laws it purports will protect the rights of migrant workers. Failure to implement legislation demonstrates to the international community that Saudi Arabia wants only to cooperate on paper, all while still enjoying the benefits of exploiting migrant rights.

375 International Trade Union Confederation (ITUC). "Internationally Recognized Core Labour Standards in Saudi Arabia." Geneva: International Trade Union Confederation (ITUC), 2012.

376 Ibid. p. 3.

377 Ibid. p. 5.

Conclusion

Despite having an extremely high proportion of foreign workers meeting labor-intensive needs, GCC countries like Qatar, Bahrain, and Saudi Arabia have yet to begin enforcing national and international laws around the protection of migrant workers' rights. It is safe to conclude that several reforms must be legislated and implemented not only regarding the *kafala* (sponsorship) system, which remains operative in all 3 countries, but also the destructive societal norms in these Gulf countries that allow for the marginalization of migrant workers. Reforming policies to prevent employers from seizing migrant workers' travel documents or allowing workers to willingly switch employers has the potential for immeasurable positive impact. Not only would migrant workers be less likely to attain illegal status and subsequently be pulled into forced labor, but they also stand a better chance of filling other labor needs while continuing to send remittances back home.

Along those lines, application of national and international legislation providing institutions that actively protect workers of all fields is essential to address the underlying issues of migrant labor and human trafficking. The Government of Bahrain has passively recognized the Labor Code of 1976 which states that employment must be regulated by a written contract and prohibits charging workers for employment and withholding passports. However, as noted in the Bahrain chapter of this report, the labor code is not enforced and the withholding of passports continues, as it does in Qatar and Saudi Arabia. When the Bahraini government promised to abolish the *kafala* system, the Government of Qatar followed suit and made a similar commitment. Unsurprisingly, there have been no initiatives to demolish the sponsorship system. Qatar has also failed to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, signaling clearly their policy towards controlling and marginalizing migrant workers in their countries. The Kingdom of Saudi Arabia has signed and ratified (with reservations) several ILO conventions, passively committing themselves to the abolition of child labor, forced labor, discrimination in the workplace, and much more. In all three countries, foreign migrant workers, especially women, still face physical and mental abuse as domestic workers. Their environment is worsened by the lack of access to justice. Despite Sharia law providing punishment for any individual that commits rape, migrant women who are victims of sexual violence often are the ones being punished.

While this report highlights the immense challenge that local, national, and international organizations face in addressing human rights abuses in migrant labor and human trafficking, it equally highlights the areas where these human rights institutions can focus their efforts toward active improvement. Advocating for the realization, reformation, and implementation of national legislation in Qatar, Bahrain, and Saudi Arabia can produce significant change. As can the provision of skills and knowledge training for potential migrant workers destined for these countries. By guiding and informing migrant workers of their rights, as well as creating a platform for discussion in the Gulf countries around the perception and approach towards migrant workers, human rights institutions can begin the necessary work towards creating in these countries a safe and inclusive environment for migrant workers.

Recommendations

In order for the situation of migrant workers to improve, ADHRB recommends the following for Bahrain, Qatar, Saudi Arabia; the international community; and citizens of the world:

To the Gulf Authorities:

- 1. With the goal of ultimately abolishing the *kafala* sponsorship system and establishing a new, fair, and justiciable system for migrant workers:**
 - a. Create and enforce a legal framework by which migrant workers have the ability to leave employers and seek alternative employment at will;
 - b. Coordinate with governments of source countries to abolish exploitative and predatory recruitment agencies and systems;
 - c. Develop and implement legislation criminalizing the physical abuse of migrant workers and the withholding of wages;
 - d. Establish expedient procedures for migrant complaints;
- 2. Introduce and enforce labor laws specifically for migrant workers that comply with international standards of fair labor practice and safe working conditions:**
 - a. Ensure that workers have access to adequate food and drinking water;
 - b. Establish and enforce inspections of migrant's living camps to ensure decent and sanitary living environments;
 - c. Ensure that physical laborers have access to necessary safety equipment;
 - d. Generate and implement legislation providing maximum working hours and shifts, and ensure that employers will provide overtime payment for additional hours;
 - e. Coordinate with employers to ensure the use of health insurance, and establish compensation system for workers who sustain a permanent disability at work;
- 3. Effectively eliminate all child labor, forced labor, forced prostitution and human trafficking practices in the region:**
 - a. Coordinate with source countries to better identify, target, and dismantle human trafficking organizations;
 - b. Create and implement legislation criminalizing human trafficking, and aggressively pursue and prosecute human and sex traffickers;
 - c. Develop and enforce systems to identify and protect victims of forced sex trafficking, and specifically decriminalize the act of forced prostitution; and
 - d. Provide sexually abused persons/survivors of sexual abuse with dignity, and provide legal assistance to punish perpetrators.

To the Governments of Source Countries:

- 1. Work in partnership with the governments of Bahrain, Qatar, and Saudi Arabia to ensure that the rights of migrant workers are protected:**
 - a. Coordinate with local governments and law enforcement to abolish exploitative and predatory recruitment agencies and systems;
 - b. Increase the scope of support provided by diplomatic missions in Bahrain, Qatar, and Saudi Arabia to migrant workers facing exploitation or abuse;
 - c. Negotiate and enforce bilateral agreements with Bahrain, Qatar, and Saudi Arabia establishing appropriate standards of treatment for migrant workers;
- 2. Ensure transparency and accountability by regularly and publicly reporting data concerning all migrant workers and trafficked persons; and**
- 3. Empower citizens via training regarding their future employment, their rights, and how to seek help once in Bahrain, Qatar, and Saudi Arabia.**

To the Government of the United States:

- 1. Continue to pressure the Governments of Bahrain, Qatar, and Saudi Arabia to adopt and implement international labor standards and human trafficking laws;**
 - a. Through the context of the free trade agreement with Bahrain, ensure Bahraini labor law complies with applicable legal protections regarding migrant workers;
 - b. Ensure and support free labor practices for all labor contracted through U.S. Government assets in Gulf countries;
- 2. Recognize the expanding nature of the human trafficking problem in the Gulf by downgrading Qatar to Tier 2.5 Watch List and Bahrain to Tier 3 in the next Trafficking in Persons report.**

To the International Community:

- 1. Request that Bahrain, Qatar, and Saudi Arabia ratify and implement all relevant international treaties and conventions relating to migrant workers, including:**
 - a. The ILO Conventions for migrant workers, forced labor, etc.; and
 - b. The UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- 2. Raise awareness of the current situation for migrant workers in Qatar, especially as it relates to the upcoming 2022 World Cup; and**
- 3. Encourage the Governments of Bahrain, Qatar, and Saudi Arabia to allow the Special Rapporteurs on Trafficking in Persons and the Human Rights of Migrants to visit and evaluate according to their mandates.**



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