

Qatar

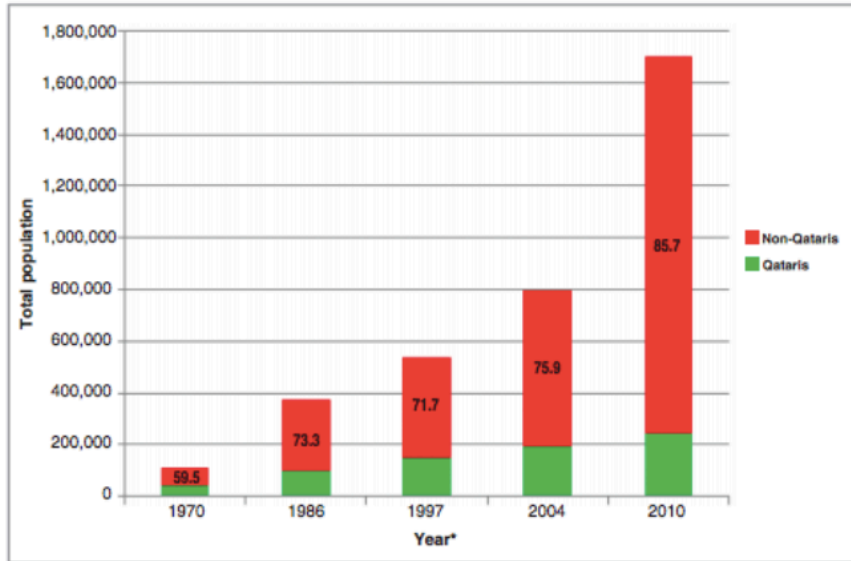
At a Glance

Data/Policy	
A. Total number of migrants in the country	Total: 1.8 million+ Men: 1.5 million+ Women: 0.3 million+
B. Key countries of origin: (with number if available)	1. India: 545,000 2. Nepal: 400,000 3. Philippines: 200,000 4. Bangladesh: 150,000
C. Key work sectors employing migrant workers (with numbers if available)	1. Construction 550,000 2. Retail 170,000 3. 'Household employer' 140,000 4. Manufacturing 100,000
D. Types of visas:	Work visa sponsored by employer
E. Minimum wage in the country:	n/a
Application of the minimum wage to migrant workers:	n/a
If no, the typical wage paid to migrant workers:	Varies by industry. Construction labour: In the region of QR 1,200 = USD 330 per month gross wage. Domestic workers: Philippines QR 1460 = USD 400 per month minimum wage Other nationalities earn less – possibly between USD 200 and 350 per month
F. Maternity protection is applied to migrant women:	Yes
G. National labour laws are applied to migrant labour:	Yes – except domestic workers
H. Migrants are covered by Social Security or equivalent:	No

I. Migrants can join a trade union:	No
J. Migrants can form a trade union:	No
K. Path to permanent residency:	No
L. Path to citizenship:	No
M. Migrants' children can access public schools:	No
Ratification status of relevant conventions	
ICCPR	No
ICESCR	No
ICERD	Yes 22 July 1976
CEDAW	Yes 26 April 2009
CRC	Yes 8 December 1992
Intl Convention on the Protection of the Rights of All Migrant Workers and Members of their FamiliesMigrant Workers	No
ILO29 (Forced Labour)	Yes 12 March 1998
ILO105(Forced Labour)	Yes 2 February 2007
ILO87 (Freedom of Association)	No
ILO98 (Collective bargaining)	No
ILO100 (Equal remuneration)	No
ILO111 (discrimination in employment and occupation)	Yes 18 August 1976
ILO97 (Migration)	No
ILO143 (Migrant Worker)	No
ILO189 (Domestic Worker)	No

Migrant Profile

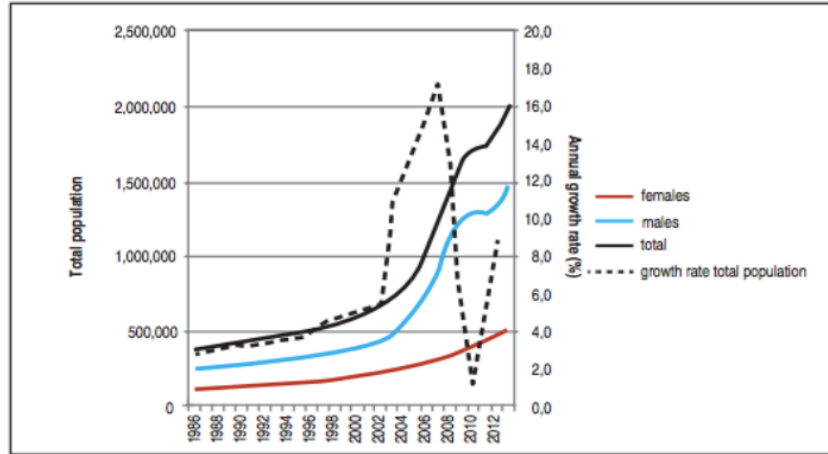
Qatar comprises roughly 2,375,000 people¹, out of which only about 12% are Qatari nationals.² The remaining 88% are expatriate, or migrant, workers.



* 1986; 1997; 2004: mid-year population estimate.

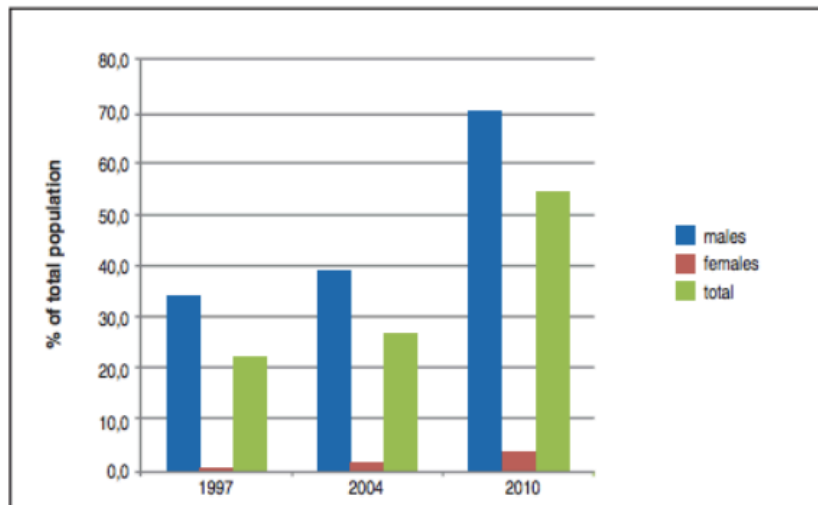
Figure 1: Qatar's total population and estimates of the proportion of non-nationals at census years³

The island's population has rapidly expanded over the last two decades, primarily because of increased demand for foreign labour in the construction industry.



Source: QSA (Statistical Yearbook, 2014)

Figure 2: Evolution of Qatar’s population and population growth rate⁴



Source: 1997; 2004; 2010 Censuses, QSA

Figure 3: Proportion of Qatar’s total population living in labour camps by sex⁵

Most of these workers are males from the Indian subcontinent, as indicated by the graph above and the table below.

Country / region of citizenship	Workers	%
India	452,578	31.2
Nepal	339,901	23.5
Philippines	165,447	11.4
Bangladesh	130,630	9.0
Arab countries	146,577	10.1
<i>of which Egypt</i>	72,487	5.0
<i>Syria</i>	18,474	1.3
<i>Sudan</i>	14,147	1.0
<i>Lebanon</i>	10,222	0.7
<i>Jordan</i>	8,341	0.6
<i>Palestine</i>	4,312	0.3

Table 1: Foreign workers in Qatar by country of citizenship⁶

Qatar’s migrant population is also extremely distorted by sex ratio: expatriate men outnumber expatriate women by almost five times!⁷

Migration Policies for Migrant Workers

Just like the other five countries in the Gulf Cooperation Council, Qatar’s labour policies enforce a version of the “kafala”, or sponsorship, system. This system is formally coded by the Ministry of the Interior in The Sponsorship Law (Law No. 4 of 2009), which “binds foreign workers to a single ‘sponsor’ who must, under the law, also be their employer – either an individual or company established in Qatar”.⁸ Construction workers, for example, will be formally ‘sponsored’ by the company employing them, while domestic workers will be ‘sponsored’ by a family member they work for.

Sponsors have been accorded immense control over the actions of their workforce.

First, migrant labourers cannot procure “exit permits” to leave Qatar without the explicit permission of their current sponsors.⁹ This stipulation in particular has only been implemented in Qatar and in Saudi Arabia.¹⁰

Second, a worker cannot change jobs - a process that also entails a change in sponsor - without obtaining a “no objection certificate” from his/her current sponsor.¹¹ Any worker who fails to comply with this rule – that is, any worker

who changes jobs without the permission of his/her employer - is considered to have “absconded”, which is a criminal offence. Sponsors are legally required to report these runaway workers to the Search and Follow-up Department of the Ministry of the Interior, who are then responsible for detaining these individuals for eventual deportation from Qatar.¹²

Third, sponsors are responsible for arranging residence permits for their workers, which reflect their “right to work and live in Qatar, and...allow them access to a range of basic services”.¹³ However, sponsors also have the right to “terminate (a) worker’s employment and have his or her residency permit cancelled by the authorities”.¹⁴ Workers are then supposed to leave the country immediately: however, many choose to stay on illegally because they would prefer to earn an income in Qatar. If, however, government authorities catch them either without a permit entirely or with an expired permit, they are considered to have ‘absconded’ and are fined for not having valid permits. After workers complete the payment of these fines, they are deported to their home nations.¹⁵

The process of detention is also regulated by Qatari legislation. The Sponsorship Law stipulates that migrants awaiting deportation can be detained for a period of thirty days, but also that this timeframe is “renewable for several similar periods”.¹⁶

The Sponsorship Law does include a few provisions that reflect the interests of migrant workers. First, it makes it illegal for sponsors to confiscate the passports of their workforce. Second, it “allows for a change of sponsor in certain cases and provides that the Ministry of Interior can provide an exit permit if the sponsor who refuses to do so cannot bring a court case against the migrant”.¹⁷ There are, however, serious questions to be raised over how well these aspects to the law have been implemented in practice.

Labour Law

Qatar’s Labour Law (Law No. 14 of 2004) sets out the rights of the workers engaged in labour here. It stipulates “limits on working hours, mandated annual eave, living conditions, health and safety, and the requirement for salaries to be paid on time”.¹⁸

First, the law mandates that workers are not allowed to work beyond “48 hours over six days plus up to 12 hours paid overtime”, and also prohibits them from working in “exposed areas in the hottest part of the day during Qatar’s summer”.¹⁹ Second, it “specifies the key information service contracts should contain”, and describes the situations in which workers are legally allowed to strike.²⁰ Third, it “sets minimum standards for workers’ accommodation, the medical care of workers, and health and safety at work”. Fourth, it allows workers

to lodge complaints against their employer in the Labour Relations Department of the Ministry of Labour if they feel their rights, as stipulated under the Labour Law, have been violated.²¹ Fifth, it legally obliges sponsors to pay for their employees' travel back home following the end of their employment contract. Last, it prohibits employers from "asking workers to do work which differs from what they had agreed".²²

However, Article 116 of the law also effectively prohibits foreign nationals workers from unionizing. Labourers working for a given employer are allowed to form a single representative body only when more than a hundred Qatari labourers of the same nature work for the same employer, and they can only be represented at discussions by Qatari nationals.²³

Crucially, the protections afforded to labourers under the Labour Law do not apply to domestic workers, who form a large proportion of the migrant labour force in Qatar. Article 3 of the law states that it "shall not apply to...the persons employed in domestic employment such as drivers, nurses, cooks, gardeners, and similar workers".²⁴ This means that these domestic workers enjoy few rights at all, if any. For example, there are no legal restrictions on the number of hours these labourers can work, and there is no mechanism for them to seek redress either.

Problems Migrant Workers Face

Rights Violations at Work

The UN Special Rapporteur notes that despite the existence of the Labour Law, which ostensibly protects the rights of workers, it is often simply not enforced strongly enough for its provisions to be meaningful. This leads to migrant workers facing a wide range of issues from employer malpractices. Construction site labourers and domestic workers face largely similar issues, with a few differences that can be explained by the nature of their individual work and the fact that the latter group is excluded from the scope of the Labour Law.

Amnesty International reports a long list of issues that workers have reported facing in the region. They say that the "scale of abuse", which occurs "against a backdrop of discriminatory attitudes against many categories of migrant workers", includes:

- "workers arriving in Qatar to find that the terms and conditions of their work are different to those they had been promised during the recruitment process – including salaries being lower than promised;
- "workers having their pay withheld for months, or not being paid at all;

- “employers leaving workers "undocumented" and therefore at risk of being detained by the authorities;
- “migrant workers having their passports confiscated and being prevented from leaving the country by their employers;
- “workers being made to work excessive (sometimes extreme) hours and employers failing to protect workers’ health and safety adequately; and
- “workers being housed in squalid accommodation.”²⁵

Moreover, the UN Special Rapporteur’s report makes a number of worrying conclusions about how workers are treated in the nation because of the laws they are subjected to. Just as Amnesty International had reported, the Rapporteur also noted that:

The kafala system enables unscrupulous employers to exploit employees. Frequent cases of abuse against migrants include the confiscation of passports, refusal to give “no objection” certificates (allowing migrants to change employer) or exit permits and refusal to pay migrants’ plane tickets to return home. Some employers do not extend residence permits for their employees, often because of the fees incurred. This leads to migrants ending up in an irregular situation, with no valid identity card, despite the fact that they are regularly employed.²⁶

The Rapporteur also said that:

Migrants who leave their employers without a “no objection” certificate are charged with absconding and labelled runaways. They lose their residence permit and risk fines, imprisonment and deportation. The Special Rapporteur believes this system can amount to forced labour.²⁷

The report also noted that laws protecting the rights of migrant workers are not “effectively enforced”. It notes that “the practice of confiscating passports seems to be still widespread” despite laws explicitly prohibiting this. Moreover, it remains extremely difficult for workers to change sponsors: “while the Sponsorship Law allows for the transfer of sponsorship by the Ministry of Interior in the event of abuse by the employer, in practice this provision is applied in relatively few cases”.²⁸

Domestic workers also face rights violations at their workplace, often in the form of abusive employers. Human Rights Watch recently commissioned a report on the plight of domestic workers in the United Arab Emirates, which is - at the very least - a close approximation of the domestic worker experience in Qatar as well. The report describes workers there as having faced “physical, sexual, and psychological abuse”, “wage abuses”, “excessive work and lack of rest”, “denial of food, healthcare, and adequate conditions”, as well as “passport confiscation,

restricted communication, and confinement”.²⁹ It is not a stretch to imagine that domestic workers in Qatar are subject to precisely the same forms of abuse, especially given the similarities in the labour policies of the two nations.

Detention

When migrants are caught ‘absconding’, they are detained and then eventually deported. As mentioned earlier, the law says that migrants may be detained for 30 days, but also that the detention period may be renewed for “several similar periods”.³⁰ This, however, often leads to “long term administrative detention” in the eyes of the Rapporteur, who met migrants who had been detained for over a year. The Rapporteur’s report says that:

Many of them (the workers) are trapped in Qatar, as they lack one or more of the three requirements to go home: their passport, an exit permit and a plane ticket (to be paid by their employer). During the Special Rapporteur’s visit, there were approximately 300 women and 1,050 men detained at the deportation centre. A new ward to accommodate up to 500 women was under construction.³¹

Domestic workers also encounter serious problems as a result of Qatar’s detention policies. Most women who are caught ‘absconding’, the report notes, are runaways from abusive employers, and they want to return to their homes abroad.³² However, they are detained for the entire period during which they attempt to procure the necessary documents – passports and exit permits – as well as a flight ticket to make the return journey. This, the Rapporteur argues, certainly constitutes a violation of their rights.

Moreover, detention facilities are not well maintained. According to the Rapporteur’s report, the detention centre was “overcrowded and unsanitary”, while “the migrants lacked sheets, a change of clothes, soap and other hygienic products”. Also, “several migrants were sleeping on mattresses on the floor in the corridors”.³³

Social problems

Along with the severe restrictions placed on their activities by the law, migrant workers in Qatar also face xenophobia in their everyday lives.³⁴ The UN Special Rapporteur notes that:

Migrants are often seen as their employer’s “property” rather than human beings with human rights equal to those of Qatari nationals. This is reflected in the systematic exploitation of migrants, who often live in slum-like conditions, work excessive hours in difficult and dangerous conditions and are often not paid for several months.³⁵

The social exclusion that migrant workers experience can only be enhanced by a set of laws the government of Qatar enacted in 2010 and 2011 that prohibit them from living inside family residential areas.³⁶ Hence, they are not allowed to live in the nation's residential areas, with the rest of Qatari society. In 2012, for example, migrant workers who lived on property considered to be within residential areas were subject to mass "administrative eviction".³⁷

¹ Ministry of Development Planning and Statistics, 'Population Structure'. Available at <http://www.qsa.gov.qa/eng/populationstructure.htm> (accessed 24/06/2015).

² bqdoqa, 'Population of Qatar by Nationality'. Available at <http://www.bqdoqa.com/2013/12/population-qatar> (accessed 24/06/2015).

³ Gulf Labour Markets and Migration, 'Demography, Migration, and Labour Market in Qatar'. Available at http://cadmus.eui.eu/bitstream/handle/1814/32431/GLMM_ExpNote_08-2014.pdf?sequence=1 (accessed 11/06/2015). p.6.

⁴ Ibid., p.5.

⁵ Ibid., p.7.

⁶ Ibid., p.9.

⁷ Ibid., p.6.

⁸ Amnesty International, 'The Dark Side of Migration: Spotlight on Qatar's Construction Sector Ahead of the World Cup'. Available at https://www.amnesty.org.uk/sites/default/files/the_dark_side_of_migration_-_spotlight_on_qatars_construction_sector_ahead_of_the_world_cup.pdf (accessed 12/06/2015). p. 95.

⁹ Ibid., p.99.

¹⁰ Ibid.

¹¹ Ibid., p.15.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid., p.94, 62

¹⁵ Ibid., p.36.

¹⁶ United Nations General Assembly, 'Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Mission to Qatar'. Available at https://www.amnesty.org.uk/sites/default/files/the_dark_side_of_migration_-_spotlight_on_qatars_construction_sector_ahead_of_the_world_cup.pdf (accessed 12/06/2015). Item 55.

¹⁷ Ibid., item 27.

¹⁸ Amnesty International, 'The Dark Side of Migration...', p.15.

¹⁹ Ibid., p.106.

²⁰ Ibid.

²¹ Ibid., p.15.

²² Ibid., p.106.

²³ Law No (14) of 2004, 'Qatar Labour Law'. Available at http://www.gulftalent.com/repository/ext/Qatar_Labour_Law.pdf (accessed 24/06/2015). Article 116.

²⁴ Ibid., article 3.

²⁵ Amnesty International, 'The Dark Side of Migration...', p.6.

²⁶ United Nations General Assembly, 'Report of the Special Rapporteur', item 25.

²⁷ Ibid., item 26.

²⁸ Ibid., item 27.

²⁹ Human Rights Watch, 'I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates'. Available at <http://www.hrw.org/reports/2014/10/22/i-already-bought-you> (accessed 16/06/2015). p.31.

³⁰ United Nations General Assembly, 'Report of the Special Rapporteur', item 55.

³¹ Ibid.

³² Ibid., item 58.

³³ Ibid., item 60.

³⁴ Ibid., item 69.

³⁵ Ibid.

³⁶ Amnesty International, 'The Dark Side of Migration...', p.50.

³⁷ Ibid.