



UNFINISHED BUSINESS

WHAT QATAR MUST DO TO FULFILL PROMISES ON
MIGRANT WORKERS' RIGHTS

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EXECUTIVE SUMMARY

Since 2010, when FIFA awarded the 2022 men's World Cup to Qatar, hundreds of thousands of migrant workers have faced systemic abuse and exploitation while constructing the infrastructure and providing the services necessary to host the world's most watched sporting event. The spotlight and scrutiny around the tournament's preparations further revealed the conditions faced by workers toiling right across the country. On sites both connected and unconnected to the World Cup, migrant workers have encountered:

- recruitment fees, wage theft, debilitating debt and broken dreams, including for impoverished families back home;
- abuse by employers emboldened by excessive powers and impunity for their actions, sometimes trapping workers in conditions that amount to forced labour; and
- unbearable and dangerous working and living conditions, with thousands of workers' deaths remaining unexplained, and at least hundreds likely to have been linked to exposure to the country's extreme heat.

For many years, the government – like FIFA – met the mounting international pressure about these abuses with denial and inaction. Then, in 2017, it finally embarked on a journey to reform its labour system. Under a three-year agreement with the International Labour Organization (ILO), Qatar committed to dismantle the toxic kafala sponsorship system, tackle wage abuse, enhance health and safety measures, prevent and prosecute forced labour, and promote workers' voices. This marked a welcome shift in Qatar's approach and important legal reforms ensued in the years that followed. These include:

- a law aiming to better protect domestic workers;
- labour committees to expedite workers' complaints;
- a fund to compensate workers for unpaid wages;
- ending the requirement for workers to have their employer's permission to change jobs or leave the country;
- a non-discriminatory minimum wage;
- a pilot programme to establish joint committees between employers and workers in some workplaces; and
- legislation aimed at improving protection of workers from the country's extreme weather.

This briefing examines what Qatar has achieved over the last 12 years, the impacts of its reforms and what further action is needed to fully protect the rights of all migrant workers in the country. It highlights that despite the positive evolution of Qatar's labour system, which has improved the living and working conditions for hundreds of thousands of Qatar's migrant workers and has the potential to transform the lives of many more, substantial work remains to effectively implement and enforce these. Ultimately, human rights abuses persist on a significant scale today.

This includes some groups, such as security guards and domestic workers, remaining extremely vulnerable to forced labour, with the latter typically working between 14 and 18 hours a day without a weekly day off. The payment of recruitment fees also remains a near-universal experience, while tens of thousands of workers continue to suffer delayed and unpaid wages, and justice remains difficult to secure. Further, while key elements of the Kafala system have been removed, remaining restrictions and the prohibition of trade unions continues to weaken the power of workers to challenge abuse.

While the road to the World Cup is soon to reach its destination, Qatar's journey to full and effective protection of workers' rights still has a great distance to go. To this end, Amnesty International urges the authorities to enforce and strengthen labour protections, empower workers, make work pay and guarantee access to justice for all.

Crucially, while it is imperative that the government presses ahead with its reforms without delay, neither Qatar nor FIFA can ignore the need and obligation to remedy the abuses that have taken place to date. Having awarded Qatar the right to host the World Cup without any conditions to protect workers from exploitation, FIFA has an important responsibility to play in addressing abuses committed in connection with the tournament. Given that both Qatar and FIFA have benefited from migrant workers' labour, they cannot simply turn the page and forget those who suffered to make the event possible. They must work together to urgently establish a comprehensive remediation programme that provides financial compensation to workers and their families, and supports initiatives to prevent abuse in the future.

BELOW IS A TEN-POINT PLAN FOR ACTION, CALLING FOR QATAR TO ADDRESS SERIOUS GAPS AND REMAINING WEAKNESSES IN ITS LABOUR REFORM PROCESS:

1. END FORCED LABOUR

Many migrant workers in Qatar continue to be subjected by their employers to conditions that amount to forced labour, in particular those employed in certain sectors such as private security or domestic work. This includes workers being repeatedly denied their rest days and forced to work under the threat of financial penalties, having their salaries arbitrarily deducted and their passports confiscated. Yet despite the severity of this abuse the government continues to take insufficient action to deal with it. Qatar should train inspectors to detect forced labour practices, investigate such cases to hold abusive employers to account and remedy victims.

2. PROTECT DOMESTIC WORKERS

In 2017 the government introduced a new law meant to protect domestic workers. Nonetheless, five years later, Qatar has still not taken effective action to meaningfully tackling their serious and widespread abuse. As a result, this highly vulnerable group – many of whom are women - continue to face some of the harshest working conditions and most serious mistreatment in Qatar, including having to typically work 14-18 hours per day and being subjected to verbal, physical and sexual assault. Qatar must immediately increase inspections and sanction abusive employers, offer domestic workers equal legal protection by bringing them under the scope of the Labour Law, and ensure they have easy access to a safe refuge.

3. INVESTIGATE WORKERS' DEATHS AND STRENGTHEN HEAT PROTECTIONS

The death of thousands of migrant workers over the past decade and beyond remain unexplained. At least hundreds are likely to have been related to working in the extreme heat. The government has done little to investigate, certify and remedy migrant workers' deaths despite clear evidence of that heat stress has posed huge risks to their health. As a result, families are denied their right to know how their loved ones died and are left in dire financial straits. New heat legislation is an improvement but must be strengthened to adequately protect outdoor workers. Qatar should properly investigate and certify workers' deaths and provide reparation to the families of those who died as a result of their working conditions, including heat stress.

4. STRENGTHEN AND EXPAND THE SCOPE OF THE WORKERS' WELFARE STANDARDS

The Workers' Welfare Standards have improved the living and working conditions of thousands of migrant workers falling under the purview of the Supreme Committee. However, some major outstanding issues remain around the extent of enforcement and the small proportion of workers in Qatar covered by the Standards. In addition to strengthening labour laws and enforcement mechanisms, Qatar should learn from and strengthen the Standards with a view to expand their coverage to more migrant workers across the country.

5. FULLY END THE KAFALA SYSTEM

Crucial changes to the inherently abusive kafala sponsorship system mean the vast majority of migrant workers are now legally able to leave the country and change jobs without their employer's permission. While many workers appear to have been able to benefit from these changes in practice, key elements of the system remain in place and continue to trap many migrant workers in exploitative situations, at the mercy of abusive employers who retain vast power over their workforce. Qatar must remove all these remaining legal and practical barriers, such as the charge of 'absconding', and penalize employers who use such practices as tools of control.

6. ALLOW TRADE UNIONS

Migrant workers are still unable to form and join trade unions in Qatar and joint committees formed and led by employers, cover only 2% of the workforce. While providing workers with some representation, these remain beset with serious flaws, lacking mechanisms for collective bargaining, and failing to provide workers with crucial legal protections. The government must respect its international obligations and allow migrant workers to form and join independent trade unions.

7. INCREASE THE MINIMUM WAGE AND STRENGTHEN WAGE PROTECTIONS

A new minimum wage came into force in 2020. Nonetheless, wages in Qatar not only remain low for many migrant workers, but sometimes are delayed or not paid at all. This has severe consequences for themselves and their families, preventing them from escaping debts incurred from paying recruitment fees, and often trapping them in cycles of abuse and exploitation. A number of initiatives since 2015 have attempted to identify and prevent wage theft, but the issue continues on a significant scale. The authorities should increase and review the minimum wage, strengthen wage protection and outlaw discriminatory practices of paying different salaries to different nationalities.

8. TACKLE RECRUITMENT ABUSE

The payment by prospective migrant workers of recruitment fees to secure jobs in Qatar remains rampant, despite Qatar's commitment to tackle the problem. Paying between US\$1,000 and US\$3,000 in recruitment fees, many workers need months or even years to repay this debt, trapping them in cycles of exploitation and making it difficult for them to challenge or escape abusive employers. Qatar Visa Centres have streamlined the recruitment process in some countries but are not set up to effectively tackle the payment of illegal recruitment fees. The government must work with origin countries to combat such practice and reimburse migrant workers who paid for their jobs in Qatar.

9. STRENGTHEN REMEDY MECHANISMS

Migrant workers continue to face major challenges to receive justice and remedy for a range of abuses despite new mechanisms introduced. New Labour Committees increased the number of workers successfully resolving complaints of wage theft but remain beset with shortcomings and delays. A compensation fund has also started to pay out significant amounts to workers offering them much needed relief but is not accessible to all and the amounts paid out have been capped. Qatar must increase the number of judges in the Committees, accept collective, historic and remote claims and ensure the fund reimburses workers their full dues. It should also ensure migrant workers can access remedy for non-wage related abuses.

10. COMPENSATE HISTORIC ABUSES

Over the past 12 years, much has been lost by workers – money, freedoms, health and even lives – and too little has been done to right these wrongs. Despite progress in recent years, the delayed introduction of reforms coupled with their poor implementation means that their impact has been limited. Very few workers or their families have received compensation or other forms of remedy, and existing mechanisms are not designed to tackle historic abuses. Qatar and its World Cup partners should work together to provide remedy to workers by establishing a comprehensive remediation programme, while continuing to strengthen existing remedial mechanisms.



BACKGROUND

Since 2010, when FIFA awarded Qatar the rights to host the men's football World Cup tournament, there has been increasing scrutiny of the treatment of the millions of migrant workers whose labour is essential to its success.

Making up more than 90% of Qatar's population, these workers came primarily from poorer countries in South Asia, South-East Asia and parts of Africa, in search of economic opportunities and the chance to earn money to send home to their families. But over the years, organizations including Amnesty International have documented how so many of these migrant workers had their dreams shattered after facing serious labour abuse and exploitation in Qatar. They often arrived in Qatar already indebted, having taken out high-interest loans to pay extortionate and illegal recruitment fees, while some were also given false promises about jobs and salaries.¹

Once in the country, they were subject to the 'kafala' sponsorship system. Under this framework, foreign workers were essentially bound to their employer, who acted as their official "sponsor" (or kafeel) from the moment they entered the country and throughout their period of employment. To enter and be able to work in the country, migrant workers needed their employer to sponsor their visa, issue and renew their residence permits. The system granted enormous power to employers and left workers acutely vulnerable to forced labour and exploitation. Workers needed their employer's permission to change jobs (technically known as a "No-Objection Certificate" or NOC), and they could be arrested and deported if their employers reported them as having 'absconded' from their job, cancelled their visas or failed to renew their residence permits, rendering workers undocumented in the country through no fault of their own. The kafala system effectively absolved the government from exercising its proper role in regulating employment and ensuring the protection of workers, and created a deeply imbalanced power relation between workers and employers.²

For years, reports of abuse from human rights organizations and others³ were rejected by the Qatari authorities, which sought to portray these accusations as isolated cases of exploitation.⁴ It wasn't until 2017, following a complaint lodged against Qatar at the International Labour Office,⁵ that the government entered into an agreement with the International Labour Organization (ILO) to reform the country's labour laws and bring them in line with international standards. The agreement included government commitments to overhaul the sponsorship system, improve health and safety protections and workers' pay, increase access to justice and promote workers' voice.⁶

As this briefing demonstrates, the reforms and initiatives enshrined in the partnership agreement have the potential to transform the lives of Qatar's migrant workforce, and already have done in some cases. But the continued failure of the government to effectively implement and enforce these changes means that labour abuse and exploitation remain rife today. As we approach the Qatar 2022 World Cup, many abusive employers continue to feel emboldened by this lack of enforcement, act with impunity and make use of the

¹ See, for example, Amnesty International, *Nepal: False promises – exploitation and forced labour of Nepalese migrant workers* (Index: ASA 31/007/2011), 13 December 2011, <https://www.amnesty.org/en/documents/asa31/007/2011/en/> and Amnesty International, *Nepal: Turning people into profits – abusive recruitment, trafficking and forced labour of Nepali migrant workers* (Index: ASA 31/6206/2017), 6 June 2017, <https://www.amnesty.org/en/documents/asa31/6206/2017/en/>

² See, for example, Amnesty International, *The dark side of migration: Spotlight on Qatar's construction sector ahead of the World Cup*, (Index: MDE 22/010/2013), 18 November 2013, <https://www.amnesty.org/en/documents/mde22/010/2013/en/>

³ See, for example, UN Office of the High Commissioner for Human Rights, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Addendum, Human Rights Council, 26 Session, 23 April 2014, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-35-Add1_en.doc; Amnesty International, *Qatar: Abuse of World Cup workers exposed*, 31 March 2016, <https://www.amnesty.org/en/press-releases/2016/03/abuse-of-world-cup-workers-exposed/>; and Human Rights Watch, *Qatar: Take Urgent Action to Protect Construction Workers*, 27 September 2017, <https://www.hrw.org/news/2017/09/27/qatar-take-urgent-action-protect-construction-workers>

⁴ Based on statements made by officials at the Ministry of Labour and Ministry of Interior to Amnesty International during a field trip to Qatar in 2012; Amnesty International, *The Dark Side of Migration* (previously cited), p. 8.

⁵ International Labour Office, *Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd session (2014) of the International Labour Conference under article 26 of the ILO Constitution*, Governing Body 331st Session, Geneva, 26 October - 9 November 2017, 31 October 2017, p. 2 and para. 3, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf

⁶ International Labour Office, *Complaint concerning non-observance* (previously cited), p. 31.

system's loopholes to exploit their workforce. As for the government, it has yet to deliver on its promise to "align its laws and practices with international labour standards"⁷ and fulfil its obligations to respect and protect human rights for all.

⁷ International Labour Office, *Complaint concerning non-observance* (previously cited), p. 2 and para 4.



METHODOLOGY

This briefing updates Reality Check 2021: A Year to the 2022 World Cup,⁸ which in turn built on Amnesty International's previous yearly reports assessing the state of migrant workers' rights in Qatar in the lead up to the 2022 World Cup.

This briefing draws on the extensive body of research Amnesty International has developed on migrant workers' rights in Qatar over the past decade, as well as new research conducted in 2022, and the work of other organizations and journalists.

Amnesty International delegates visited Qatar in July and October 2022. For this briefing, they spoke in person and remotely to current and former migrant workers, embassy representatives of origin countries, migrants' rights organizations, leaders of migrant worker communities in Qatar, and the ILO.

Delegates also engaged in correspondence and meetings with Qatari government officials, including the Ministry of Labour, Ministry of Interior and the Government Communications Office (GCO), as well as the Supreme Committee for Delivery and Legacy, and FIFA. Amnesty International's researchers requested access to Qatar's immigration detention centre, 'Search and Follow Up' facilities and the Human Care Centre shelter but did not receive any response from the authorities.

Amnesty International also analysed national and international laws and standards pertaining to migrant workers' rights, and annual ILO reports on Qatar's progress on the commitments made in its joint technical cooperation agreement.

In this report, pseudonyms have been used for all workers whose cases are mentioned to protect them from possible reprisals.

⁸ Amnesty International, *Reality Check 2021: A year to the 2022 World Cup – The state of migrant worker's Rights in Qatar* (Index: MDE 22/4966/2021), 16 November 2021, <https://www.amnesty.org/en/documents/mde22/4966/2021/en/>



ENFORCE AND STRENGTHEN LABOUR PROTECTIONS



1. END FORCED LABOUR

Many migrant workers in Qatar continue to be subjected by their employers to conditions that amount to forced labour, including those in private security or domestic work. This includes workers being repeatedly denied their rest days and forced to work under the threat of financial penalties, having their salaries arbitrarily deducted and sometimes their passports confiscated. Yet despite the severity of this abuse the government continues to take insufficient action. Qatar should train inspectors to detect forced labour practices, investigate such cases to hold abusive employers to account, and remedy victims.



A worker waters the grass in the Qatari capital Doha, on May 5, 2022. © KARIM JAAFAR/AFP via Getty Images.

Forced labour is defined as “[A]ll work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁹ Although often associated with physical violence, forced labour is frequently exacted through more subtle and insidious means, with the withholding of wages, or the threat of this, being the most common form of coercion experienced by people forced to work.¹⁰

⁹ Article 2(1), ILO Forced Labour Convention 1930 (No. 29), 28 June 1930, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029,

¹⁰ ILO, *Ending forced labour by 2030: A review of policies and programmes*, 2018, pp. 38 - 39, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_653986.pdf The ILO's 11

During the course of its decade-long research documenting the situation of migrant workers in Qatar, Amnesty International has consistently found cases of individuals engaged in work for which they had not offered themselves voluntarily and which therefore constitute forced labour. This includes workers being threatened with financial penalties for not attending work even on entitled rest days, being made to work despite their employer having withheld wages for months at a time, confiscation of passports, excessive and arbitrary salary deductions and excessive overtime without pay. Such practices were facilitated by the kafala sponsorship system in place at the time which made it extremely difficult for people to move employers or even leave the country without the permission of the sponsor.¹¹

As a state party to ILO Convention 29 on Forced Labour, Qatar has committed to “suppress” the use of forced labour in all its forms as soon as possible, and “ensure that penal sanctions are strictly applied on those who imposed forced labour”.¹² It also pledged to take effective measures to prevent and eliminate forced labour, to protect people from these practices and to provide access to justice for victims.¹³

In 2014, workers’ groups brought a complaint at the ILO accusing Qatar of failing to comply with its obligations under this convention.¹⁴ The complaint was eventually closed when the government committed to a wide-ranging reform process as part of a technical cooperation agreement with the ILO, and since then, Qatar has taken important steps to dismantle the kafala system that plays a key part in enabling forced labour (see section 5).

In 2017, the government established the National Committee to Combat Human Trafficking. Four years later this committee published a handbook aimed at increasing understanding of forced labour and human trafficking among law enforcement officers. The Committee also pledged to develop a national action plan and coordinate efforts to protect and support victims.¹⁵

Qatar’s Anti-Trafficking Law stipulates that forced labour – which is listed as a type of human trafficking – carries a maximum seven-year prison sentence and a fine of up to QAR 250,000 (US\$68,662), rising to 15 years’ imprisonment and a fine of up to QAR 300,000 (US\$82,395) if the victim is “a female, a child, an incapable person or a person with disabilities”, or if the offence resulted in death, amongst other aggravating factors.¹⁶

Although this law contains stringent penalties, it was not until 2020 that the government first reported a forced labour conviction under it.¹⁷ The government told Amnesty International that in 2021, it received 37 complaints of human trafficking, with 35 of those progressing to court, but did not clarify the verdicts or sentences or how many of the cases related specifically to forced labour.¹⁸ It also did not reveal how many

indicators for forced labour are: abuse of vulnerability; deception; restriction of movement; isolation; physical and sexual violence; intimidation and threats; retention of identity documents; withholding of wages; debt bondage; abusive working and living conditions; excessive overtime. See, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

¹¹ See for example, Amnesty International, *The dark side of migration* (previously cited); and Amnesty International, “*They think that we’re machines*”: Forced labour and other abuse of migrant workers in Qatar’s private security sector (Index: MDE 22/5388/2022), 7 April 2022, <https://www.amnesty.org/en/documents/mde22/5388/2022/en/>; and Amnesty International, “*Why do you want to rest?*”: Ongoing abuses of domestic workers in Qatar (Index: MDE 22/3175/2020), 20 October 2020, <https://www.amnesty.org/en/documents/mde22/3175/2020/en/>; and Amnesty International, “*My sleep is my break*”: Exploitation of migrant domestic workers in Qatar (Index: MDE 22/004/2014), 23 April 2014, <https://www.amnesty.org/en/documents/MDE22/004/2014/en/>

¹² ILO Forced Labour Convention 1930 (previously cited).

¹³ Article 2, ILO Convention 105 on the Abolition of Forced Labour, 1957 (No.105) https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312250:NO, to which Qatar is a state party.

¹⁴ See, *Complaint alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution*, 16 March 2015, Appendix I, p. 3-7, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_348745.pdf

¹⁵ National Committee for Combating Human Trafficking, *Our Fight Against Forced Labour and Trafficking for Labour Exploitation in Qatar*, July 2021, p. 23, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_815515.pdf

¹⁶ Articles 14-15 of Law No. 15 of 2011 on Combating Trafficking in Human Beings.

¹⁷ Two Pakistani citizens received 10-year prison sentences and a fine of QAR 200,000 (US\$54,950) each, and both will be deported upon release. Another forced labour case was dropped in return for the victim accepting financial compensation. US Department of State, *2021 Trafficking in Persons Report: Qatar*, <https://www.state.gov/reports/2021-trafficking-in-persons-report/qatar/>

¹⁸ Background information provided by the Government Communications Office (GCO) to Amnesty International, 22 March 2022. On file with Amnesty International.

forced labour-related complaints it had received in 2022, simply stating that this falls under the remit of the Human Trafficking Committee.¹⁹

In response to Amnesty International's requests for information, the government said that it had detected 230 "excessive working hours violations" from October 2021 to August 2022.²⁰ However, the government did not clarify whether this refers to individual workers or to companies; if the latter, it affects potentially thousands of individuals. The government reported that periodic inspections of work sites are undertaken to detect such abuse, and that offending companies will be issued two warnings before being "banned" for a third offence.²¹ In instances where companies fail to pay overtime, the government told Amnesty International that it is unable to verify such violations unless a worker raises a complaint with them directly. In this instance, a warning will be issued before the company is also "banned".²²

The 2021 United States Trafficking in Persons report highlighted the lack of severity with which Qatar treats forced labour practices, including the inadequacy of inspections, and major shortcomings in how the country's existing judicial processes enforce the Labour Law and prosecute trafficking crimes.²³

It is clear that practices amounting to forced labour persist on a significant scale, and that Qatar is still not taking sufficient action to end these. In particular, our research indicates that the government is failing to consistently hold abusive employers to account and to tackle practices such as excessive working hours, denial of weekly rest days, and underpayment of overtime. Amnesty International's research found such practices to be rife in Qatar's private security sector, which employs tens of thousands of people.

In a report published in April 2022, Amnesty International documented how guards, supervisors and safety officers in private security companies are regularly made to work excessively long shifts and denied weekly rest days, often for months and sometimes even years at a time, in breach of the 2004 Labour Law. They reported that taking a day off could result in salary deductions, removal from shifts or being prevented from working for a period, which meant they would not be paid. Repeated attempts to take a legally entitled day off without permission could even end in contract termination, guards said. Some employers were also repeatedly underpaying workers for overtime hours and deducting large sums from their salaries as punishment for various "misdemeanours" at work, including not wearing their uniform properly or leaving their post to use the toilet.²⁴

The guards interviewed by Amnesty International worked for companies that have provided services for major international football tournaments and other well-known sports and leisure facilities, international hotel brands, major transport infrastructure projects, government ministries and sites, and a range of other projects and sites that will be essential for the World Cup.

In April 2022, Amnesty International provided the Ministry of Labour with a list of eight private security companies in which such forced labour or other labour abuses were happening. Despite Amnesty's repeated requests, the government did not provide specific details of investigations initiated or action taken against these or other individual companies, nor did it explain any measures taken to ensure those subjected to such treatment received remedy. Instead, it provided Amnesty with a very brief response to the allegations, saying it had "reviewed" the data "along with all the information related to labour and the companies' commitment to delivering wages in accordance with the Wage Protection System". It said it had identified only one 'report' against one of the companies, in which it failed to pay wages of 607 workers in April 2022, but that the company had "pledged to pay" these after "legal action" was taken.²⁵ The government did not report conducting any inspections or other follow up on any of the eight companies, nor any measures to hold employers accountable.

¹⁹ Letter from the GCO to Amnesty International, 22 August 2022. On file with Amnesty International.

²⁰ Letter from the GCO, 22 August 2022.

²¹ Letter from the GCO, 22 August 2022. The government did not make clear what it means for a company to be 'banned' in this context. However, according to Qatari law, when a company is 'banned' after violating the country's Wage Protection System, it means they are blocked from recruiting new employees or accessing government services.

²² Letter from the GCO, 22 August 2022.

²³ US Department of State, *2021 Trafficking in Persons Report: Qatar* (previously cited). The report noted that "crimes such as employer passport retention, withholding of wages, labor violations, and complaints of abuse as potential trafficking crimes" are not routinely investigated, and that the authorities had "reportedly arrested, detained, and deported potential trafficking victims for immigration violations, prostitution, or fleeing their employers or sponsors, including in cases where victims have been compelled to do so." It further states that the government's "primary solution for resolving labor violations continued to be a transfer of employer sponsorship, mandated back payment of wages, fines, and blacklisting of companies".

²⁴ For further details of the investigation, see Amnesty International, *"They think that we're machines"* (previously cited).

²⁵ Letter from the Qatar government to Amnesty International, 18 August 2022. On file with Amnesty International.

Joshua, told Amnesty International in September 2022 that he had recently left Qatar before the end of his contract due to the working conditions he faced in a private security company. He said:

“It was unbearable to stay on in the company I was in due to the treatment and overload of work. In four months, you get just two days off. There’s late salaries and too many fines deducted unnecessarily... The company has withheld my visa such that I can't go back [to Qatar] if I get a job with another company.”²⁶

AGENDA FOR ACTION

QATAR MUST:

- Ensure that all companies pay their employees in full and on time and allow them weekly rest days, without threat of penalty;
- Train inspectors and increase their capacity to ensure they are able to detect and address instances of forced labour;
- Investigate allegations of forced labour and ensure that any employer found to be in breach of the Labour Law or other laws is appropriately penalized, including to deter repetition; and
- Ensure that victims of forced labour practices are adequately remedied.

²⁶ Interview conducted remotely, 1 September 2022.

2. PROTECT DOMESTIC WORKERS

In 2017 the government introduced a new law meant to protect domestic workers. Nonetheless, five years later, Qatar has still not taken effective action to meaningfully tackling their serious and widespread abuse. As a result, this highly vulnerable group – many of whom are women – continue to face some of the harshest working conditions and most serious mistreatment in Qatar, including verbal, physical and sexual assault and denial of rest time. Qatar must immediately increase inspections and sanction abusive employers, offer domestic workers equal legal protection by bringing them under the scope of the Labour Law, and ensure they have access to a safe refuge.



Filipino job applicants undergo an intensive course on housekeeping on September 06, 2013 in Manila, Philippines.
© Veejay Villafranca/Getty Images.

Domestic workers across the world are one of the most at-risk groups of workers, given their position in private households, often shut away from public sight and excluded from government protection. This is especially so in Qatar, where nearly half of all women migrant workers are employed in private homes.²⁷ Heavily dependent on their employers for the right to work and their legal status in Qatar, many of these women face punishing working conditions and serious abuses that in some cases amount to forced labour.²⁸ Despite having the same rights as other workers under international treaties ratified by Qatar, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), domestic workers are not covered by Qatar's Labour Law, and until 2017 they were offered no legal protection for internationally recognized labour rights. As a result, they were prevented from filing claims against their employer at the labour courts. They are still not covered by the government's Wage Protection System (see section 7).

In 2017, a new Domestic Workers Law offered a glimmer of hope to the roughly 173,000 such workers by specifying regulations on working hours, rest time, accommodation, food and annual leave, and enabling access to the labour courts. The government told Amnesty International that to "ensure the law's implementation" it has since appointed "dedicated inspectors who carry out periodic examinations

²⁷ Qatar Planning and Statistics Authority, *Labour Force sample survey 2019*, June 2020, p. 12, https://www.psa.gov.qa/en/statistics/Statistical%20Releases/Social/LaborForce/2019/statistical_analysis_labor_force_2019_En.pdf

²⁸ See for example: Amnesty International, "My sleep is my break" (previously cited), pp. 54-61; and Amnesty International, "Why do you want to rest?" (previously cited).

of recruitment agencies for domestic workers” and that on arrival in Qatar, the authorities provide domestic workers with information about how to submit complaints.²⁹

Domestic workers were originally excluded from 2018 legislation that ended the exit permit system (see section 5), but in 2020 the government finally allowed them to change jobs and leave the country without their employer’s permission, although they still need to “inform” them in advance.

In 2021, the government introduced a revised standardized employment contract for domestic workers, which brings their rights to overtime pay, employment termination, and sick leave entitlements into line with those of private sector workers.³⁰ Qatar also launched a pilot programme in 2019 to recruit and manage domestic workers in households on a live-out basis, so that these workers have greater autonomy,³¹ and has run social media campaigns to sensitize domestic workers and their employers about labour rights.³²

However, despite the introduction of the new Domestic Workers Law and the reforms to the kafala system, little has changed for domestic workers in the country, and the government is still failing to meaningfully tackle the serious abuses they face.³³ Indeed, the government has even recently introduced measures that risk increasing the vulnerability of domestic workers to abuse, by extending their employment probation period, as described further below.

The Domestic Workers Law falls well below international law and standards³⁴ and has not been reviewed by the government as the ILO agreement stipulated it should be.³⁵ Moreover, lack of inspection and inadequate enforcement means that many domestic workers are not benefiting from the law’s existing provisions, including adequate rest and a weekly day off. Amnesty International’s research has shown that domestic workers typically work between 14 and 18 hours a day, with little or no rest and rarely, if ever, a day off. In the worst cases they may also be routinely demeaned, physically assaulted or sexually abused. As if this was not enough, their employers may fail to pay them on time or, in some cases, not pay them at all.³⁶ As stated by the ILO, “[H]aving time off is not only important for rest and recreation, but also to lodge any potential grievances with the [Ministry of Labour] or their embassy.”³⁷

Although domestic workers no longer need permission to leave Qatar, they still need to “inform” their employer in person 72 hours before their departure from Qatar,³⁸ a provision which breaches workers’ right to freedom of movement³⁹ and is problematic in several other ways.⁴⁰ These problems are compounded by the impunity that abusive employers continue to enjoy in Qatar. During its research in 2020, Amnesty

²⁹ Letter from the GCO, 22 August 2022. On file with Amnesty International.

³⁰ ILO, *Progress report on the technical cooperation programme between the Government of Qatar and the ILO*, 17 December 2021, p. 6, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/---ilo-qatar/documents/publication/wcms_832122.pdf

³¹ For more information about Qatar Manpower Solutions Co (WISA), see Amnesty International, “*Why do you want to rest?*” (previously cited), p. 30.

³² A recent Ministry of Labour social media campaign on international domestic workers day 2022 was a telling indicator of the long road ahead to change attitudes towards the rights of domestic workers in Qatar: several Twitter posts reminding employers that domestic workers have the right to a weekly day off and should work no more than ten hours per day, sparked a backlash online with some questioning these rights. See Ministry of Labour tweet, on 15 June 2022, https://twitter.com/MOLQTR/status/1536969156016447488?s=20&t=iMm_p17B6dY-qzAv_gFEA; and an example of a reply to the tweet, <https://twitter.com/JASSIMKALKAAB11/status/1537056886108954627>

³³ Interviews with representatives of organizations supporting migrant workers, and foreign embassies in Doha, conducted remotely and in person between June and October 2022.

³⁴ For an assessment of the law, see Amnesty International, “*Why do you want to rest?*” (previously cited), pp. 22-24.

³⁵ See ILO, *Annual progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO*, 7 October 2019, p. 11, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_723203.pdf

³⁶ For more information, see Amnesty International, “*Why do you want to rest?*” (previously cited), pp. 44 - 46.

³⁷ ILO, *Overview of Qatar’s Labour Reforms, 2022*, https://www.ilo.org/beirut/countries/qatar/WCMS_760466/lang--en/index.htm

³⁸ Article 2 of Ministry of Interior Decision No. 95 of 2019 on the regulations and procedures regarding the exit of some categories of workers who are not subject to the Labour Law, 1 December

2019, <https://www.almeezan.qa/LawArticles.aspx?LawArticleID=79754&LawId=8221&language=ar>

³⁹ Article 12 of the International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>, which Qatar ratified in May 2018.

⁴⁰ For example, this allows abusive employers three days to retaliate to a workers’ decision to exit Qatar, which often involves filing spurious charges of ‘absconding’ or theft against the workers to stop them leaving the country. Crucially, the Ministerial Decision does not mention any legal consequences for employers who breach its provisions, offering no deterrent to abuse. Nonetheless, domestic workers who fail to inform their employers of their departure can be dismissed on disciplinary grounds, deprived of normal financial benefits due to them, and banned from re-entering Qatar.

International spoke to 105 women who had been employed as domestic workers in Qatar. All described the serious abuse their employers had subjected them to, yet none of the latter had been held to account.⁴¹

The recent experience of a Kenyan domestic worker known as 'JMM' is illustrative of both the severity of abuse faced by some, the difficulty they encounter in seeking justice, and the rampant culture of impunity in the country. JMM told Migrant-Rights.org she was beaten so badly by her employer over three months in 2021 that she now requires extensive surgery. While she eventually managed to file a criminal complaint against her abusive employer, her case was dismissed, apparently due to lack of evidence, despite the well-documented and visible injuries JMM had suffered.⁴²

Now, a year later, she is fighting to have a new case opened and to see her abuser held to account. "(H)e should be punished for what he did to me" she told Migrant-Rights.⁴³ But it remains to be seen whether JMM will receive justice for this serious allegation of assault. As the International Domestic Workers Federation (IDWF) recently reflected, "[V]iolations of workers' rights [in Qatar] are usually ignored, and rarely punished."⁴⁴

To add to the challenges faced by domestic workers, in 2022, Qatar extended their employment probation period from three to nine months, a decision that IDWF⁴⁵ and Migrant-Rights.org,⁴⁶ as well as an origin country embassy representative in Doha,⁴⁷ consider has further disadvantaged migrant domestic workers and may be putting them at even greater risk of abuse.

For example, if a domestic worker is "returned" to their recruitment agency by the employer for any or no apparent reason during the probation period, they are not entitled to end-of-service benefits and the agency must reimburse the employer any recruitment costs paid.⁴⁸ The IDWF reported that it fears the extended probation period, and financial losses agencies could suffer when workers are "returned", risk increasing the likelihood of the recruiting centre punishing domestic workers.⁴⁹ The IDWF added that it already "regularly receives complaints about recruitment agencies confiscating mobile phones, providing insufficient food, and withholding salaries until a new employment contract is signed".⁵⁰ Similarly, Migrant-Rights.org found that even during the previous three-month probation period, employers would use the threat of returning workers to the agency – leaving the worker without end-of-service benefits and out of pocket – as a way to "compel them to continue working in poor conditions".⁵¹

Crucially, women domestic workers who do flee their employer because they have experienced abuse still have few places to find safety. In July 2019, the Qatari authorities inaugurated the first government-run shelter for migrants,⁵² but it was never fully operational before it effectively closed in 2020 during the Covid-19 pandemic. The 'Qatari House for Human Care' shelter was finally reopened for victims of human trafficking in October 2022 and has the potential to offer abused women a much-needed refuge.⁵³ Amnesty International requested access to the shelter but did not receive a reply from the government. It remains to be seen how this shelter will operate and whether it will be able to cope with the number of those needing its services. Critically, however, the shelter still does not appear to be accessible on a walk-in basis despite organization's supporting domestic workers previously highlighting the need for this.⁵⁴ As a result, there is a risk that domestic workers will continue to struggle to leave an abusive household or report abuse. A representative from an organization supporting domestic workers in Qatar told Amnesty International that if

⁴¹ Amnesty International, "Why do you want to rest?" (previously cited), pp. 62 – 65.

⁴² See Migrant-Rights.org, *Kenyan domestic worker with debilitating injuries due to abuse awaits justice in Qatar*, 14 September 2022, <https://www.migrant-rights.org/2022/09/kenyan-domestic-worker-with-debilitating-injuries-awaits-justice-in-qatar/>

⁴³ See Migrant-Rights.org, *Kenyan domestic worker with debilitating injuries due to abuse awaits justice in Qatar* (previously cited).

⁴⁴ Project Syndicate, *Qatar's human rights reversal*, 2 June 2022, <https://www.project-syndicate.org/commentary/qatar-world-cup-worker-protections-reform-by-lara-nuwayhid-2022-06>

⁴⁵ Project Syndicate, *Qatar's human rights reversal* (previously cited).

⁴⁶ Migrant-Rights.org, *Qatar's extended probation period increases domestic workers' vulnerability*, 19 January 2022, [https://www.migrant-rights.org/2022/01/qatar-increases-domestic-workers-vulnerability-through-extended-probation-period/#:~:text=Qatar's%20Ministry%20of%20Labour%20announced,law%20\(see%20sidebar%20below\).](https://www.migrant-rights.org/2022/01/qatar-increases-domestic-workers-vulnerability-through-extended-probation-period/#:~:text=Qatar's%20Ministry%20of%20Labour%20announced,law%20(see%20sidebar%20below).)

⁴⁷ Interview conducted in person, 6 July 2022.

⁴⁸ Interview with a representative of an organization supporting migrant workers, and foreign embassies in Doha, conducted remotely and in person between June and October 2022.

⁴⁹ Project Syndicate, *Qatar's human rights reversal* (previously cited).

⁵⁰ Project Syndicate, *Qatar's human rights reversal* (previously cited).

⁵¹ Migrant-Rights.org, *Qatar's extended probation period increases domestic workers' vulnerability* (previously cited).

⁵² Gulf Times, 'Human Care Centre' launched to protect victims of trafficking, 30 July 2019, <https://www.gulf-times.com/story/637897/Human-Care-Centre-launched-to-protect-victims-of-trafficking>

⁵³ Gulf Times, *Combating trafficking in persons a priority: minister*, 2 October 2022, <https://www.gulf-times.com/story/725270/Combating-trafficking-in-persons-a-priority-minister>

⁵⁴ Amnesty International, "Why do you want to rest?" (previously cited), p. 29.

women cannot easily access a shelter “they will end up in the hands of human traffickers, or in sex-slavery”.⁵⁵

AGENDA FOR ACTION

QATAR MUST:

- Bring domestic workers under the protection of the Labour Law and the Wage Protection System;
- In the meantime, effectively implement and enforce the Domestic Workers Law, in particular in relation to working hours and adequate rest; and strengthen its inspection regime;
- Investigate thoroughly all allegations of abuse and criminal acts by employers against domestic workers and where appropriate hold them to account including through the criminal law to deter potential offenders; and
- Ensure the country’s refuge shelter operates on a walk-in basis and has sufficient capacity and support services for all those fleeing abuse.

⁵⁵ Interview conducted remotely, 22 June 2022.

3. INVESTIGATE WORKERS' DEATHS AND STRENGTHEN HEAT PROTECTION

The deaths of thousands of migrant workers over the past decade and prior remain unexplained. The government has done little to investigate, certify and remedy migrant workers' deaths despite clear evidence that heat stress poses huge risks to their health. As a result, families are denied their right to know how their loved ones died and are left in dire financial straits. New heat legislation is an improvement but must be strengthened to adequately protect outdoor workers. Qatar should properly investigate and certify workers' deaths and provide reparation to the families of those who died as a result of their working conditions, including extreme heat.



Relatives and villagers gather around the coffin of Balkisun Mandal Khatwe at Belhi village, Saptari district of Nepal. Balkisun, who had been working for Habtoor Leighton Group in Qatar for less than a month, died in his sleep. © Niranjan Shrestha/AP/Shutterstock.

The deaths of migrant workers has been one of the most contentious issues associated with the staging of the 2022 men's World Cup in Qatar, triggering intense debate and fuelling calls for a boycott.

At the heart of this debate is the fact that the cause of thousands of such deaths across all projects in Qatar – deaths of people who often died suddenly, unexpectedly and despite having passed mandatory medical tests – remain unexplained. This is because Qatari authorities, contrary to their international obligations and standard forensic medical practice, have failed to investigate these deaths in a way that would make it possible to determine the true underlying causes of death. Instead, the government has used vague categories such as “natural causes” or “cardiac arrest” – descriptions that are almost meaningless in certifying deaths.⁵⁶ As a result, no connection to the working conditions was ever made, and bereaved

⁵⁶ Dr David Bailey, a leading consultant pathologist and the Chair of the Royal College of Pathologists Death Investigations Committee, and a member of the WHO Working Group on death certification, told Amnesty International “these are phrases that should not be included on a death certificate without a further qualification explaining the underlying cause. Essentially, everyone dies of respiratory or cardiac failure in the end and the phrases are meaningless without an explanation of the reason why. “Natural causes” is not a sufficient explanation.” For more detail, see Amnesty International, *In the Prime of their lives: Qatar’s failure to investigate, remedy and prevent migrant workers’ deaths* (Index: MDE 22/4614/2021), 26 August 2021, p. 38, <https://www.amnesty.org/en/documents/mde22/4614/2021/en/>

families have been denied the opportunity to know what happened to their loved ones, or to claim compensation for their loss.

It is clear, however, that many workers toiled in unsafe conditions in Qatar's extreme heat, posing huge risks to their health and lives, with one peer-reviewed study suggesting that hundreds of lives could have been saved with adequate protection measures.⁵⁷ This figure reflects all projects across Qatar, not just sites related to the World Cup.

For years, Qatar failed to introduce adequate protection measures against these risks. Between 2007 and 2021, the primary measure was a ban on working in the sun between 11:30 and 15:00 from 15 June to 31 August each year. However, this measure proved inadequate for construction workers,⁵⁸ and in a study commissioned by Qatar, scientists from the Greece-based FAME Laboratory confirmed both the risk of heat stress on workers and the inadequacy of Qatar's existing legal and regulatory framework.⁵⁹

Finally, in May 2021, over 10 years after Qatar was awarded the right to host the World Cup and most of the associated projects were nearing completion, and after at least many hundreds of workers may have already died because of exposure to extreme heat, the government introduced a new regulation. Ministerial Decision No. 17 for 2021 extended the summer-time ban on working in the sun, or in places that are not shaded and ventilated, to between 10:00 and 15:30 from 1 June to 15 September.⁶⁰ Employers should now adopt the 'Wet Bulb Globe Temperature' (WBGT) heat stress index to assess the level of occupational heat stress and stop employees from working if the index rises above 32.1°C.⁶¹ The new legislation also provides workers with the right to stop working if they think there is a threat to their safety or health because of climate conditions.⁶²

Other new measures included provisions requiring employers to complete and regularly update heat stress risk assessments; perform annual health check-ups to diagnose and manage chronic diseases that may contribute to the risk of heat stress; and provide workers with appropriate personal protective equipment for hot weather, including thin, loose and light-coloured clothing.

According to the Ministry of Labour, an employer's guide was issued providing a detailed explanation of the new regulations. The Ministry conducted awareness-raising and inspection campaigns to ensure that employers were complying with the regulations which, it told Amnesty International, contributed to reducing the number of people suffering from heat exhaustion.⁶³ Companies with a high number of workplace injuries and accidents were targeted by inspections and legal action was taken against all violating companies. Repeat offenders faced harsher penalties, the government said.⁶⁴

While these measures represented an improvement, heat stress experts consulted by Amnesty International said they are insufficient to adequately protect outdoor workers in Qatar, and that it is critical to introduce mandatory rest periods proportionate to the level of heat, humidity and exertion involved in the work being done.⁶⁵ Professor David Wegman, who is an expert on health and safety in the construction industry, told Amnesty International that ensuring work is safely performed without risk of heat-related illness "is critically dependent on a balance of work and rest periods" and that limits on work "should be determined objectively according to WBGT measurements combined with an objective assessment of work effort".⁶⁶

⁵⁷ Cardiology, Bandana Pradan, Tord Kjellstrom, Dan Atar, Puspa Sharma, Birendra Kayastha, Ghita Bhandari, Pushkar K. Pradhan, *Heat Stress Impacts on Cardiac Mortality in Nepali Migrant Workers in Qatar*, 2019, p.46, <https://www.karger.com/Article/FullText/500853>

⁵⁸ DLA Piper, *Migrant Labour in the Construction Sector in Qatar*, 2014, p. 15. The report was never formally released but can be seen online at <http://engineersagainstopoverty.org/wp-content/uploads/2018/07/Qatar-DLA-FINAL-REPORT-MAY-2014-FOR-PUBLICATION.pdf>; and F.Y. Khan, A. Kamha, A. El Hiday, *Study of Patients with Heat Stroke Admitted to the Intensive Care Unit of Hamad General Hospital, Doha, Qatar, During Summer of 2004*, Qatar Medical Journal, Vol. 14, No. 2, November 2005, <https://www.qscience.com/docserver/fulltext/qmj/2005/2/qmj.2005.2.14.pdf?expires=1618568339&id=id&accname=guest&checksum=3A6287B3965218DC28FBBB6C3C543FB4>; and Cardiology, *Heat Stress Impacts on Cardiac Mortality in Nepali Migrant Workers in Qatar*, (previously cited), p. 46.

⁵⁹ ILO Project Office for the State of Qatar, *Assessment of Occupational Heat Strain and Mitigating Strategies*, 11 October 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_723545.pdf

⁶⁰ Decision of the Minister of Administrative Development, Labour and Social Affairs No. 17 for 2021 specifying measures to protect workers from heat stress, available at https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/legaldocument/wcms_794551.pdf

⁶¹ WBGT is the measure of the combined effect of heat and humidity in shaded area.

⁶² Decision of the Minister of Administrative Development, Labour and Social Affairs (previously cited).

⁶³ Letter from the GCO, 22 August 2022.

⁶⁴ Letter from the GCO, 22 August 2022.

⁶⁵ For more information see, Amnesty International, *In the Prime of their lives* (previously cited), pp. 27 - 28.

⁶⁶ Amnesty International, *In the Prime of their lives* (previously cited), p. 27.

A major weakness of the law is that it places the onus of requesting a break on the workers. There is a significant imbalance of power between migrant workers and employers, and as a result, workers are vulnerable to arbitrary punishments.⁶⁷

Crucially, the government has done little to investigate, certify and remedy migrant workers' deaths, as recently highlighted by the ILO,⁶⁸ and families continue to receive their loved ones in coffins with no real explanation as to how and why their relatives died.

The emotional impact on the victims' families can be devastating and the loss of the family's main breadwinner combined with the lack of financial compensation leaves many in even deeper poverty. By failing to determine the exact cause of death of workers the government precludes a link being made to the deceased's working conditions and prevents families from seeking compensation for their loss.

Speaking to Amnesty International following the unexplained death of her husband in Qatar, Bhumisara from Nepal said:

“Now everything is shattered... Life itself has become like a broken mirror... I have cried many times in emotion. Being alone is very difficult... My husband was set on fire. I feel like I'm burning in oil.”⁶⁹

AGENDA FOR ACTION

QATAR MUST:

- Strengthen the 2021 heat stress legislation to ensure that employers provide outdoor workers with breaks of appropriate duration, in cooled or shaded areas, when there is an occupational risk of heat stress;
- Establish a specialist team of inspectors and medical examiners, with expertise in the investigation and certification of deaths, to ensure that all deaths of nationals and non-nationals in Qatar are investigated and certified in accordance with international best practice;
- Provide reparation, including financial compensation, to the families of any worker who died after being exposed to high temperatures at work, unless an independent cause of death has been identified; and
- Add “diseases caused by exposure to extreme temperature” to Qatar’s list of occupational diseases.

⁶⁷ Amnesty International, *In the Prime of their lives* (previously cited), p. 28.

⁶⁸ ILO, *Overview of Qatar's labour reforms* (previously cited).

⁶⁹ Amnesty International, *In the Prime of their lives* (previously cited), p. 50.

4. STRENGTHEN AND EXPAND THE SCOPE OF THE WORKERS' WELFARE STANDARDS

The Workers' Welfare Standards (the Standards) have improved the living and working conditions of thousands of migrant workers falling under the purview of the Supreme Committee, the Qatari body overseeing delivery of the World Cup stadiums. However, some major outstanding issues remain around the extent of enforcement and the small proportion of workers in Qatar covered by the Standards. In addition to strengthening labour laws and enforcement mechanisms, Qatar should learn from and strengthen the Standards and their enforcement, with a view to expand their coverage to more migrant workers across the country.



Construction workers in the stands of Qatar's new al-Bayt Stadium in the capital Doha, which will host matches of the FIFA World Cup 2022. © GIUSEPPE CACACE/AFP via Getty Images.

In 2014, the Supreme Committee for Delivery and Legacy (the Supreme Committee), the Qatari body in charge of planning and delivering the World Cup stadiums, launched the Workers' Welfare Standards. These aim to better protect the rights of migrant workers engaged on projects under the control of the Supreme Committee associated with hosting the 2022 FIFA World Cup.⁷⁰ The Standards do not apply to other migrant workers.

The Standards were mandatory for all Supreme Committee contractors and subcontractors working in the construction of, or provision of services to, the stadiums and training sites to be used for the World Cup. They contain requirements on employment contracts, payments, as well as working and accommodation conditions. They also include provisions designed to prevent migrant workers being charged recruitment fees; deception about the nature and conditions of work; retention of passports by employers and contract substitution. Mechanisms to monitor and enforce effective compliance were put in place.⁷¹

⁷⁰ All details about the Workers' Welfare Standards can be found on the Supreme Committee's dedicated website: <https://www.workerswelfare.qa/en/our-legacy/our-standards>

⁷¹ These comprise a four-tier auditing system consisting of regular self-audits by contractors, ad hoc Supreme Committee audits, independent third-party audits (as of 2016) and audits by the Ministry of Labour. Non-compliance is punished by a

The Supreme Committee also adopted a formalized grievance redress mechanism that includes Workers' Welfare Officers and Forums as well as a dedicated grievance hotline.

The Standards were updated in 2016 and 2018,⁷² and in 2019 the Supreme Committee enforced a temporary minimum wage for all its workers before the national draft legislation was passed.⁷³ A key initiative introduced in 2018 was the Universal Reimbursement Scheme, which aimed to compensate both Supreme Committee workers and legacy workers⁷⁴ for recruitment fees they may have paid prior to moving to Qatar.⁷⁵

According to the Supreme Committee, the scheme has so far covered over 30,000 Supreme Committee workers and around 18,000 others, although many migrant workers who worked on Supreme Committee projects have not benefited from it. According to the Supreme Committee's self-audit reports, the scheme has reimbursed on average US\$703 per worker,⁷⁶ compared to average recruitment fees paid of US\$1,333.⁷⁷

In the summers of 2019 and 2020, in addition to the Standards, the Supreme Committee also introduced measures to protect its workers from heat stress, including "cooled and shaded rest areas; water stations with cool water and rehydration salts; mandatory water bottles for each worker; medical care plans; annual medical checks; training for workers and medical staff on the effects of heat stress and dehydration"; and cooling suits "designed to reduce thermal skin temperature"⁷⁸ that would provide "substantial safeguards to workers exposed to hot outdoor environments".⁷⁹

While the Workers' Welfare Standards and other initiatives represent progress and can be considered "green patches of decent work",⁸⁰ especially when compared to the national labour protections available to all other workers in Qatar, serious shortcomings remain.

Firstly, the Standards only covered a small sub-set – around 2% – of all migrant workers engaged in construction in Qatar, meaning that the vast majority of workers engaged in construction work in Qatar continued to be insufficiently protected from health and safety risks. Similarly, while they will now apply to workers providing services for official World Cup sites – such as stadiums and official FIFA-accredited hotels – they do not cover the hundreds of thousands of others in the hospitality industry who will cater to the more than 1 million expected visitors during the tournament.

Secondly, the Standards have not been fully enforced or universally respected by all contractors – and particularly subcontractors – allowing in some instances the abuse of migrant workers to continue and failing to provide workers with adequate and timely remedy.⁸¹ For example, in June 2020, Amnesty International

range of measures, including suspension of payments, rectification at the contractor's cost and contract termination. See FIFA, *FIFA World Cup Qatar 2022 First Sustainability Progress Report*, 19 October 2020, p.17, <https://www.fifa.com/tournaments/mens/worldcup/qatar2022/news/fifa-world-cup-2022tm-first-sustainability-progress-report-published>

⁷² Supreme Committee for Delivery and Legacy, *Workers' Welfare Standards Bulletin 1 to Edition 2 Effective February 2018*, <https://www.qatar2022.qa/sites/default/files/docs/Workers-Welfare-Standards-Qatar-2022-v2.pdf>

⁷³ FIFA, *First Sustainability Progress Report* (previously cited), p. 20.

⁷⁴ In reference to workers hired prior to the commencement of Supreme Committee projects.

⁷⁵ Through this scheme, employers are expected to repay recruitment fees to workers who claim that they had to pay them, without the need to provide a receipt, unless the employers can prove that no recruitment fees were paid. See, FIFA, *First Sustainability Progress Report* (previously cited), p. 18; and Supreme Committee, *Sixth Annual Workers' Welfare Progress Report, January - December 2020*, p.27, https://www.workerswelfare.qa/sites/default/files/reports_item/field_document/sixth-annual-workers-welfare-progress-report-december-2020-en.pdf

⁷⁶ Impactt, *Annual External Compliance Report of the Supreme Committee for Delivery & Legacy's Workers' Welfare Standards*, February 2019, p. 7, <https://impacttlimited.com/wp-content/uploads/2019/04/SC-Annual-Report-2019-Issue-2-digital.pdf>

⁷⁷ Impactt, *Annual External Compliance Report of the Supreme Committee for Delivery & Legacy's Workers' Welfare Standards*, April 2021, Figure 7, p.32, https://www.workerswelfare.qa/sites/default/files/reports_item/field_document/IMP11%20-%202021%20Qatar%20Annual%20Report_Issue%2020_0.pdf

⁷⁸ Supreme Committee letter to Amnesty International, 5 April 2021. On file with Amnesty International.

⁷⁹ FIFA, *First Sustainability Progress Report* (previously cited), p. 16.

⁸⁰ Building and Wood Workers' International (BWI), *Dribble or Goal? Tracking the Score for Decent Work Legacy in Qatar – Tracking the Score for Decent Work Legacy in Qatar*, July 2021, p. 10, <https://www.bwint.org/cms/dribble-orgoal-bwi-pushes-for-proposals-to-complete-labour-reforms-in-qatar-2379>

⁸¹ For more examples of the failure of the standards to protect migrant workers from labour abuses and their weak implementation, see Amnesty International, *Predictable and Preventable: Why FIFA and Qatar should remedy past abuses behind the 2022 World Cup* (Index: MDE 22/5586/2022), 19 May 2022, pp. 25-26, <https://www.amnesty.org/en/documents/mde22/5586/2022/en/>; and The Guardian, *Workers at Qatar's World Cup*

found that around 100 employees of Qatar Meta Coats, which was subcontracted to work on Al Bayt Stadium, had not been paid for up to seven months. Although most eventually received their overdue salary, the problems were well-known to the government and the Supreme Committee for nearly a year, but compensation only began after Amnesty International shared the findings of its investigation with FIFA and these bodies.⁸² In another recent example, Amnesty International's research documented how security guards employed by companies contracted on World Cup-related sites, including stadiums, were being subjected to forced labour (see section 1). It found that neither FIFA nor the Supreme Committee had conducted adequate due diligence before contracting the companies and they both failed to identify in a timely manner the full range of abuses experienced by workers in order to effectively address and remedy them.⁸³

Similarly, the experience concerning cooling suits provides a good practical example of the progress made but also highlights how delayed this was. The fact that the StayQool suits only started to be introduced in 2019, means that up until then Supreme Committee workers were wearing clothing that was inadequate to safeguard them against Qatar's dangerously high temperatures.⁸⁴

Despite these failings, the Workers' Welfare Standards represent an unprecedented and significant improvement in the living and working conditions for some workers in Qatar. They should not become obsolete after the World Cup but be strengthened and built upon to expand the coverage of these protections.

AGENDA FOR ACTION

QATAR MUST:

- Build on the Supreme Committee's initiatives to enact and enforce comprehensive employment legislation to protect workers' rights in line with international laws and standards; and
- In the interim, review and strengthen the Workers' Welfare Standards and their enforcement and compliance mechanisms, with a view to expand their scope so that more migrant workers benefit from them.

stadiums toil in debt and squalor, 20 September 2022, <https://www.theguardian.com/global-development/2022/sep/20/workers-qatar-world-cup-football-stadiums-toil-in-debt-and-squalor>

⁸² Amnesty International, *"I have worked hard – I deserve to be paid": Exploitation on Qatar World Cup stadium*, 10 June 2020, <https://www.amnesty.org/en/latest/research/2020/06/exploitation-on-qatar-world-cup-stadium/>

⁸³ Amnesty International, *"They think that we're machines"* (previously cited), pp. 58-65.

⁸⁴ In a Workers' Welfare Newsletter delivered by email to Amnesty International on 18 January 2022, the Supreme Committee said that over 15,900 StayQool suits had been distributed in 2020 and 45,694 had been deployed across five sites.

EMPOWER WORKERS

5. FULLY END THE KAFALA SYSTEM

Crucial changes to the inherently abusive *kafala* sponsorship system mean the vast majority of migrant workers are now legally able to leave the country and change jobs without their employer's permission. While many workers appear to have been able to benefit from these changes in practice, key elements of the system remain in place and continue to trap many migrant workers in exploitative situations, at the mercy of abusive employers. Qatar must remove all these remaining legal and practical barriers, such as the charge of 'absconding', and penalize employers who use such practices as tools of control.



A food delivery worker leaves the Marina Food Area in Lusail City in Doha Qatar, 15 June 2022. © Matthew Ashton - AMA/Getty Images.

When FIFA awarded Qatar the rights to host the World Cup in 2010, all migrant workers in Qatar were governed by the *kafala* sponsorship system that tied migrant workers to their “sponsor” (usually their employer) rendering them fully dependent on their employers for the duration of their stay in Qatar. Migrant workers were prevented from leaving the country or moving jobs without their sponsor's permission.

After years of empty promises, the government of Qatar finally started to take steps to dismantle key aspects of the *kafala* system by removing in 2018 the requirement for most workers to obtain an exit permit to leave Qatar⁸⁵ and, in 2020, a No-Objection Certificate to change employer.⁸⁶ Most migrant workers can now leave

⁸⁵ Amnesty International, *Qatar: Partial abolition of 'exit permit' lifts travel restrictions for most migrant workers*, 5 September 2018, <https://www.amnesty.org/en/latest/news/2018/09/qatar-exit-system-reform-first-step/>

⁸⁶ Law No. 18 of 2020 amended articles 39, 43, 49, 115/bis, 144, 145, 145/bis of the Labour Law; and Law No. 19 of 2020 (removal of No-Objection Certificate requirement), https://www.ilo.org/beirut/projects/qatar-office/WCMS_754882/lang-en/index.htm

the country without any requirements and legally change their employment after submitting an application to the Ministry of Labour and fulfilling certain conditions.

Nonetheless, problematic elements of the kafala system remain today, such as migrant workers' dependency on their employer to regulate their entry to and presence in the country, and the risk of arrest or deportation they face if their employers cancel their visas or fail to renew their residence permit (Qatar ID), or report them as having 'absconded' from their job.

ABILITY TO CHANGE JOBS

Following the removal of the No-Objection Certificate requirement in October 2020, the Ministry of Labour said it has "approved" 374,378 job transfer applications between then and August 2022, suggesting significant progress for many workers.⁸⁷

Nonetheless, the government failed to respond to repeated requests from Amnesty International seeking clarification of these numbers and additional disaggregated data. Without such data or clarification, it is neither possible to give an accurate assessment of the extent of that progress, nor to know how many workers are still prevented from changing jobs. In particular, this data fails to show three key factors:

1. How many workers actually managed to change jobs in practice during this period, including completing their notice period, transferring their Qatar ID to a new employer, and effectively starting their new job.
2. How many job transfer applications were submitted to the Ministry of Labour in total since October 2020, and how many of these were 'rejected' by the Ministry; and
3. How many of the successful applicants already had some form of approval from their employer allowing them to transfer job, which is no longer required by law.

Further, migrant workers, as well as organizations supporting them and representatives of workers' origin country embassies, reported to Amnesty International that moving to a new employer remains an uncertain process, with serious hurdles faced by many of those who try to do so. This assessment is echoed by the ILO, which states that "[M]any workers still face challenges in changing jobs".⁸⁸ Barriers that remain for workers include:

- companies still requiring prospective employees to have an NOC or equivalent form of approval from their current employer in order to apply for a job;
- employers filing false 'absconding' charges against workers, or arbitrarily cancelling their Qatar IDs, thereby rendering them at risk of arrest and deportation.⁸⁹ This is occurring particularly during the one- or two-month notice period that workers have to complete between government 'approval' of a job change request and them officially transferring their ID to the new employer and starting their new role;
- employers intervening in the Ministry of Labour process to block a worker's transfer; and
- workers not being routinely told why their application was rejected, thereby precluding their ability to resolve blockages and successfully re-apply.⁹⁰

Such challenges undermine labour mobility and imperil workers' chances of escaping poor working conditions.

⁸⁷ Letter from the Qatar government, 11 September 2022. On file with Amnesty International.

⁸⁸ ILO, *Overview of Qatar's reforms* (previously cited). See also: ILO, *Progress report, 2021* (previously cited), pp. 4-5.

⁸⁹ Interviews with representatives of organizations supporting migrant workers, and foreign embassies in Doha, conducted remotely and in person between June and October 2022. ILO, *Progress report, 2021* (previously cited), p. 4. For more detail about these practices, see Amnesty International, *Reality Check 2021* (previously cited), pp. 9-23.

⁹⁰ Interviews with representatives of organizations supporting migrant workers, and foreign embassies in Doha, conducted remotely and in person between June and October 2022.

REMAINING TOOLS OF CONTROL

The practice of employers filing punitive ‘absconding’ charges or arbitrarily cancelling workers’ residence permits remains a particular concern, despite the government saying it has introduced measures to curb these abuses. One such measure is that the government no longer informs employers when a worker first submits an application,⁹¹ and the government states that employers are not “entitled” to “accuse the worker of being absent from work” if the worker has already submitted to a complaint against the company in question.⁹² Further, according to the ILO, the Ministry of Labour and Ministry of Interior (responsible for handling ‘absconding’ charges) have linked their electronic systems in an effort to “prevent employers from taking such action after a worker submits their application”, and it is now simpler for workers to reactivate their Qatar ID if an employer wrongly cancels it.⁹³

However, with the government of Qatar failing to publish any data or respond to Amnesty International’s repeated requests on the number of workers facing false absconding charges, the effectiveness of these measures remains in doubt.⁹⁴ Representatives of origin country embassies, organizations working on the ground in Qatar, and workers themselves said that absconding charges and ID cancellation continue to be some of the most serious barriers to workers being able to effectively move jobs.⁹⁵ Ultimately, the measures introduced to date fail to properly protect workers.

A representative of Migrant-Rights.org told Amnesty International in 2021:

“The ‘absconding’ laws must go immediately. It is a powerful and exploitative tool in the hands of employers. There are provisions within the labour law that allow for termination when a worker goes AWOL. The absconding law makes no sense. Particularly for domestic workers, if they are criminalized for just leaving the household, how are they going to access the government services to file a complaint?”⁹⁶

In the past few months, Amnesty International documented several cases that illustrate the struggle migrant workers continue to go through when they complain about their working conditions or want to change jobs.

For example, in mid-2022, Sophia was working for a cleaning company that she said repeatedly deducted large amounts from her wages and housed her in a filthy room shared by 12 women, so she was relieved when her job transfer application was approved by the Ministry of Labour.⁹⁷ But, she told Amnesty International, just as she finished her notice period, she received a message from the Ministry informing her that the application had been cancelled, without further explanation. Less than a week later she was arrested at the company accommodation for ‘absconding’.⁹⁸ Sophia was held in the deportation centre for three days, and while she was eventually released and is hoping to start a new job soon, she told Amnesty the impact the experience had on her:

“I felt like the world was coming to an end. I couldn’t imagine that I was going back home, because I had saved nothing. I was the one who was supporting my sick dad and my small sister who is in high school. And I never wanted to go home because the situation was terrible. I lost weight, I was depressed. But I still kept on hoping things would work out for my good.”⁹⁹

⁹¹ Ministry of Labour, *What is the procedure to change jobs in Qatar?*, available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_754403.pdf

⁹² Letter from the GCO, 22 August 2022.

⁹³ Letter from the GCO, 22 August 2022.

⁹⁴ According to the ILO, “Many workers still face challenges in changing jobs. This is partly due to misinformation on the procedures and regulations around labour mobility. There are also many cases of employers retaliating against workers wishing to change jobs.” See ILO, *Overview of Qatar’s reforms* (previously cited).

⁹⁵ Interviews conducted remotely and in person between June and October 2022.

⁹⁶ Email exchange, 31 October 2021. On file with Amnesty International.

⁹⁷ SMS notification. On file with Amnesty International.

⁹⁸ Documents on file with Amnesty International.

⁹⁹ Interview conducted remotely, October 2022.

And her experience was not isolated, she said:

“There are so many people who are having same issue as me.... many are having fake runaway cases against them”.¹⁰⁰

Four Ugandans who were employed by another company as delivery drivers faced a similar experience in early 2022.¹⁰¹ Following months of their company repeatedly failing to pay their monthly wages or provide them food, and making them sleep in unsanitary accommodation, Geoffrey told Amnesty International that after he complained to the Ministry of Labour in March, his boss pledged to pay the more than US\$2,000 owed and to buy him a flight home. He felt compelled to accept this offer, given that he had no money and was already in debt. The day before he expected to fly home, Geoffrey’s employer promised to take him and two colleagues for a pre-travel Covid-19 test, but instead took them to the police station where they were detained on “runaway” charges and held for three weeks. In this time, Geoffrey was taken before a court, where he was able to show documentation of his complaints to the Ministry of Labour, before eventually being found “innocent” and released. However, his colleagues who had not previously submitted complaints were deported in mid-2022. In June, feeling unable to afford to wait any longer for his money, Geoffrey eventually decided to return home without his hard-earned wages, feeling “depressed and demoralized”.

“[The] Kafala system is still there”, he told Amnesty, “our experience is clear evidence that it still exists. As soon as there was a misunderstanding with our boss they just [tried to deport] us, they still own us.”¹⁰²

AGENDA FOR ACTION

QATAR MUST:

- Decriminalize the charge of ‘absconding’ and in the meantime penalize employers who file such cases as a retaliatory measure, for example when they are informed about workers’ intention to change jobs;
- Ensure that the Ministry of Labour and Ministry of Interior work closely to ensure that all absconding charges filed in response to workers’ requests to change jobs or after a labour complaint has been made are immediately dropped, without requiring workers to challenge the charges themselves;
- Ban employers’ ability to arbitrarily cancel migrant workers’ resident permits; ensure proper vetting of all such requests from employers; and
- Allow migrant workers to renew their own residence permits to further reduce workers’ dependency on their employers.

¹⁰⁰ Interviews conducted remotely, August – September 2022.

¹⁰¹ Interviews conducted remotely, August 2022.

¹⁰² Interview conducted remotely, 10 August 2022.

6. ALLOW TRADE UNIONS

Migrant workers are still unable to form and join trade unions in Qatar, and Joint Committees formed and led by employers, cover only 2% of the workforce. While providing workers with some representation, these remain beset with serious flaws, lacking mechanisms for collective bargaining and failing to provide workers with crucial legal protections. The government must respect its international obligations and allow migrant workers to form and join independent trade unions.



Construction workers in Doha, Qatar, 30 December 2015. (Photo by Warren Little/Getty Images). © 2016 Getty Images.

The right to form and join trade unions in Qatar remains reserved for the country's nationals,¹⁰³ but in 2019, the Ministry of Labour, with the support of the ILO, launched an initiative to create joint migrant worker-management committees.¹⁰⁴ Since then, according to the ILO, 228 workers have been elected directly to represent nearly 40,000 workers in 37 companies in the transportation, construction, private security and hospitality sectors.¹⁰⁵

This initiative is a baby step forward but falls far short of the fundamental right of all workers to form and join trade unions as guaranteed by international treaties ratified, albeit with reservations, by Qatar.¹⁰⁶ Workers cannot set up the worker-management committees without the prior approval of employers. As a result, this initiative is extremely limited in scope, covering less than 2% of Qatar's workforce and excluding domestic workers.

¹⁰³ According to Article 116 of the Labour Law No. 14 of 2014, <https://almeezan.qa/LawView.aspx?opt&LawID=3961&language=ar> Workers' Committees can be formed in business establishments that employ at least 100 Qatari nationals. Workers' Committees from the same industry may form General Committees, which in turn can become the General Union.

¹⁰⁴ ILO, *Annual progress report*, 2019 (previously cited), p. 7.

¹⁰⁵ ILO, *Overview of Qatar's Labour Reforms* (previously cited).

¹⁰⁶ Amnesty International, *Qatar finally joins two key human rights treaties – but what does it really mean for migrant workers?*, 13 June 2018, <https://www.amnesty.org/en/latest/news/2018/06/qatar-finally-joins-two-key-human-rights-treaties-but-what-does-it-really-meanformigrant-workers/>

Moreover, the Joint Committees do not function like labour unions and workers are denied collective bargaining and the crucial protections offered by independent trade unions. One representative of a workers' rights organization told Amnesty International,

“Qatar’s Joint Committees act more like mechanisms to gather and deliver workers’ complaints to employers. Workers’ representatives... do not have the right to negotiate on issues such as employment contracts and wages. Crucially, without legal protection for worker representatives, they could be at risk of retaliation for advocating for workers’ rights.”¹⁰⁷

AGENDA FOR ACTION

QATAR MUST:

- Withdraw its reservations to international treaties regarding the formation of labour unions;
- Respect the right of migrant workers to form and join trade unions that can collectively bargain on behalf of their members; and
- In the interim, make Joint Committees mandatory for all companies and ensure no employer can oppose their establishment.

¹⁰⁷ Interview conducted remotely, 3 November 2021.



MAKE WORK PAY



7. INCREASE THE MINIMUM WAGE AND STRENGTHEN WAGE PROTECTIONS

A new minimum wage came into force in 2020. Nonetheless, wages in Qatar not only remain low for many migrant workers but are sometimes delayed or not paid at all. This has severe consequences for workers and their families, preventing them from escaping debts incurred from paying recruitment fees, and often trapping them in cycles of abuse and exploitation. A number of initiatives since 2015 have attempted to identify and prevent wage theft, but the issue continues on a significant scale. The authorities should increase and review the minimum wage, strengthen wage protection, and outlaw discriminatory practices of paying different salaries to different nationalities.



Migrant workers pause to eat at the Sports City area of Doha, Qatar. © Sam Tarling.

MINIMUM WAGE

On 20 March 2021, Qatar introduced a new, mandatory, non-discriminatory, monthly minimum wage of QAR 1,000 (US\$275) basic salary plus no less than QAR 300 (US\$82) food allowance and QAR 500 (US\$137) accommodation allowance if these are not otherwise provided by the employer.¹⁰⁸ This replaced the November 2017 minimum wage of QAR 750 (US\$184).

The introduction of an increased minimum wage was essential given how low wages are in Qatar for migrant workers, and the inability of workers to collectively bargain for better pay. It boosted the income

¹⁰⁸ ILO, *Qatar's new minimum wage enters into force*, 19 March 2021, https://www.ilo.org/beirut/countries/qatar/WCMS_775981/lang-en/index.htm

of some of the lowest paid workers and, according to the government, benefited just under 300,000 people.¹⁰⁹

However, the current rate remains too low, and migrant workers and organizations supporting them on the ground consider that it is not enough to cover living costs, repay recruitment fees and support families.¹¹⁰ For example, a Filipino national working as a cleaner in a hospital told Amnesty International:

“Before our salary was QAR 915, and now it is QAR 1,000 basic salary and QAR 300 for food allowance. It is not enough, but what can I do? I need to control the money to send home, even if I want to buy something I can't. It's very difficult, sometimes I am like a beggar, like a garbage collector [rifling for food] - sometimes if patients at the hospital don't eat their food, we can eat it.”¹¹¹

Under the ICESCR, everyone has the right to fair wages and an adequate standard of living,¹¹² which includes adequate food, and “the continuous improvement of living conditions”.¹¹³ Further, the Committee on Economic, Social and Cultural Rights stated that “for the clear majority of workers, fair wages are above the minimum wage”.¹¹⁴

In 2019, the ILO conducted a study to advise on setting a revised minimum wage level in Qatar to fairly reflect living costs. The study has not been made public, but media reports the same year suggest it recommended a minimum wage of at least QAR 1,250 (US\$344).¹¹⁵ Further, according to Qatari law a Minimum Wage Commission is supposed to review the rate at least annually.¹¹⁶ However, in the 18 months following its introduction, the Commission has yet to announce whether the rate will be revised or not.¹¹⁷

PAY DISCRIMINATION

Finally, the minimum wage is ‘non-discriminatory’, in that it applies to all workers of all nationalities and in all sectors. However, research by Amnesty International and other organizations has found that migrant workers in Qatar face discrimination on the basis of their national origin and race in a number of areas, including salaries.¹¹⁸ Without a prohibition on pay rates being determined by nationality or race, and without effective monitoring and enforcement of overtime pay (described further below), the new minimum wage will therefore continue to be insufficient to combat pay discrimination. As such, there remains a significant risk that certain nationalities will see their salaries increase further while others – such as sub-Saharan Africans and South Asians – maybe be left behind on minimum wage.

¹⁰⁹ Ministry of Labour, *Report on the Ministry's efforts in the Labour sector 2022*, shared with Amnesty International in April 2022, p. 4. On file with Amnesty International.

¹¹⁰ See for example: Migrant-Rights.org, *Qatar kafala reforms come into force*, 9 September 2020, <https://www.migrant-rights.org/2020/09/qatar-kafalareforms-come-into-force/>; and Migrant-Rights.org, *Minimum wage, maximum adjustment*, 25 October 2020, <https://www.migrant-rights.org/2020/10/minimum-wage-maximum-adjustment/>

¹¹¹ Interview conducted remotely, 2 September 2022.

¹¹² Article 7(i) and Article 11 of ICESCR, 16 December 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

¹¹³ ICESCR, Article 11(i).

¹¹⁴ Committee on Economic, Social and Cultural Rights (CESCR), General Comment 23, para. 10

¹¹⁵ See, Qatar 2022 And All That, *World Cup host Qatar urged to give minimum wage workers substantial pay rise*, 12 June 2019, <https://web.archive.org/web/20220309231614/https://qatar2022andallthat.com/2019/06/12/super-rich-qatar-urged-to-give-minimum-wage-workers-a-pay-rise/> (Archived)

¹¹⁶ Law No. 17 of 2020 on national minimum wage, 8 September 2020, https://www.ilo.org/beirut/projects/qatar-office/WCMS_754880/lang-en/index.htm

¹¹⁷ In a letter shared with Amnesty International on 22 August 2022, the government wrote that: “Since its establishment until the date of this report, the committee has had eight meetings and kicked off cooperation with research centres and institutions to conduct studies on the realities of the Qatari labour market. It is expected that the results of the analytical studies carried out by the Research Centre of Qatar University in cooperation with the Qatar Statistics Authority will be released soon. The result of the studies will then inform any change to the current minimum wage.”

¹¹⁸ See Amnesty International, “They think that we're machines” (previously cited), pp. 51-53. See also, Business & Human Rights Resource Centre, *Checked Out: Migrant labour abuse in Qatar's World Cup luxury hotels*, July 2021, p.19, https://media.business-humanrights.org/media/documents/2021_Qatar_Hotels_v547.pdf; and Equidem, *The cost of contagion*, 2021, <https://www.equidem.org/reports/the-cost-of-contagion>; and Human Rights Watch, *Domestic Workers' Rights in Qatar: Human Rights Watch Commentary on Qatar's Laws and Regulations on Domestic Workers*, 26 June 2018, <https://www.hrw.org/news/2018/06/26/domestic-workers-rights-qatar>

THE WAGE PROTECTION SYSTEM

The Wage Protection System (WPS), introduced by the government in 2015, mandated companies to pay their employees by electronic transfer, thereby aiming to improve the government's ability to monitor companies' payment of wages. This was linked to a system of "blacklisting" or "banning" companies who fail to pay workers, barring them from recruiting new employees or accessing other governmental services.¹¹⁹ According to the Ministry of Labour, the WPS now covers more than 1.66 million workers amounting to 96% of eligible workers, though domestic workers remain excluded from this scheme.¹²⁰

In 2020, the government introduced legislation imposing stricter fines on employers who withhold wages.¹²¹ More recently, the government said that it upgraded the system to detect payments below the minimum wage, noting that "food and housing allowances and overtime pay were integrated into the system configuration".¹²²

The WPS is important both because it prompts some companies to pay wages to avoid being blacklisted by the government, and because it could provide evidence of non-payment that can be used in tribunal claims. However, the system still lacks an effective remedial mechanism to prevent wage theft or trigger meaningful action to stop it when cases are detected. This means that many workers still suffer months of unpaid wages and are then faced with the difficult choice of whether to initiate a long legal process with no guarantee of success.¹²³

When companies persistently fail to pay their workers, adequate and timely remedial action by the authorities has been far from assured even when such lack of payment should have been flagged on the WPS. In some cases, despite the ban on migrant workers joining trade unions, some have organized and taken part in labour strikes, usually as a last resort and in desperation after being subjected to wage-related abuses.¹²⁴

For example, in a recent case in August 2022, hundreds of workers owed up to six months of wages felt they had no option but to take to the streets of Doha to protest when their company failed yet again to pay them, despite repeated promises. They were arrested en masse by state authorities and hundreds were finally paid their arrears and deported.¹²⁵

Inadequate pay is further compounded by the fact that the system fails to detect underpayments of overtime pay. Moreover, the ILO found that the WPS only flags for investigation salary deductions that amount to more than half of a workers' basic monthly wage.¹²⁶ This was confirmed by Amnesty International research in 2022, which highlighted the failure of the WPS to detect arbitrary or disproportionate salary penalties or the lack of overtime pay for security guards.¹²⁷ This loophole gave security companies the freedom to financially penalize and underpay their employees with very limited scrutiny. Security guards from five companies said that when they worked overtime their companies failed to compensate them in line with the laws and regulations in place. Jackson, from Kenya, told Amnesty International:

¹¹⁹ According to Article 4 of Ministerial Decision No. (4) of 2015 Regulating the Wage Protection System for Workers covered by the Labour Law, any company found to be in breach of the WPS may be banned from accessing the Ministry's services until evidence is provided that workers have been fully remunerated.

¹²⁰ Ministry of Labour, *Report on the Ministry's efforts in the Labour sector 2022* (previously cited), p. 5.

¹²¹ Article 145/bis of Law No 18 of 2020 increased the penalties for breaching Article 66 of the Labour Law related to the monthly payment of wages from one month in prison and/or a fine of between QAR 2,000 (around US\$550) and QAR 6,000 (around US\$1,650) to one year in prison and/or a fine of between QAR 2,000 and QAR 100,000 (US\$27,565).

¹²² Ministry of Labour, *Report on the Ministry's efforts in the Labour sector 2022* (previously cited), p. 5. In its 2020 progress report, the ILO reported at least 58 companies "deemed at high-risk" were blocked from accessing government services and this number considerably increased during the Covid-19 pandemic. ILO, *Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO*, 9 October 2020, p. 8, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_757599.pdf

¹²³ Human Rights Watch, "How Can We Work Without Wages?" *Salary Abuses Facing Migrant Workers Ahead of Qatar's FIFA World Cup 2022*, 24 August 2020, <https://www.hrw.org/report/2020/08/24/how-can-we-work-without-wages/salary-abuses-facing-migrantworkers-aheadqatar>; Human Rights Watch, *Qatar: Wage Abuse Action Short Changes Workers*, 22 December 2020, <https://www.hrw.org/news/2020/12/22/qatarwage-abuse-action-shortchanges-workers>; and Migrant-Rights.org, *18 months of non-payment, Qatari company leaves workers in the lurch*, 14 October 2020, <https://www.migrantrights.org/2020/10/18-months-of-non-payment-qatari-company-leaves-workers-in-the-lurch/>; and Business & Human Rights Resource Centre, *Checked Out* (previously cited).

¹²⁴ See for example, Human Rights Watch, *Qatar/FIFA: Address Demands of Migrant Worker Strikes*, 12 October 2022, <https://www.hrw.org/news/2022/10/12/qatar/fifa-address-demands-migrant-worker-strikes>

¹²⁵ Migrant-Rights.org, 18 August 2022, <https://twitter.com/MigrantRights/status/1560162117185052673?s=20&t=t7eE5d8F-oUUuNUJICBTug>

¹²⁶ See ILO Project Office for the State of Qatar, *Assessment Report, Assessing the Wage Protection System in Qatar*, June 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_726174.pdf

¹²⁷ Amnesty International, "They think that we're machines" (previously cited), pp. 45-46.

"They promised I would work for eight hours, but I was working 12 hours there and you don't even get overtime pay. When I got my first salary, I was shocked because it was less than my contract said."¹²⁸

AGENDA FOR ACTION

QATAR MUST:

- Raise and periodically review the minimum wage to ensure it guarantees a decent standard of living, including by taking into account inflation rates and cost of living;
- Strengthen and implement effectively the Wage Protection System and extend it to include domestic workers; and
- Enact legislation explicitly prohibiting racial discrimination including with regard to pay and working conditions, and strengthen the capacity of labour inspectors to identify and address discrimination based on race and national-origin.

¹²⁸ Interview conducted remotely, October 2021.

8. TACKLE RECRUITMENT ABUSE

The payment by prospective migrant workers of recruitment fees to secure jobs in Qatar remains rampant, despite Qatar's commitment to tackle the problem. Paying between US\$1,000 and US\$3,000 in recruitment fees, many workers need months or even years to repay this debt, trapping them in cycles of exploitation and making it difficult for them to challenge or escape abusive employers. Qatar Visa Centres have streamlined the recruitment process in some countries but are not set up to effectively tackle the payment of illegal recruitment fees. The government must work with origin countries to combat such practice and reimburse migrant workers who paid for their jobs in Qatar.



Nepali men wait outside the Foreign Employment Office at Tribhuvan International Airport, in the capital of Nepal, Kathmandu. Many will be prospective migrant workers, bound for the Gulf. © Rajneesh Bhandari/Amnesty International.

Lacking direct access to foreign employers and job opportunities, aspiring migrant workers largely from South Asia and East Africa rely on private recruitment agents and agencies to provide them with key information about legitimate foreign job openings. Exploiting the desperation of jobseekers and fuelled by corruption and poor government oversight over labour intermediaries and recruitment chains, recruiters find themselves able to ask for high and illegal recruitment fees and send abroad only those who can pay. Most migrant workers have to borrow money from family or take out loans to pay the exorbitant fees, with many incurring high-interest rates that exacerbate their already precarious financial situations. Recruitment agents and agencies also use deception to lure workers to jobs in Qatar by promising higher salaries or better working conditions than is the reality.¹²⁹

The charging of recruitment fees breaches both international labour standards¹³⁰ and Qatar's Labour Law.¹³¹ However, with some exceptions such as for various high paid jobs, and some discrepancies between

¹²⁹ For an in-depth look at the recruitment process, see Amnesty International, *Nepal: Turning people into profits* (previously cited).

¹³⁰ ILO General Principles and Operational Guidelines for Fair Recruitment; ILO's Definition of Recruitment Fees and Related Costs, which is to be read in conjunction with the ILO General Principles, defines "recruitment fees" and "related costs" as "any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection."

¹³¹ Article 33 prohibits those recruiting employees from abroad from receiving "from the worker any sums representing recruitment fees or expenses or any other costs".

nationalities,¹³² most low-paid workers have to pay these fees to come to Qatar.¹³³ For instance, according to the Supreme Committee's most recent self-audit, 80% of construction workers in Qatar considered to be in "low-skilled" jobs paid recruitment fees to agencies in their home countries over the last four years, with an average of US\$1,333 paid per person.¹³⁴

Given their low wages (see section 7) it can take workers months or even years to repay this debt after they arrive in Qatar,¹³⁵ making it difficult for them to challenge their poor conditions.

Sujan, a construction worker who was forced to return home six months into his two-year contract told Amnesty International the impact that paying recruitment fees had on him:

"I paid 155,000 Nepali rupees (US\$1,175) to the manpower agent to go to Qatar... I borrowed loans from three different individuals... with an interest rate of 36%. The moneylender has been asking for the money, but I don't have to give him back. I worked for about six months in Qatar. I couldn't clear all the loans. I regret going there. I spent money and time for nothing. I wouldn't have been in debt if I didn't go there."¹³⁶

Since 2019, the Ministry of Labour has rolled out initiatives aimed at preventing payment of recruitment fees, fostering ethical recruitment through licensed agencies and combating contract deception.¹³⁷ It told Amnesty International it has monitored and regularly inspected Qatari based recruitment agencies, penalizing those who breach the law and withdrawing licences.¹³⁸

To improve recruitment procedures, the Ministry of Labour in coordination with the Ministry of Interior established Qatar Visa Centres in countries of origin to "ensure quick and transparent processing of applications... while ensuring that workers are not charged any recruitment fees".¹³⁹ To this end, Qatar Visa Centres were established in Sri Lanka, Nepal, Bangladesh, Pakistan, India and the Philippines, and "have reduced contract deception and substitution", according to the ILO.¹⁴⁰

However, while the Qatar Visa Centres appear to have played a role in ensuring contract authenticity, research by Amnesty International in early 2020 found that the Centre in Nepal for instance was ill-equipped to have a significant impact in reducing abusive recruitment practices. In fact, the charging of excess fees continued unabated and unchecked despite prospective migrant workers going through the Centre. Some of the problems resulted from shortcomings of the Qatar Visa Centre itself, including a lack of information and support provided to workers during the process and failure to question applicants about whether they had paid any fees to recruitment agents to migrate. Other concerns appeared to be rooted in Nepal's continuing failure to effectively police and monitor the recruitment sector, and Qatar's failure to tackle abusive recruitment practices by employers.¹⁴¹

¹³² See for instance Supreme Committee's recruitment fees and related costs reported by nationality, Impactt, *Annual External Compliance Report*, April 2021 (previously cited), figure 8, p. 33.

¹³³ A 2021 study by UNIGlobal Union found that 39 out of 40 guards interviewed had paid recruitment fees, with the average payment being US\$1,525. See, UNIGlobal Union, *Diligence is Due: The exploitation of migrant workers through G4S Qatar's unfair recruitment practices*, December 2021, p. 6, https://media.business-humanrights.org/media/documents/Diligence_is_Due_-_Final_Report_December_2021_mDSkIVk.pdf. Human Rights Watch also found that 72 out of 93 migrant workers interviewed for a 2020 report had paid recruitment fees to secure their job in Qatar, see Human Rights Watch, *"How Can We Work Without Wages?"* (previously cited).

¹³⁴ Impactt, *Annual External Compliance Report*, April 2021, (previously cited) figure 7, p. 32

¹³⁵ According to Law No. 17 of 2020, the monthly basic rate is QAR 1,000 (around US\$275) plus allowances of QAR 300 (around US\$83) for food and QAR 500 (around US\$138) for accommodation if these are not provided by the employer.

¹³⁶ Interview conducted in person in Nepal, 26 August 2022.

¹³⁷ ILO, *Annual progress report*, 2019 (previously cited), p. 7.

¹³⁸ Letter from the Qatar government to Amnesty International, 8 February 2022. On file with Amnesty International.

¹³⁹ Letter from the Qatar government to Amnesty International, 8 February 2022. On file with Amnesty International.

¹⁴⁰ ILO, *Overview of Qatar's Labour Reforms*, (previously cited).

¹⁴¹ Amnesty International conducted field research in Nepal in August 2019 and January 2020, speaking to 59 prospective migrant workers who were being recruited to Qatar for employment about their experience at the Qatar Visa Centre and the recruitment process more broadly. The organization also met officials of the Centre in Kathmandu and were given a tour and conducted interviews with several key labour migration stakeholders and officials in Nepal. Amnesty International shared its findings and recommendations in a memorandum sent to the Ministry of Labour on 11 January 2022. The government responded to the memorandum on 8 February 2022.

AGENDA FOR ACTION

QATAR MUST:

- Enforce Article 33 of the Labour Law prohibiting the charging of recruitment fees to migrant workers;
- Hold to account any employer or recruitment agency that engages in or benefits from such practices and require them, at the very least, to ensure that any worker who has paid recruitment fees for their job is reimbursed; and
- Work with countries of origin to strengthen the Qatar Visa Centres so they can play an active role in reducing the payment of illegal recruitment fees in home countries.

GUARANTEE ACCESS TO JUSTICE

9. STRENGTHEN REMEDY MECHANISMS

Migrant workers continue to face major challenges to receive justice and remedy for a range of abuses despite new mechanisms introduced. New Labour Committees increased the number of workers successfully resolving complaints of wage theft but remain beset with shortcomings and delays. A compensation fund has also started to pay out significant amounts to workers offering them much needed relief but is not accessible to all and the amounts paid out have been capped. Qatar must increase the number of judges, accept collective, historic and remote claims and ensure the fund reimburses workers their full dues. It should also ensure migrant workers can access remedy for non-wage related abuses.



A Family member arrives at Tribhuvan International Airport to take a relative's deceased body for the final ritual in Kathmandu, Nepal on Friday, June 19, 2020. © Narayan Maharjan/NurPhoto via Getty Images.

LABOUR COMMITTEES

The Committees for the Settlement of Labour Disputes (Committees), established in March 2018, were intended to ensure speedy access to justice for victims of wage abuses. The judge-led “fast track” mechanism aimed to settle labour disputes within three weeks of a worker filing a complaint. A fund was also set up to pay workers directly if companies fail to reimburse workers who win their case, money that would

then be recouped from the companies (see below).¹⁴² Importantly, domestic workers were also allowed to bring complaints before the Committees, giving them access to justice for key labour rights violations for the first time in Qatar. However, while the Committees have to some extent improved workers' access to justice and helped thousands of workers receive money they are due, they have failed to deliver fully on their promises to expedite access to justice and provide timely remedy.

Demonstrating the scale of wage theft in Qatar, the number of wage-related complaints remains consistently high, with over 22,000 submitted to the Ministry of Labour every year.¹⁴³ Amnesty International has documented cases where wage theft has occurred but workers have not submitted formal complaints, suggesting the true number of people facing unpaid wages may be higher.¹⁴⁴ Indeed, the ILO's recent overview of Qatar's labour reforms stated that "many companies had not paid their workers for months".¹⁴⁵

Organizations supporting migrant workers, country of origin embassies, and community leaders in Qatar told Amnesty International that the Committees are still slow to review cases and workers can wait for several months for their first hearing to be scheduled, let alone for the final judgement to be issued.¹⁴⁶ Low paid workers are often highly indebted and rely on the prompt payment of their salaries to repay loans and fees they accumulated during their recruitment process. When employers fail to pay salaries for months, the financial burden on workers can be so serious that they find themselves unable to wait any longer for their legal proceedings to start. With a positive outcome far from guaranteed, many will end up giving up hope and returning home without the money that they are owed.¹⁴⁷ These findings were echoed by the ILO, which urged the government to "reduce the time from when a worker lodges a complaint until they receive their due wages and benefits."¹⁴⁸

The Ministry of Labour's own figures expose the reasons behind the delays. For instance, between April and August 2022 the three Committees received on average 1,189 cases per month, but issued only 320 final judgments each month, equivalent to 18% of all cases referred to them.¹⁴⁹

Unfortunately, the backlog created by Covid-19 closures have further exacerbated delays in the system, and at the time of writing, promises made in 2018 to increase the number of committees are yet to materialize.¹⁵⁰

In addition to the slowness of the process, other issues continue to plague the Committees, such as workers' inability to submit cases after more than one year¹⁵¹ or to do so remotely, once they have returned to their home countries.¹⁵² Further, the Committees have so far largely considered only claims of unpaid wages, end-of-service benefits and annual leave compensation, and it is unclear whether the small minority of "other" cases heard include broader labour abuses such as payment of recruitment fees or work-related deaths and injuries, for example.¹⁵³

¹⁴² Amnesty International, *Qatar: New fund could bring hope to exploited migrant workers*, 31 October 2018, <https://www.amnesty.org/en/latest/news/2018/10/qatar-new-fund-could-bring-hope-to-exploited-migrant-workers/>

¹⁴³ For instance, according to the ILO 2020 Progress report, between October 2020 and October 2021, the Ministry of Labour received over 24,650 complaints. According to monthly data published by the Ministry of Labour, over 22,800 complaints were submitted between November 2021 and July 2022, though April 2022 data has not been published.

¹⁴⁴ For example, between 2016 and 2022 the Business & Human Rights Resource Centre recorded 211 cases of abuse impacting more than 24,400 workers, most of which are related to non-payment of wages. Business & Human Rights Resource Centre, *What did it take to build the Qatar World Cup stadiums?* 30 March 2022, <https://www.business-humanrights.org/en/from-us/media-centre/media-advisory-what-did-it-take-to-build-theqatar-world-cup-stadiums/>

¹⁴⁵ ILO, *Overview of Qatar's labour reforms* (previously cited).

¹⁴⁶ Interviews conducted in person and remotely between June and October 2022.

¹⁴⁷ See for examples cases documented by Amnesty International, *All Work, No Pay: The Struggle of Qatar's Migrant Workers for Justice* (Index MDE 22/0793/2019), 19 September 2019, <https://www.amnesty.org/en/documents/mde22/0793/2019/en/>

¹⁴⁸ ILO, *Overview of Qatar's reforms* (previously cited).

¹⁴⁹ Based on the monthly data published by the Ministry of Labour on its Twitter account, <https://twitter.com/MOLQTR>

¹⁵⁰ In October 2022 Amnesty International learned that two additional Committees are expected to be inaugurated before the start of the World Cup. However, at the time of writing this was yet to happen. For more information about access for justice for migrant workers, see Amnesty International, *All work, no pay* (previously cited).

¹⁵¹ See Article 10 and 113 of Labour Law No. 14 of 2004 (previously cited).

¹⁵² To have any chance of success, workers must submit their case before leaving Qatar and must give their embassies "power of attorney" to allow their cases to be pursued in their absence. However, not all embassies have the capacity to cope with the volume of cases submitted. See, *All work no pay* (previously cited), p. 35.

¹⁵³ Ministry of Labour, *Report on the Ministry's efforts in the Labour sector 2022* (previously cited), p. 11.

In mid-2020, Amnesty International was made aware of the case of hundreds of employees – including both labourers and staff, or white-collar workers - who were owed up to six months' worth of wages after their international construction company stopped paying their full salaries in 2019. After repeated unfulfilled promises of payment, employees started complaining to the Ministry of Labour and according to information received by Amnesty, many of the company's labourers were eventually paid what they were due in 2021. When the 'white-collar workers' were not similarly paid however, around 100 took their cases to the Labour Committees at the end of 2021 and received positive judgements after four months. But even then, their ordeal was not over, and the company did not pay up. Tired of the struggle and unable to wait longer, many have since accepted lower settlements than their judgements stipulated. But for those who refused to accept less than they are entitled, up to nine months after receiving positive judgements from the Committees, and more than three years after first facing salary-delays, they have not yet received any payment in arrears.

WORKERS' SUPPORT AND INSURANCE FUND

Winning a case in the courts does not automatically mean that workers receive their compensation. For years Amnesty International has documented cases of migrant workers seeking justice, winning their cases in courts, but not receiving their dues.¹⁵⁴ So, when the government introduced the Workers' Support and Insurance fund (the Fund), it presented a welcome relief for workers waiting to be paid.¹⁵⁵

The Fund was set up to expedite reimbursement of unpaid wages following positive Labour Committee judgments "in the event of the employer's insolvency and inability to pay".¹⁵⁶

It became operational in early 2020 and according to the government between October 2020 and August 2022 distributed a total of QAR 634,336,937 (US\$174,220,576.51)¹⁵⁷ without specifying how many workers benefitted from these pay-outs or how many more are still waiting to be paid.¹⁵⁸ Beneficiaries included workers from Mercury MENA, an engineering company linked to the FIFA 2022 World Cup. Following Amnesty International's continual advocacy on the case with the Qatari authorities, a group of around 30 workers received their overdue wages in 2020, while a further 25 workers were eventually paid in 2022, almost five years after the government was first made aware of the salary delays.¹⁵⁹

Speaking to Amnesty International after learning that he would be paid, Kiran, who worked for Mercury MENA between 2014 and 2018, explained what it meant to him and his family after so many years of waiting. He said:

"I am very happy to hear this... Now I will pay back my loan and use the money for my children's education."

The positive impact that compensation payments can have for workers and their families is proof of the importance of the Fund, and the significant amounts paid out in recent months¹⁶⁰ is an indicator of the magnitude of wage theft facing migrant workers in Qatar. It also begs the question as to the number of remaining workers who are still waiting to be paid from the Fund as well as the number of workers who missed out on their payment before the Fund was established.

The Fund also has a few other limitations. First, it appears to have only paid out for salary-related claims, while the extent to which other labour abuses can be remedied under it is unclear. And second, since April 2022, the government has capped the maximum amount of money workers can receive from the Fund. According to article 3 of the decision regarding the controls and procedures for disbursing workers' dues, workers in solvent companies could be paid three months' worth of gross salary or a maximum of QAR 20,000 (US\$5,500); workers in insolvent companies could be paid two months' worth of gross salary or a maximum of QAR 12,000 (US\$3,300); and domestic workers can receive three months' worth of gross salary or a maximum of QAR 8,000 (US\$2,200). The Minister of Labour as the Chairman of the fund can authorize

¹⁵⁴ See for instance, Amnesty International, *The dark side of migration* (previously cited), p. 114; and Amnesty International, *All work, No pay* (previously cited).

¹⁵⁵ Amnesty International, *Qatar: New fund could bring hope to exploited migrant workers* (previously cited).

¹⁵⁶ GCO letter 22 August, p. 5.

¹⁵⁷ According to information shared by the Government of Qatar with Amnesty International on 11 September 2022. Document on file with Amnesty International.

¹⁵⁸ Amnesty International requested this information from the government twice, in July and September 2022, but it failed to provide it.

¹⁵⁹ See Amnesty International, *Unpaid and abandoned: the abuse of Mercury MENA workers*, 26 September 2018, <https://www.amnesty.org/en/latest/research/2018/09/mercury-mena-abuses-qatar/>

¹⁶⁰ As of December 2021, the fund had only distributed close to QAR 16 million (US\$4.4 million) to a total of 5,803 workers according to the ILO, *Progress Report, 2021* (previously cited).

payments beyond these limits if the public interest requires so, though it is unclear how this will be applied.¹⁶¹

AGENDA FOR ACTION

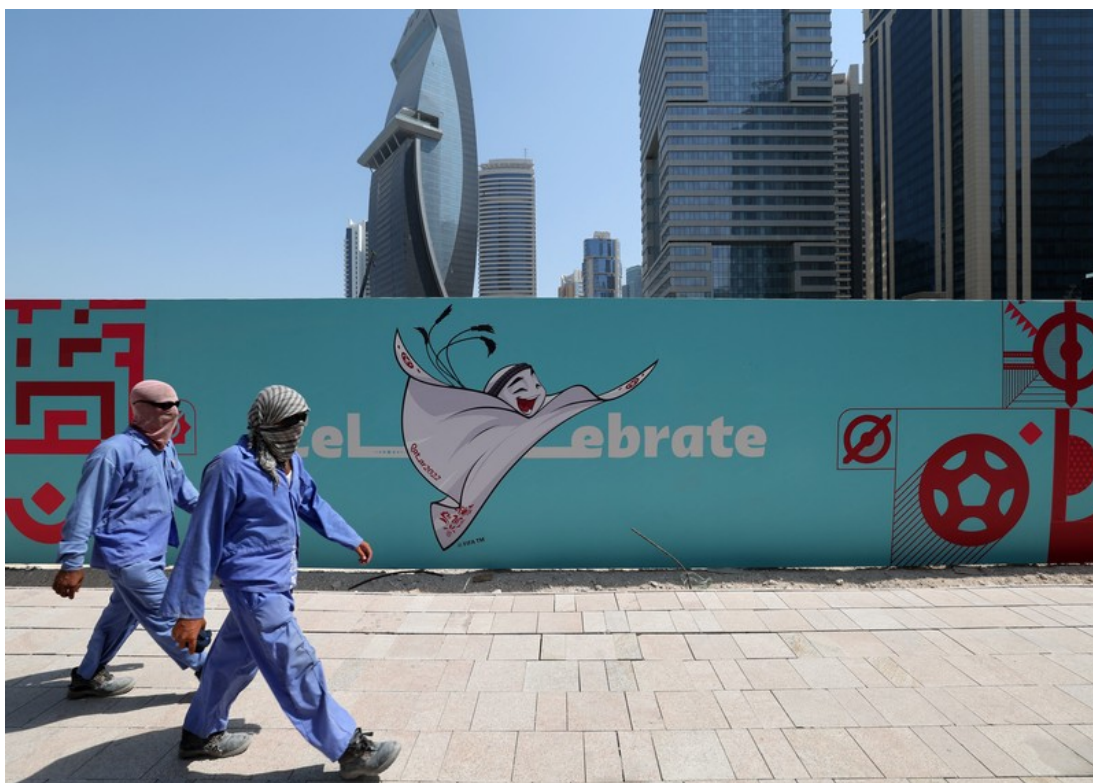
QATAR MUST:

- Increase the number of Labour Committees and accept collective, historic and remote claims from migrant workers; and
- Ensure that the Workers' Support and Insurance Fund is adequately resourced, and financial caps are removed so that all workers can claim the full amount they are owed, including for non-salary related abuses.

¹⁶¹ Decision of the Chairman of the Board of Directors of the Workers' Support and Insurance Fund No. (2) of 2022 regarding the controls and procedures for disbursing workers' dues, <https://www.almeezan.qa/LawView.aspx?opt&LawID=8880&language=ar>

10. COMPENSATE HISTORIC ABUSES

Over the past 12 years, much has been lost by workers – money, freedoms, health and even lives – and too little has been done to right these wrongs. Despite progress in recent years, the delayed introduction of reforms coupled with their poor implementation means that their impact has been limited. Very few workers or their families have received compensation or other forms of remedy, and existing mechanisms are not designed to tackle historic abuses. Qatar and its World Cup partners should work together to provide remedy to workers by establishing a comprehensive remediation programme, while continuing to strengthen existing remedy mechanisms.



Workers walk past a billboard showing an illustration of the Qatar 2022 FIFA World Cup mascot "La'eeb" in the Qatari capital Doha on October 13, 2022. © GIUSEPPE CACACE/AFP via Getty Images)

Since 2010, hundreds of thousands of migrant workers have toiled in Qatar to help the country prepare for the FIFA 2022 World Cup. They built and serviced stadiums, airport, hotels, roads, transport systems and other infrastructure needed to make the tournament possible. Leaving their families behind in search of better jobs, the vast majority paid recruitment fees, many had wages stolen, some even lost their lives. Ultimately, they were denied their fundamental rights to decent working conditions and access to remedy.

Under international human rights law and standards, Qatar is obliged to address and remedy the historical labour abuses suffered by so many workers over so many years on all projects in the country. An effective remedy encompasses the victim's right to:

- equal and effective access to justice;
- adequate and prompt reparation for harm suffered; and
- access to relevant information concerning violations and reparation mechanisms.¹⁶²

¹⁶² Article 2(3) of ICCPR; Article 2 of ICESCR; and CESCR, General Comment No 23 (2016) on the right to just and favourable conditions of work, UN Doc. E/C.12/GC/23, para. 59; Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; and Articles 12, 13 and 23 of the Arab Charter on Human Rights.

The obligation to remedy abuses rests not only on states but also on businesses including FIFA, under the UN Guiding Principles on Business and Human Rights.¹⁶³ Such responsibility has been made clear by FIFA's adherence to these principles through its own policies. These include its Human Rights Policy, published in May 2017;¹⁶⁴ both the Sustainability Strategy and Policy for the 2022 World Cup, published in January 2020;¹⁶⁵ and the Sustainability Sourcing Code, launched in April 2020.¹⁶⁶

FIFA's responsibilities were also outlined in its independent Human Rights Advisory Body's final report. This recognized FIFA's ultimate responsibility for migrant labour abuses in Qatar, including remedy, noting FIFA's need to "deal with the consequences of decisions taken before the organization recognized its human rights responsibilities" and calling on FIFA to "work on the past, present and future all at once."¹⁶⁷

By awarding the World Cup to Qatar without imposing on it any conditions to improve labour protections, and subsequently failing to adequately prevent or mitigate labour abuses that followed, FIFA contributed to a wide range of abuses that were both preventable and foreseeable. As a result, the football governing body must provide for or collaborate in the remediation of abuses to which it has contributed in relation to the preparation and delivery of the tournament.¹⁶⁸

Unfortunately, for hundreds of thousands of migrant workers who have suffered to make this tournament possible, their abuses remain unaddressed, and they have not received any compensation for the harm they suffered.

FIFA and Qatar must now work together to put in place a comprehensive programme to provide remedy for abuses related to the 2022 World Cup. Such a mechanism must be established and governed in a participatory fashion following consultation with stakeholders including workers and trade unions. The remediation programme should be developed to ensure transparency, easy access to workers or their families – many of whom will no longer be in Qatar – and offer timely remedy for abuses suffered since 2010. It should also cover all workers directly employed on World Cup projects such as stadiums, training sites and FIFA-accredited hotels, as well as those working on the wider range of projects that are necessary for the preparation and delivery of the tournament.

Whilst this process should seek to strengthen existing remedial mechanisms available in Qatar, such as those provided by the Ministry of Labour and Supreme Committee, it is also likely to require the development of additional mechanisms adapted to deal with past abuses.

Paying for the scale of remedy likely to be needed – for example to make payments to the families of those who have died, and to compensate migrant workers for unpaid wages and recruitment fees, will require a significant investment from both Qatar and FIFA proportional to the abuses suffered. While the final amount required for remedy should ultimately be decided through a participatory process and subject to an independent evaluation, FIFA should reserve an amount not less than the US\$440 million prize money offered to teams participating in the World Cup, to be invested in funds to support remediation.¹⁶⁹

With a month to go to the World Cup, it is too late to erase the suffering of past abuses of migrant workers in preparing for the tournament. However, it is not too late to offer victims and their families some closure and appropriate reparation.

¹⁶³ UN Guiding Principles, Commentary to Principle 11. The Organisation for Economic Co-operation and Development (OECD) Due Diligence Guidance for Responsible Business Conduct also clarifies that "Enterprises retain responsibility to address adverse impacts that they cause or contribute to, even when operating in contexts where systemic issues are prevalent." OECD, *OECD Due Diligence Guidance for Responsible Business Conduct*, 2018, p. 75, <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>

¹⁶⁴ FIFA, *FIFA's Human Rights Policy – May 2017 Edition*, May 2017, <https://digitalhub.fifa.com/m/1a876c66a3f0498d/original/kr05dqyhwrluhqy2lh6r-pdf.pdf>

¹⁶⁵ FIFA, *FIFA World Cup Qatar 2022 Sustainability Strategy*, <https://resources.fifa.com/image/upload/fifa-world-cup-qatar2022tm-sustainability-strategy.pdf?cloudid=u25obd7303tdxupsjvsn>; and FIFA, *FIFA World Cup Qatar 2022, Sustainability Policy*, <https://fifa-backend.pressfire.net/media/newsletter/sustainability-policy-Jan-2020.pdf>

¹⁶⁶ FIFA, *FIFA World Cup Qatar 2022 Sustainable Sourcing Code*, Version 1, April 2020, <https://img.fifa.com/image/upload/fxrprncoiqqhmqdku8.pdf> (a newer version dated December 2020 was issued with no significant modifications).

¹⁶⁷ FIFA, *Second Report by the FIFA Human Rights Advisory Board - Including the Board's Recommendations and FIFA's Responses*, September 2018, pp. 26-28, <https://resources.fifa.com/image/upload/fifa-second-human-rights-advisory-board-report.pdf?cloudid=hwl34alirosbxevkwvh>.

¹⁶⁸ For a detailed analysis on FIFA's responsibility to remedy abuses on World Cup related projects, see Amnesty International, *Predictable and Preventable* (previously cited).

¹⁶⁹ For example, simply reimbursing the recruitment fees paid by hundreds of thousands of workers who worked on World Cup-related projects – averaging US\$1,300 each - would cost hundreds of millions of US dollars, in addition to remedying abuses such as wage theft, injury or loss of life.

Moving forward, and in the absence of trade union recognition and representation that would allow migrant workers to support each other when facing abuses, Qatar should also support the establishment of a proposed Migrant Workers' Centre that would present a "safe place" for migrants to learn about their rights and seek legal assistance and advice.¹⁷⁰ Such a centre could play a key role in supporting the remediation of past abuses and act as an anchor point for migrant workers, thereby underpinning the administration, support, and delivery of the proposed remediation process.

AGENDA FOR ACTION

QATAR MUST:

- Publicly acknowledge the need to remediate past abuses connected to the 2022 World Cup and put in place a comprehensive remediation programme in which all migrant workers who suffered harm because of their involvement in World Cup-related work receive full and adequate reparation; and
- Support the establishment of a Migrant Workers' Centre to support workers during their time in Qatar.

¹⁷⁰ BWI, *The World Cup and Qatar: An Open Letter*, 30 March 2022, <https://www.bwint.org/cms/the-world-cup-andqatar-an-open-letter-2604>

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UNFINISHED BUSINESS:

WHAT QATAR MUST DO TO FULFILL PROMISES ON MIGRANT WORKERS' RIGHTS

This briefing examines the progress Qatar has achieved on labour rights in the 12 years since it was awarded the rights to host the 2022 FIFA World Cup, the impacts of its reforms and what further action is needed to fully protect the rights of all migrant workers in the country. It highlights that despite the positive evolution of Qatar's labour system, which has improved the living and working conditions for hundreds of thousands of Qatar's migrant workers and has the potential to transform the lives of many more, substantial work remains to effectively implement and enforce these. Ultimately, human rights abuses persist on a significant scale today.

While the road to the 2022 FIFA World Cup is soon to reach its destination, Qatar's journey to full and effective protection of migrant workers' rights still has a great distance to go.

To this end, Amnesty International provides a ten-point plan for action, urging the authorities to enforce and strengthen labour protections, empower workers, make work pay and guarantee access to justice for all.