

STATEMENT UPR Pre-session on Qatar, Geneva, August 2024

Delivered by: Migrant-Rights.Org

This statement is delivered on behalf of [Migrant-Rights.Org](https://migrant-rights.org) a not-for-profit, independent, research and advocacy organisation working in the GCC states.

Migrants account for over 91% of Qatar’s population and 94% of its labour market. In 2018, the country entered into an ongoing technical cooperation agreement with the International Labour Organisation to support labour and immigration reforms in the state.

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This statement addresses the following issues: (1) Living wage for Migrant Workers; (2) Protection of Migrant Domestic Workers; (3) Discriminatory Laws; and (4) Access to Justice.

In the previous review, many countries gave general recommendations regarding the issues addressed above. While Qatar has dismantled some aspects of the Kafala system over the last six years its most problematic components still remain, like work and residence visas being tied to the sponsor/employer.

(1) Living Wage for Migrant Workers

Follow-up to the last review

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Qatar accepted the recommendation from Liechtenstein to establish a fair minimum wage.

Since the last review, Qatar has established a non-discriminatory minimum wage – a basic wage of US\$274. The state also expanded the Wage Protection System to include all private sector workers to monitor salary payments and eliminate wage theft. The Workers Support and Insurance Fund (WISF) was established in 2018 and its primary financial role is to “pay the workers' entitlements decided by the Labour Disputes Settlement Committee.”

New developments since the last review

The minimum wage is extremely low and does not take into consideration the high cost of living in the state. Low wages ensure that workers are dependent on their employers for survival and discourages them from speaking up when exploited.

The WPS has not effectively dissuaded employers from unfair deductions and non-payments, and wage theft remains rampant. The WPS does not flag and initiate action workers have to

initiate the complaint, risking employer retaliation in the form of unfair termination, absconding charges, and evictions.

Accessing the Workers Support and Insurance Fund involves a lengthy judicial process. Furthermore, there is no transparency in the disbursement process, and a cap on maximum payouts limits the funds' effectiveness.

Recommendations |

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- The state of Qatar must establish a fair living wage in line with its cost of living.
- The WPS must immediately hold defaulting employers responsible.
- Qatar must ensure greater transparency of the Workers Support and Insurance Fund, as well as the removal of caps on final settlements.

II. Migrant Domestic Workers

Follow-up to the last review |

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Qatar accepted recommendations from Bulgaria, Norway, Japan, Myanmar, Slovenia, Ghana, Ireland, Liechtenstein, Denmark and Thailand to improve various aspects of MDW protection.

As of 2022, this sector employed 168,626 migrant workers, of whom 101,876 (60%) were women. Qatar passed the Domestic Workers law in 2017, and in 2020 included domestic workers in the sweeping reforms of the Kafala system, including the minimum wage, ability to change jobs without employer's permission, and leave the country without the need for an exit permit.

Developments since the last review |

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MDWs are excluded from the labour laws, and therefore its enforcement mechanisms, which makes their inclusion in the 2020 reforms untenable.

MDWs who leave abusive employers risk being reported as absconding, leading to their detention and deportation. This is a clear and continuing barrier to justice, compounded by the lack of labour inspections of MDWs workplaces, as employers' homes are seen as a private sphere.

Qatar only has two shelters that require a referral through a formal police or labour complaint, and no drop-in shelter, which makes it more difficult for workers in exploitative situations to seek remedy.

Recommendations

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- Include MDWs in Wage Protection System
- Ensure MDWs not only have a weekly day off, but that they are not compelled to stay at home
- Include MDWs in the labour law and its provisions
- Introduce labour inspections
- Ratify ILO conventions 189 and 190

III. Discriminatory Laws

Follow-up to the last review

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Qatar supported recommendations from Belgium, Uganda, Spain, Sweden, Ireland, and France that called for the complete abolishment of exit permits and the dismantling of the Kafala system.

In 2020, Qatar reformed some aspects of the labour and immigration laws, including removing the 'No Object Certificate' to allow workers to change jobs and leave the country without employer's permission.

Developments since last review

The realisation of workers' rights still has not been attained, as key nodes of control still remain. In particular, absconding laws are misused by employers to keep workers in check, and resulting in rampant forced labour. Moreover, signed resignation letters to change jobs have become de-facto NOCs.

Recommendations

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- Abolish the absconding laws
- Implement reforms in full, removing employers' permission in all its forms
- Set up drop-in shelters for male and female workers who are victims of forced labour

IV. Access to Justice

Follow-up to the last review

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Qatar supported recommendations from Nepal, Canada, Afghanistan, Norway, Myanmar, Bulgaria and Bahrain regarding issues pertaining to access to justice.

The state has established several channels for workers to file complaints against their employers. Qatar has initiated a non-mandatory workers joint committee at company level in lieu of workers unions.

Developments since last review |

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There is a severe gender disparity in access to justice and the percentage of women workers who file lawsuits is significantly lower than men, even though women work in more vulnerable and isolated sectors.

All judicial procedures and legal documentation within the country are carried out in Arabic. Furthermore, even if several cases involve a single employer, they are dealt with individually. Workers' voices are also stifled, and those who protest injustices are detained and deported without receiving their due wages and other entitlements or any form of justice.

Recommendations |

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- Establish gender-responsive judicial processes, expanding timing and locations to take into consideration needs of workers
- Provide free and efficient interpretation and translation services
- Allow class action suits
- Allow freedom of association and operation of independent civil society organisations

In conclusion, we recognise the significant reforms made by the state of Qatar, and note that their implementation is severely lacking. In addition to recommendations provided above, Qatar must end legal and de-facto restrictions on migrant mobility and ensure migrants enjoy equal legal, social, and economic rights regardless of race, colour, origin, or gender, and abolish Law No. 15 of 2010 restricting workers accommodation in “family residential areas,” and allow family reunification for all migrants.

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