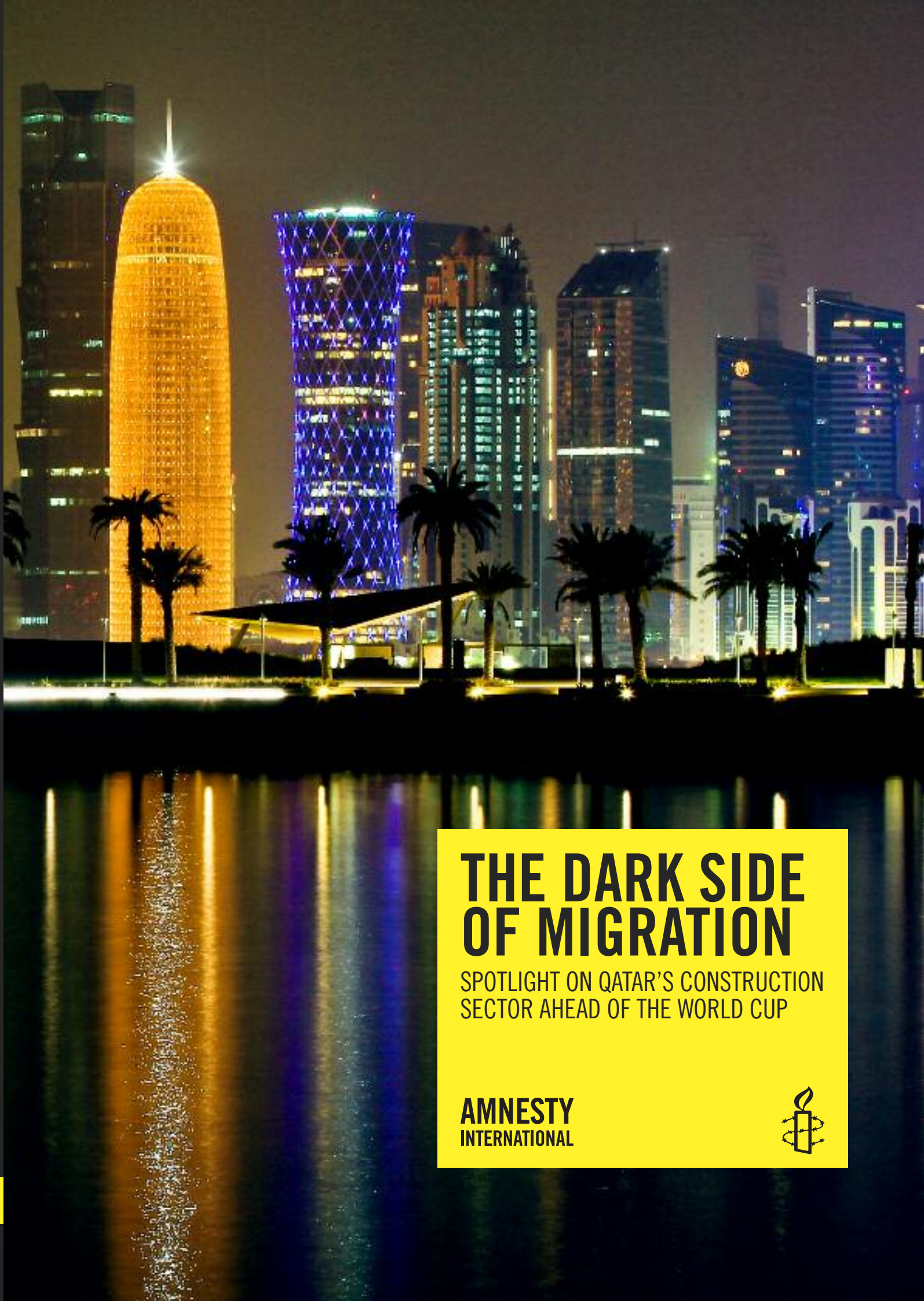

THE DARK SIDE OF MIGRATION

SPOTLIGHT ON QATAR'S CONSTRUCTION SECTOR AHEAD OF THE WORLD CUP

AMNESTY INTERNATIONAL

THE DARK SIDE OF MIGRATION SPOTLIGHT ON QATAR'S CONSTRUCTION SECTOR AHEAD OF THE WORLD CUP AMNESTY INTERNATIONAL

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1: INTRODUCTION AND OVERVIEW

"Improving labour rights will not only benefit employees but will also enhance Qatar's global image as a leading and progressive nation."
Qatar National Strategy, 2011 – 2016[1]

"This is an effort to undermine Qatar and an attempt to spoil its hosting of the 2022 World Cup, a conspiracy driven entirely by political motivations. There was a search for indirect excuses to achieve this goal, among them the releasing of false reports not linked to the facts around the situation of the workforce in Qatar."
Undersecretary of the Ministry of Labour, responding to reports of serious labour abuse published in the UK Guardian newspaper, October 2013 [2]

Qatar's population is growing at a truly staggering rate. Between August 2012 and August 2013 it grew by 10.5 per cent. Put another way, twenty new people are added to the population every hour.[3]

This growth is driven primarily by the recruitment of low-paid migrant workers to support an infrastructure development programme [4] that, according to some estimates, will amount to more than US$220 billion over the coming decade.[5] There are 1.38 million foreign nationals working in Qatar, 94 per cent of the total workforce.[6] The majority are from South and Southeast Asia, and this number is expected to rise significantly in the coming years, with one International Labour Organization (ILO) expert estimating that the country will need to recruit one million extra migrant workers in the next decade.[7] In the construction sector, the vast majority of these workers are likely to be male.[8]

The construction, which is already underway, is designed to turn Doha from a capital city into a regional and global hub. A new airport is being built, while a metro system and international railway system are being planned. Roads will be overhauled, sewage systems will be revamped, and a new port will open - in part simply to cope with the massive demand for raw materials on other projects.[9]

At the heart of these projects is the 2022 World Cup, Qatar's most high-profile and ambitious project yet. When Qatar made its bid for the World Cup in 2010, the plan was for 12 stadiums, including nine new ones, though this may be revised downwards. The total cost of the specific World Cup projects is estimated at US$4 billion.[10] But for the World Cup to take place, the wider infrastructure planned must be there to support it, not to mention the thousands of hotel rooms which will also need to be constructed to meet the demand from fans.

The awarding of the 2022 World Cup has brought increased global prominence to Qatar, but also intensified scrutiny. Particular attention has been paid to temperatures in Qatar's summer, which can reach up to 45˚C,[11] with proposals to hold the tournament during the winter months.

Since accounts of the working conditions of Nepalese migrants were published in the international media in September 2013,[12] a spotlight has also been focused on the treatment of construction workers in Qatar and the potential for migrant workers involved in the World Cup construction programme to face serious exploitation. On the issue of migrant labour, Qatar's international reputation is at stake.

The scale of abuse

The abuses against migrant workers in the construction sector in Qatar are grim. Amnesty International's research reveals widespread exploitation of migrant workers at the hands of their employers. The abuse, which takes place against a backdrop of discriminatory attitudes against many categories of migrant workers, includes:

- workers arriving in Qatar to find that the terms and conditions of their work are different to those they had been promised during the recruitment process – including salaries being lower than promised;

- workers having their pay withheld for months, or not being paid at all;

- employers leaving workers "undocumented" and therefore at risk of being detained by the authorities;

- migrant workers having their passports confiscated and being prevented from leaving the country by their employers;

- workers being made to work excessive (sometimes extreme) hours and employers failing to protect workers' health and safety adequately; and

- workers being housed in squalid accommodation.

The impact of such practices on individuals can easily be underestimated. Each of these practices, on its own, is unacceptable. But many workers face the cumulative effect of being subjected to several components of such abuse simultaneously, an experience which can be difficult to capture.

During interviews, researchers have encountered many workers in severe psychological distress due to the treatment they had received and their sense of powerlessness to resolve their own situations. Many spoke movingly of the trauma they felt at not being able to send money back to their home countries for months at a time, at the thought of their families being harassed by moneylenders and having to sell possessions to pay the rent on their homes.

Some of the situations that Amnesty International found were deep crises, with large groups of migrant workers - undocumented through no fault of their own - facing a range of serious problems simultaneously: not being paid for six or nine months; not being able to get out of the country; not having enough – or any – food; and being housed in very poor accommodation with poor sanitation, or no electricity.

Researchers carried out interviews in candlelight and met workers who had been sleeping on the roof of their accommodation because their rooms had no air conditioning, despite the very high summer temperatures.[13]

ILO Convention 29 on Forced Labour, to which Qatar is a state party, defines forced labour as encompassing two key elements: work that the person has not offered themselves for voluntarily and which is extracted under threat of a penalty. The ILO has emphasized that "menace of penalty" refers not only to criminal sanctions but also to various forms of coercion, such as threats, violence, retention of identity documents, confinement or non-payment of wages:

"The key issue is that workers should be free to leave an employment relationship without losing any rights or privileges. Examples are the threat to lose a wage that is due to the worker or the right to be protected from violence."[14]

Amnesty International found cases where people were engaged in work for which they had not offered themselves voluntarily - because they had been deceived about their terms or conditions, or had pay withheld for months at a time. They faced credible threats of penalties if they were to stop working. The threatened penalties included withholding passports, withholding permission to leave the country and failure to provide pending salaries. These cases constitute forced labour. Where migrants had clearly been deceived into situations of forced labour, they were also victims of human trafficking.

QATAR'S INTERNATIONAL LEGAL OBLIGATIONS

Qatar is not a party to most of the core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. It has only become a state party to the International Convention on the Elimination of All Forms of Racial Discrimination[15], the Convention on the Elimination of All Forms of Discrimination Against Women[16], the Convention on the Rights of the Child[17] and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[18]. As a member of the UN Human Rights Council, Qatar is expected to "uphold the highest standards in the promotion and protection of human rights".[19]

Qatar is a member of the International Labour Organization (ILO).[20] It has ratified five out of the eight ILO Conventions that set out core international labour standards. Qatar is a party to the Forced Labour Convention (Convention No. 29)[21], the Abolition of Forced Labour Convention (Convention No. 105)[22], the Discrimination (Occupation and Employment) Convention (Convention No. 111)[23], the Minimum Wage Convention (Convention No. 138)[24] and the Worst Forms of Child Labour Convention (Convention No. 182)[25]. It has also ratified the Labour Inspection Convention (Convention No. 81).[26]

Qatar has not ratified the Freedom of Association, Collective Bargaining and Equal Remuneration Conventions. By virtue of its membership of the ILO however, Qatar has to uphold fundamental principles and rights, including freedom of association and collective bargaining.[27]

Qatar is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (referred to as the Palermo Protocol).[28]

Many officials at both the Ministry of Labour and Ministry of Interior stated to Amnesty International researchers their commitment to protecting migrant workers' rights. But officials from all government bodies tend to downplay the scale of the abuse that migrant workers are subjected to in Qatar. Most officials stated that while there may be isolated or individual cases of exploitation, there are no significant wider problems to be addressed.

Amnesty International would not claim that all migrant workers in Qatar are subject to serious abuse, as researchers spoke to men and women who were broadly satisfied with their working conditions. Some employers are evidently committed to ensuring labour standards. Nevertheless Amnesty International's research – and review of the available independent quantitative data – leads the organization to conclude that exploitation of migrant workers is routine and widespread. This is based on the following:

- Workers interviewed by Amnesty International's researchers (this includes impromptu interviews and those where researchers were alerted to cases of individuals facing specific problems) gave consistent accounts of exploitation practices. These accounts were, in turn, consistent with recent independent quantitative research confirming that large numbers of migrant workers are subjected to confiscation of personal documents by their employers, deception as to the terms and type of work for which they are being recruited, and not being paid on time.[29]

- In many of the cases of labour exploitation which Amnesty International investigated, the abuses suffered by workers were not only due to the actions or failures of an individual employer but were clearly linked to systemic problems in the way migrant workers' employment is regulated, and the procedures for them to obtain identity documents and leave the country.

- Some employers have confirmed in interviews with researchers that they engage in practices that are inconsistent with labour standards and Qatari law. In these interviews they have indicated that practices such as delays in paying workers for periods of several months and preventing migrant workers from leaving the country are not unusual.

- Interviews with representatives of embassies of labour sending countries and migrant worker community groups also confirmed that cases of labour exploitation are rife and that avenues for workers to achieve redress are ineffective.

- Amnesty International has documented serious cases where large numbers of workers have been subjected to severe exploitation over periods of many months, and despite the workers seeking assistance from the authorities, their situation has not been resolved adequately.

Amnesty International's research exposes how labour exploitation in Qatar is due, in large part, to serious flaws in the country's legal and policy framework for labour migration, rather than a simple narrative of Qatari nationals exploiting foreigners. Indeed a number of migrant workers who had experienced terrible abuses gave examples of Qatari nationals who had helped them in times of crisis.[30] While Amnesty International has documented cases where abuse involved Qatari nationals, several migrant workers described how other foreign nationals were the main actors involved in their abuse. Some of the construction companies

Amnesty International has found to be engaged in exploitative practices are local branches of multinational businesses. Labour exploitation in Qatar is rooted in the processes by which people are recruited and employed, which facilitate and enable employers - of whatever nationality - to subject workers to exploitative practices.

Solutions

The factors that lead to abuse are varied and interrelated and the measures to address them therefore need to be wide-ranging. Firstly, there are problems with laws and policies that facilitate the abuse of migrant workers' rights. In particular, the Sponsorship Law and the Labour Law should be reformed to remove clauses which are creating a permissive context for abuse. Specific problematic provisions within these laws should be repealed or revised, including:

- the requirement for workers to obtain their current employer's permission before changing jobs (known as a "No objection certificate" or "NOC");

- the requirement for workers to obtain their employer's permission before leaving the country (the "exit permit");

- the explicit exclusion of certain categories of workers, including domestic workers, from the protections of the Labour Law; and

- the fact that only Qatari workers are allowed to form or join trade unions.

Amnesty International considers that the sponsorship system currently in place should be fundamentally reformed. In the interim, however, there are major issues with the way that the Sponsorship Law is policed; at present migrant workers who have attempted to leave an exploitative situation are at risk of detention for "absconding" (if workers leave their sponsor without permission, they are considered to have "absconded") or not holding a valid residence permit.

In addition, many of the laws and regulations which should protect workers are not effectively enforced at present. This particularly applies to the Labour Law and its associated decrees, and the provision in the Sponsorship Law banning the confiscation of passports by employers. In some cases this lack of enforcement appears to be caused by the government not having a sufficient number of trained officials, while in others there seems to be a lack of will among officials to enforce the law. Amnesty International urges the authorities to proactively enforce these laws.

Individuals whose labour rights are abused face significant obstacles when they try to access justice. In particular, the Labour Court system is not fit for purpose, requiring workers to pay fees to have their cases proceed and forcing them to wait months and attend multiple sessions in the hope of recovering lost wages and other compensation. The Ministries of Labour and Justice should overhaul the labour complaints and Labour Court systems to give workers better access to justice.

Where companies claim to be experiencing financial difficulties and have apparently failed to

keep reserve funds to pay workers and assist them in leaving the country, migrant workers' ordeals can last many months, during which time they can face the risk of being arrested for not having valid residence permits. Workers in these crisis situations would be well served by much closer collaboration between government departments and agencies to expedite resolution of their cases. For this reason Amnesty International urges the Government of Qatar to consider setting up an integrated cross-government unit tasked with addressing and resolving such labour crises.

Amnesty International recognizes that governments of countries from which most migrant workers come also have responsibilities for protecting migrants from abuse. Networks of recruitment agents and brokers in both the countries of departure and destination operate to deceive people with false promises over terms and conditions of work. Action to prevent such deception requires cooperation between labour sending and receiving countries.

While this report focuses on abuses against migrant workers in Qatar, and the majority of its recommendations are for the Government of Qatar, Amnesty International's 2011 report *False Promises: Exploitation and forced labour of Nepalese migrant workers* called on the Government of Nepal to ensure that its legislation in relation to false or substituted contracts was implemented, to stop rogue recruitment agents from trafficking migrant workers for exploitation and forced labour.[31] The organization is currently carrying out research into recruitment practices in other countries of origin for migrant workers who come to the Gulf and plans to publish this in the coming months.

Corporate actors

The solutions do not only lie with the government. The range of companies involved in the construction sector – from small contractors who are often the direct employers of migrant construction workers, to the major corporations who own or manage large projects – need to take action to prevent labour exploitation.

The weaknesses in Qatari law do not absolve companies of responsibility for labour abuses. International standards on business and human rights make clear that businesses must – at a minimum – respect human rights, including the rights of workers.

In several cases documented by Amnesty International, migrant workers who experienced abuses were working on construction projects managed or owned by major companies - sometimes foreign-owned and sometimes Qatari. Often these workers were employed by small subcontractors. Although construction projects almost always involve several subcontractors, the lead companies in many cases appear to lack effective due diligence policies and procedures to prevent labour exploitation, despite the fact that such abuses have been publicly documented by civil society and media organizations, and therefore are a foreseeable risk. While some companies will insist on strict health and safety standards on site for subcontractors' employees, they may have little idea of what happens to the men when they return to their accommodation in the evening, including whether they have been paid that month.

Companies - both Qatari and international - need to play a much more active role in preventing the kinds of abuses documented by Amnesty International. This means looking

beyond their own employees and developing policies to ensure that people working on their projects – including people working for subcontractors and suppliers - are not subjected to abusive working conditions. To do that, they need to put in place robust systems and processes, and then implement them. No-one should be under any illusions that this will require a culture change.

World Cup construction projects

At the forefront of all these issues, from the global perspective, is the 2022 World Cup. What needs to be done for the World Cup to be built free of labour exploitation, and who should do it?

At one level, the Qatar 2022 Supreme Committee's role will be critical, as it is overseeing the construction of the stadiums and other critical infrastructure for the event, such as training facilities. The Committee is rightly under pressure to put in place rigorous processes to govern the selection of contractors on its projects, and to monitor their performance against international human rights and labour standards. Scrutiny of stadium construction is likely to be intense.

But there is no question that the construction related to the World Cup in Qatar goes way beyond the stadiums and the training grounds. The hotels, the railways and the roads need to be built by 2022, or the event will not be judged a success by FIFA and the wider world. Migrant workers on these projects will not – as far as Amnesty International is aware – be covered by standards set by the World Cup organizers. So the onus is on the Government of Qatar to make the necessary changes to its legislation and to enforce worker protections. Businesses delivering construction projects must also proactively put in place and implement effective policies to protect the rights of all workers, including migrant workers. If such steps are not taken as a matter of urgency, the construction for the World Cup is likely to entail considerable human suffering.

METHODOLOGY

Amnesty International's research into the situation of migrant workers in Qatar has principally focused on the situation of construction workers and women working as domestic workers. The construction sector was selected for research because migrant workers in the sector have long been identified as facing poor treatment and exploitation, and because recruitment of migrant workers into the sector is taking place at a dramatic rate to meet the needs of Qatar's ambitious development plans, including ahead of the World Cup in 2022. Amnesty International plans to publish the results of its research into the situation of women working as domestic workers in early 2014.

In order to carry out this research, Amnesty International visited Qatar twice – in October 2012 and March 2013 – for a total period of around five and a half weeks.

Interviews with migrant workers and visits to labour camps

Researchers carried out individual interviews with 101 migrant workers in the construction sector. In addition, eight group interviews were held with construction workers, amounting to around 130 people. A small number of those interviewed individually also took part in focus

group interviews, meaning that in total Amnesty International spoke to approximately 210 construction workers. All the construction workers interviewed were male.

Researchers additionally carried out individual interviews with 79 migrant workers in different sectors. Forty-seven of these interviews were with women working as domestic workers. Interviews were also conducted with men and women working for cleaning companies and a very small number of men working in farms and as fishermen. These interviews have been used to help inform the analysis in Chapter 5, which focuses on the system which contributes to abuse of migrant workers in Qatar.

The countries of origin of the construction workers interviewed by Amnesty International were: Bangladesh, Egypt, India, Nepal, Pakistan, the Philippines and Sri Lanka. Researchers spoke directly to migrant workers in Hindi, Nepalese, Bengali, English and Arabic. Other interviews were carried out with the assistance of Hindi, Nepalese, Tamil, Malayalam, Bengali and Tagalog translators.

Interviews with construction workers were carried out in various locations including during visits to the deportation centre and in labour camps. Researchers visited 20 labour camps housing construction workers, including in Doha, the Industrial Area, Sailiya, Al Khor and Umm Salal, and were prevented by representatives of companies from entering three further labour camps in the Industrial Area.

Researchers also visited the Labour Court and Ministry of Justice buildings with construction workers to witness their interactions with the state authorities.

Some of the interviews featured in the report were not pre-arranged; in these cases researchers approached workers in public places or in their labour camps and invited them to be interviewed. In other cases interviews were arranged in advance after Amnesty International had been alerted to abuses taking place. The questions that researchers asked differed according to the context in which meetings took place. The research carried out by Amnesty International is qualitative, so this report does not present its findings in quantitative terms.

Official meetings and visits

Researchers held at least 14 meetings with government representatives, including from the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Labour, the Supreme Council for Family Affairs and the Supreme Council for Health. Two visits were conducted to the deportation centre, two to the central prison, and one to the central police station. Amnesty International also sent the Qatari authorities two letters raising specific cases, and in July 2013, sent its overall findings to the Government, seeking a response and requesting further information. The Government responded in October 2013 (attached at Annex 1).

Meetings were held with other institutions in Qatar, including: the National Human Rights Committee, the Qatar Foundation for Combating Human Trafficking, and the Hamad Medical Corporation. Amnesty International also wrote to the Qatar 2022 Supreme Committee and the Qatar Foundation in July 2012, presenting key findings on the construction sector and seeking their response to specific cases of exploitation. The Qatar 2022 Supreme Committee

responded in August 2013 (attached at Annex 2). The Qatar Foundation responded in October 2013.

The private sector

Amnesty International engaged with 22 companies involved in construction projects in Qatar, including in meetings, telephone calls and written correspondence. These included employers of some of the migrant workers who had reported abuse to researchers. In several of these cases Amnesty International raised specific allegations of exploitation and abuse with company representatives and requested responses from them to these allegations. In one instance researchers witnessed a meeting between migrant workers and their company's management, chaired by the National Human Rights Committee.

Amnesty International could not speak to all the employers of the workers who were interviewed. In some instances workers asked the organisation not to, out of concern for the possible repercussions of doing so. In other cases researchers themselves judged that doing so could put workers at risk.

Meetings and interviews with other relevant institutions and individuals

Interviews were carried out with seven foreign embassies in Qatar, including embassies of three labour-sending countries,[32] as well as with independent experts, journalists, academics and representatives of migrant communities in Qatar. Amnesty International also presented its preliminary findings to FIFA, football's world governing body, in October 2013, and FIFA responded the same month (attached at Annex 3).

Other relevant research

Amnesty International has carried out analysis of the main laws and regulations affecting migrant workers in Qatar, including but not limited to Law no. 11 of 2004 ("the Penal Code"), Law no. 14 of 2004 ("the Labour Law") and the Ministerial decrees related to this law, Law no. 4 of 2009 ("the Sponsorship Law"), Law no. 10 of 2010 (regarding workers' accommodation) and Law no. 15 of 2011 ("the Human Trafficking Law"). Researchers have also reviewed the main body of existing quantitative and qualitative research on the situation of migrant workers in Qatar, as well the relevant international law and standards, including UN treaties and International Labour Organization (ILO) Conventions to which the State of Qatar is party.

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The organization would like to thank the National Human Rights Committee which has during Amnesty International's work on this subject provided a range of assistance, providing information, contacts and practical support during research visits to Qatar. Amnesty

International also appreciates the willingness of the Government of Qatar to meet with its delegates at length and to afford access to state institutions, including detention facilities.

Many of the migrant workers who have spoken to Amnesty International have taken action to try to remedy their situations, in an often high-risk context where the odds can be stacked against them. By allowing Amnesty International to document elements of their experience, these men have been of critical importance in shaping this report's recommendations, which aspire to reflect migrant workers' needs and priorities as well as international human rights standards.

THE SYSTEM FOR MIGRANT WORKERS IN QATAR: 10 KEY FACTS

1. Every migrant worker in Qatar must have a "sponsor", who must also be his or her employer. For most construction workers, their sponsor is the registered company employing them, though they are likely to work on a range of projects. Domestic workers are usually sponsored by an individual, such as a member of the family in whose house they are working.

2. Migrant workers cannot change jobs without the permission of their sponsor. This permission is sometimes called an "NOC" (no objection certificate). If workers leave their sponsor without permission, they are considered to have "absconded" - a criminal offence - and their sponsors are required to report them to the Search and Follow-up Department (sometimes called "CID" by migrant workers) of the Ministry of Interior, which polices the Sponsorship Law. Workers who "abscond" are likely to face detention and deportation.

3. Migrant workers also cannot leave the country without their sponsor's permission. They must obtain an "exit permit" from the authorities, approved by their employer, before they can clear immigration at the airport every time they leave the country.

4. Sponsors are required by law to return their employees' passports to them after completing residence procedures. In reality, most low-income migrant workers do not have their passports returned to them.

5. Migrant workers should be issued residence permits (which are issued in the form of ID cards) to demonstrate their right to work and live in Qatar, and to allow them access to a range of basic services. It is up to sponsors to arrange with the authorities for these critical documents to be issued. Workers without residence permits or whose permits have expired may be suspected of having "absconded" and detained as a result. Workers are fined for not having valid permits; these fines must be paid for them to leave Qatar.

6. The Labour Law, and a set of related decrees, sets out workers' rights in Qatari law, including limits on working hours, mandated annual leave, living conditions, health and safety and the requirement for salaries to be paid on time. The Ministry of Labour is responsible for overseeing the Labour Law's implementation.

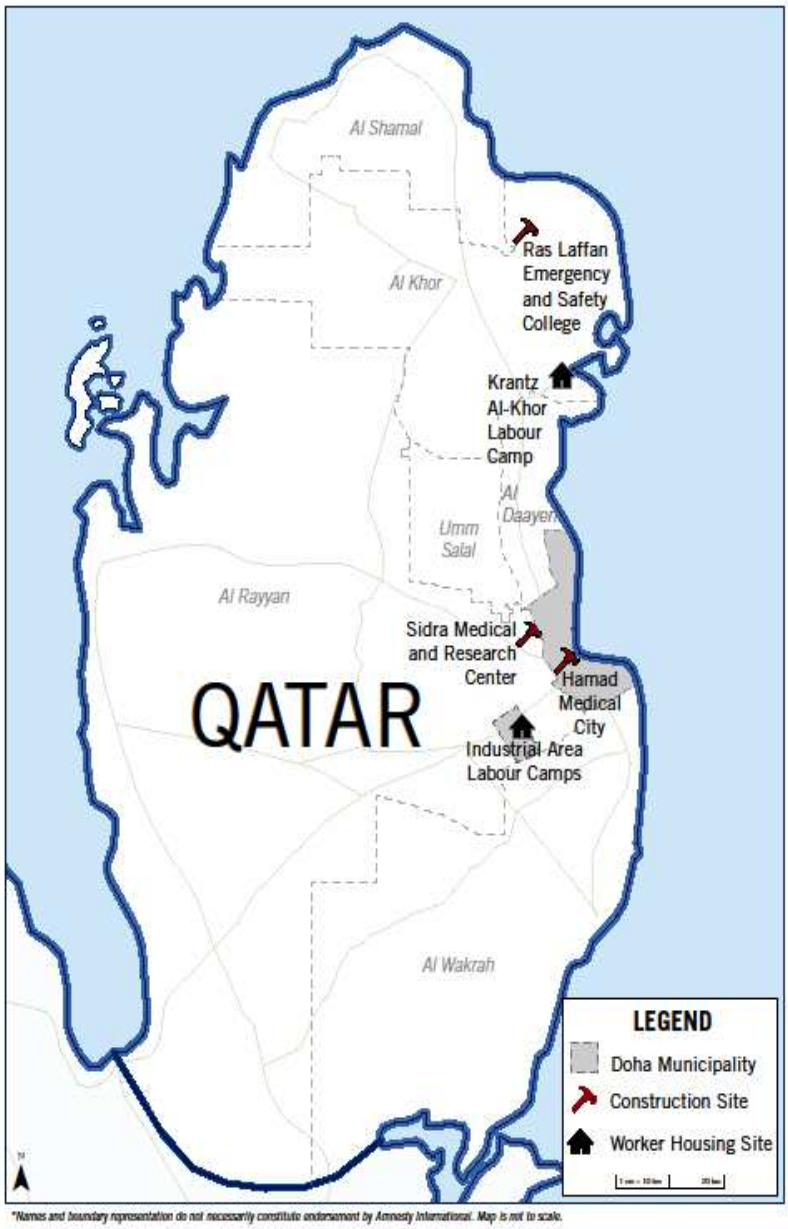
7. If workers have complaints against their employer and consider that their rights under the Labour Law have been breached, they can complain to the Labour Relations Department of the Ministry of Labour (sometimes called the "Labour Court" by migrant workers). If the Ministry cannot negotiate a resolution of the complaint, the case is referred to the Labour Court, where workers can file civil cases against their employer.

8. Under the Labour Law, migrant workers are prohibited from joining or forming trade unions.

9. While the Labour Law applies to construction workers, domestic workers and some other groups of workers are excluded from the terms of the Labour Law, meaning that under Qatari law there are no limits on their working hours, and they cannot complain to the Ministry of Labour if their rights are being breached.

10. Sponsors are expected to provide their employees with housing in Qatar. For construction workers, this is normally in dormitory-style "labour camps" with communal bathrooms and kitchens. Since 2011 it has been illegal for labour camps to be located in "family areas", referring essentially to districts where Qatari families live. Domestic workers are usually housed in the same home or compound as their employer.

MAP OF SOME KEY LOCATIONS FEATURED IN THIS REPORT



2: EXPLOITED AND ABANDONED: THE WORKERS OF KRANTZ ENGINEERING

"It has been horrible. I don't know why I came here. I consider this to be the worst phase of my life. My father passed away while I was struggling here; I couldn't leave to see him for the last time even after begging CID, crying and falling at their feet."

31-year-old Indian heating and ventilation supervisor formerly employed by Krantz Engineering on the Ras Laffan Emergency and Safety College project, speaking in May 2013 [33]

"I would like to express our disappointment at the way in which you have treated almost 100 Indian workers who came to Qatar with lots of dreams. You have not only not paid them for months but made them to get money from India to pay the penalty and return to India."

Letter from the Deputy Chief of Mission, Indian Embassy in Doha to Krantz Engineering, dated 21 May 2013 [34]

"The workers were adamant. They would only work if they were paid."

Managing Director of Krantz Engineering to Amnesty International, March 2013 [35]

About 50 minutes drive north from Doha, at the heart of Qatar's gas industry, lies the recently completed Ras Laffan Emergency and Safety College (RLESC) campus. The training facilities include a 120-seat auditorium, conference rooms, a 300-seat dining hall, and a parade ground with VIP stand.[36]

But, for a group of men who helped build the College, the project will be associated with a dark period in their lives, when they found themselves left without work or pay, without any way to get home, struggling for food and at constant risk of arrest.

It was an ordeal that would last for many months and which highlights, in a disturbing fashion, the prevailing lack of respect for the human rights of workers among some construction contractors. It also exposes the dearth of viable options for workers in Qatar to escape exploitation. Finally, it reveals how those managing such projects appear loath to take action in the event of abuse.

The Ras Laffan Emergency & Safety College project © Google Earth Imagery © 2013 Digital Globe. January 17, 2013. 25.883702, 51.431839

In 2010 Krantz Engineering (Krantz), a subcontractor providing "electro-mechanical engineers and contractors",[37] began working on the RLESC site for SEG Qatar, one of the main contractors. The company was providing around 250 employees to work on the project, though this number included a large number of workers outsourced from other companies to supplement Krantz's own employees. The contract was due to last until the end of 2011 but there were apparently delays in completion of the project and it continued into 2012.[38]

July 2012: Pay stops

By mid-2012 the employees of Krantz - mainly from India, Nepal and Sri Lanka - had become used to receiving their pay late. One Indian man told Amnesty International:

"There were small delays, by a day or a week or so. Then you might be paid a month later, or two months late, or you were paid two months late but you only received one of the months you were owed."[39]

But after July, things deteriorated. At the end of the month, the salaries did not arrive. The men report that they were not paid at the end of August either. The Managing Director has told Amnesty International that this all started when Krantz was not paid by the main contractor on the RLESC project, causing cash flow problems:

"We had some problems. We had a big contract with QP [Qatar Petroleum], with SEG. We invested all our money in materials and completed 85% of the work. But SEG paid only 51% of the value of the contract, about 22 million riyals [$US6.04 million]... This was in June 2012. In around July I said to SEG that the workers will stop if there is no pay. They came to the camp and promised that workers' pay will come. But there were no payments [from SEG to Krantz] after June." [40]

The men carried on working. Several reported that during this period Krantz told them not to worry. A 33 year-old electrician told Amnesty International that, "in August they told us pay

would be coming in 10 days, and then they kept delaying."[41] Long delays in pay are disastrous for low-income migrant workers. A 44-year-old Indian man who worked as a welder described how when he would receive his monthly salary of 1,400 riyals (US$384), he immediately sent 400 riyals (US$110) back to his family, in part to pay a large mortgage of 350,000 rupees (US$5,865) on his house at home.[42] When pay stopped for his work on the RLESC project, he could not send them these critical funds.

In October the men were given hope when Krantz management gave them a written promise that they would receive most of the pay due to them by the end of the month and all the outstanding salaries by 15 November 2012.[43] Some said that at that point they were paid one month's pay, covering the work they had done in July.

November 2012: Work stops

As the end of October neared, the Krantz management issued a written warning to the men:

"It has been reported that several employees stay back at Camp regularly and hence not attending the site duties. This is affecting the site progress badly. Please note, to those employees, a penalty of QR25/- [US$6.87] will be levied for each occurrence, apart from the per day deduction, with immediate effect."[44]

In a context in which workers had not received pay they were due for several months work - despite repeated promises - and when several workers had not been able to leave the country despite submitting notice, a threat of financial penalties for not working, above and beyond non-payment of that day's salary, may amount to forced labour.[45]

The men report that at the end of October the company told them that the pay was coming on 8 November. When there were no salaries on that day, most of them decided to stop working, and that was the last day they worked. The majority of workers to whom Amnesty International spoke said that they were owed approximately three months salary for the work they had done on the RLESC project. This is consistent with statements they made to the Qatari authorities in official complaints.

View from a Krantz employee's bed, overlooking the Al Khor football stadium. Al Khor is due to be the location for a World Cup stadium in 2022 © Amnesty International

November 2012 to February 2013: Trapped

In November 2012, the men sought the assistance of the Qatari authorities. On 11 November, one of the workers submitted a labour complaint, on behalf of all the workers, to the Labour Relations Department of the Ministry of Labour. In the months that followed, the men repeatedly sought assistance from the Ministry of Labour and Ministry of Interior.[46] One 44-year-old Indian worker, who submitted a detailed complaint to the Ministry of Labour in December,[47] described:

"I went five or six times to the Labour Court [a term referring to the Labour Relations Department]. I was given dates to go back, each time. Nothing ever happened. When we did go, the Managing Director refused to show and made excuses."[48]

Some workers asked the company to send them home without pay. But the men said that, although the company made promises that they could leave soon, Krantz did not take the required steps to make this happen - the issuing of tickets, issuing of exit permits and returning of workers' passports.

Additionally, Krantz had failed to arrange for large numbers of its workers to be issued with residence permits or for their residence permits to be renewed after expiring, meaning that these workers could not leave until large fines were paid to the Ministry of Interior. Speaking in March 2013, still in Qatar, one man explained to Amnesty International that he complained to the Managing Director:

"He said I could go. But the company has my passport. They won't give it to me until I get to immigration... there is also a 3,000 riyals [US$824] fine for my expired [residence] permit which expired in February 2011. The company said, 'if you want to leave you have this fine to pay'. I kept pushing back on when I could go. They said, 'you can go on 10 December', but it came and went."[49]

On 2 February 2013 the company gave workers a handwritten document promising that the company would "send" all workers who wanted to leave by 17 February.[50] But this date went by and dozens of men who wanted to leave were still left stranded in Qatar. Several Krantz workers told Amnesty International that during this period they repeatedly visited the Ministry of Interior to try to seek assistance to leave the country. They said that officials often told them to come back with their passports, so that procedures could begin. But the workers were generally unable to retrieve their passports from Krantz.

The workers sought the help of their embassies. The Indian Embassy wrote to Krantz at least three times in December 2012.[51] In January 2013 the Nepalese Embassy made representations to the Qatari authorities on behalf of 32 Nepalese Krantz employees, stating:

"Such irresponsible and inhuman acts of the Krantz Engineers W.L.L. is a gross violation of the provisions of the Employment Contracts as well as the provision of the Labour Act of the Government of the State of Qatar." [52]

February to March 2013: crisis point

In February 2013, workers said that there were still approximately 60 men in one of the camps - the Al Khor camp, as well as approximately two dozen workers in the company's other two camps in Al Shimaal and Al Muaither. By this point, the situation for the workers had become truly desperate and it was clearly taking a psychological toll, due in part to the stress of the situation and also the difficulty that many of the men were having in supporting their families at home. On 21 February 2013 several men told an Indian national resident in Qatar who visited the Al Khor camp at the request of Amnesty International that they were planning to commit suicide.

One man, who was due to get married in mid-March in his home country and had been trying to leave Qatar since November 2012, pointed to a specific date on a calendar when he said he would self-immolate unless he was able to leave and return in time for the wedding. He said there was no point in returning to his home country in shame having failed to come back in time for his own marriage. After the National Human Rights Committee negotiated with the owner of Krantz and raised his specific case with the Ministry of the Interior, he was fortunately able to fly back home within a few days. He later informed Amnesty International that his fiancé had called the wedding off because of the delay of many months in his return.

One worker from Mumbai, India, had been unable to send any money to his family for the previous seven months. As a result his wife and two children had been evicted from their rented house and had been forced to stay with friends.

A Nepalese worker explained in March:

"You see, some families are in rented accommodation back home. Now for eight months if we don't send any money, how would they live there? Their landlord is going to throw them out of their houses now. Right now they are somehow trying to make ends meet... That's why we are asking the company, 'it is ok if you don't give us money, but please send us home'. We asked them to just return our passport and send us back."[53]

On 28 February 2013 Amnesty International wrote to the Qatari authorities asking them to take urgent action. On 4 March, a Ministry of Labour inspector visited the company and some of the workers.[54] Amnesty International understands that as a result of this visit, Krantz was referred to the police. However, Amnesty International is not aware of what if any actions may have taken place subsequently.

The situation apparently continued to deteriorate and on 12 March the electricity at the company's labour camp in Al Khor was turned off by the utility company, due to non-payment of bills.

Candle-light in the workers' accommodation, March 2013. When their pay stopped, the workers had been employed on a project owned by one of the world's largest energy companies © Amnesty International

When Amnesty International researchers visited the camp on 13 March, there was no air conditioning or lighting and the men were using candles and torches. On 15 March Krantz moved the workers from Al Khor to another camp with power.

Floodlights blaze at the nearby Al Khor football stadium, while the lights are off at the Krantz accommodation © Amnesty International

March to July 2013: Trapped, at risk of arrest, hungry

In early March 2013 between 30 or 40 Krantz employees were able to leave the country and return to their homes. But for the 36 men still left, there was still a long road until the end of their ordeal. Krantz continued to make it extremely difficult for workers to leave, for reasons that remain unclear. It took until 23 July 2013 - almost exactly a year after pay stopped - for the last three desperate Krantz workers to fly back home. They told Amnesty International as they cleared immigration that they had not been paid. A small number of Krantz employees remained in Qatar, hoping to transfer to new companies.

Krantz workers who left during this period repeatedly and separately told Amnesty International that they had to sign papers stating falsely that they had received their salaries and that they had no claim against the company, as well as signing and adding a thumb-print to two blank letterheads. This allegation is consistent with practices that researchers witnessed in another case. The men report that the company told them that this was the only way for them to receive their passports.[55]

Most workers only saw their passports at the airport, which could be many weeks after signing. When asked how he felt about signing papers which stated falsely that he had received his pay, one Nepalese worker who had been working for Krantz since 2009, simply said: *"What could I do? I had to go home."*[56]

The Indian Embassy in Doha noted Krantz's practice of making workers sign such documents in a memorandum to the Qatari authorities.[57] In a letter to Krantz itself, the Embassy also stated:

"It is understood that your sponsor [the Qatari owner of the company] is blackmailing the Indian nationals by withholding their passports and making them beg for the same and the passports are returned only after getting signatures on blank letterheads and signing for the receipt of all pending dues. You are fully aware of this situation."[58]

An Indian Krantz employee with his bags packed to leave in March 2013. He was not able to leave Qatar until 27 May, after falsely signing papers saying that he had received all his pay – he had not © Amnesty International

In addition to all of the other serious problems, the workers also faced the risk of arrest for not having residence permits. Some of the men had never been issued residence permits since arriving in Qatar. One Indian worker said:

"Some people are in jail for not having IDs [residence permits], others are let go. This is why we don't even go out."[59]

Of the 36 workers remaining in the country in mid-March 2013, Krantz's Managing Director stated that only 10 had valid residence permits. He admitted to Amnesty International that this was "not the workers' fault".[60]

On 18 March, 12 of the men were arrested by the police early in the morning because they did not have valid residence permits. Amnesty International contacted the Ministry of Interior and National Human Rights Committee, and by around midnight the men had been released and returned to their camp. In May 2013, however, three men were arrested again in separate incidents. One Indian national was never released, to Amnesty International's knowledge, and is likely to have been deported without receiving any salary or end of service benefits.

From February 2013, Amnesty International received repeated reports from all three of the Krantz camps of problems with food supply from the company. This problem appeared to get substantially worse from April 2013 and workers reported that the company simply stopped sending food to them. In one employee's contract reviewed by Amnesty International, Krantz had committed to providing his food throughout his employment.[61]

Food being delivered by members of the local community to Krantz workers. © Aakash Jayaprakash

Members of the local community provided some food to the remaining men after that point. Krantz has generally denied to Amnesty International that there have been significant problems with food supplies for the workers although on one occasion, after researchers asked the Managing Director to address this issue in April 2013, the workers reported that he took them some cash to repay them for money they had spent on their food.

The inadequate response of the corporate actors involved in the RLESC project

ID card belonging to a Krantz employee working on the RLESC project. After receiving no wages after July 2012, this man was unable to leave the country and return to India until June 2013 © Amnesty International

As well as notifying the Qatari authorities, Amnesty International contacted a range of corporate actors who were involved in the RLESC project about the dire situation of the workers. This included: the owner of the project, the main contractor, and the organization which was awarded the contract to deliver the training at the RLESC. The responses were disappointing.

In 2008 two companies, SEG Qatar (SEG), a contracting company linked to Beirut-based SEG International,[62] and Black Cat Engineering and Construction, a Qatari construction firm, were appointed as main contractors for the project, in a joint venture. According to media reports, the contract was worth 1.1 billion riyals (US$302 million).[63] SEG contracted Krantz Engineering to carry out work on the RLESC.

The Managing Director of Krantz stated that his financial problems began when SEG did not pay Krantz for work completed. Amnesty International has seen an email dated 17 October 2012 which the Krantz management showed to workers, in which SEG promised that Krantz would be paid for their work on the project, and indicating that SEG was aware that Krantz workers had not been paid:

"The payment will be arranged as follows. Kindly tell your staff and labors [sic] to be ready. First payment for the Month of June and July: Tomorrow morning. Second payment for the month of August and September: by the end of October."[64]

Amnesty International spoke to a representative of SEG Qatar, for whom Krantz were working directly, by phone on 30 April 2013. SEG declined to answer a number of Amnesty International's questions, saying that its commercial agreements had to be kept secret "under international law", without specifying any further which law. SEG stated that Krantz "left the job" and that SEG "tried to help them [Krantz]". SEG refused to confirm whether or not SEG had paid Krantz for the work the company had carried out on the RLESC project, saying only:

"I'm not saying we paid Krantz. We honour our contracts, that's all I'm saying."[65]

Amnesty International asked whether SEG had been paid by Qatar Petroleum or not for the work carried out in mid-2012 but SEG declined to answer this question. Amnesty International asked whether SEG had been aware that Krantz workers were experiencing pay delays and what steps it had taken, given its responsibilities as main contractor. The SEG representative stated, "We do [have responsibilities] - we took measures," but declined to explain what measures had been taken to protect the affected workers.[66]

On the basis of the information available to it, Amnesty International concludes that SEG acted in a manner which was inconsistent with the UN Guiding Principles on Business and Human Rights, as it appears to have taken no adequate measures that Amnesty International is aware of to prevent human rights abuses or respond when they occurred. Moreover, SEG's failure to pay Krantz appears to have contributed to the acute problems documented. Given that SEG was aware of the problems Krantz was facing in paying its employees and the human rights impact on the workers, SEG may be considered complicit in the abuse suffered by the workers.

The development of the RLESC has been led by the state-owned energy giant Qatar Petroleum (QP), by some estimates the 17th largest oil company in the world.[67] QP has worked in conjunction with the Ministry of Interior to create the college. On 28 May 2013 Amnesty International wrote to the Chair and Managing Director of QP, setting out the key allegations of abuse against the workers, asking for QP's response to these allegations and seeking their immediate assistance for the affected workers. On 4 September, after Amnesty International had sent a follow-up letter, QP responded to say that it would investigate the allegations, stating that:

"We greatly appreciate you bringing these allegations to our attention. QP takes such allegations seriously and will not tolerate such actions by contractors engaged by QP on a QP project."

QP stated that in the contracts that it signs with contractors and subcontractors, the rights of workers employed by those companies have been "relatively well-protected", as the contracts contain basic standards which the contractors must abide by, including requirements relating to: the health and safety of workers; the provision of transport and accommodation for workers; the maintenance of good industrial relations with workers (including paying them on time and in accordance with their contracts); ensuring that workers' immigration status is regularised; and complying with relevant laws and standards, including labour law. QP requires its contractors to ensure that the same standards are observed by their subcontractors.

QP stated in its response that it believed that the inclusion of these contractual provisions meant that it was "in line with the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises". QP stated that, depending on the results of its investigation, it might take action if it found any contractor to be in violation of their contract and / or the law. It said these actions might include, among other things, terminating the contract partially or entirely, reporting the contractor to state law enforcement bodies, or filing a lawsuit against the contractor.

QP stated that whilst it would investigate the matter, it did not have the "legal authority" to

ensure that workers could return home or transfer to new jobs, as this was the responsibility of the relevant contractors and / or state authorities.[68]

In reality, by the time that QP responded, three months after Amnesty International had requested urgent assistance, most of the men had managed to leave the country, albeit without their wages.

Although QP states its contractual provisions place it in line with international standards, the fact is that contracts are not enough. The UN Guiding Principles on Business and Human Rights make clear that business enterprises are expected to go further in their actions to prevent and mitigate adverse human rights impacts as a result of their operations than setting out requirements in a contract with contractors and subcontractors. They state, among other things, that human rights due diligence "should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve."

Among other things, QP should develop effective policies and processes to incorporate human rights criteria when it assesses the suitability of contractors bidding for tenders on its projects, and monitor the implementation of human rights standards included in contracts it signs.

SEG

BLACK CAT

CERTIFICATION

SEG-ELECTRICAL DEPT.

A Krantz worker's certification issued by SEG attesting to the quality of his work until November 2012 on the RLESC project, a Qatar Petroleum project © Amnesty International

Amnesty International also contacted an organization not directly involved in the construction of the RLESC. In 2009 the Texas Engineering Extension Service (TEEX), part of the US-based Texas A&M University System, announced that it had signed a 10-year "multi-million-dollar" agreement to act as the training provider for the RLESC. TEEX stated that it had been "involved in the design of the facility and the props".[69] Amnesty International wrote to the Director of the Texas Engineering Extension Service (TEEX) and the Chancellor of the Texas

A&M University System on 10 July 2013, describing the situation and asking TEEX and / or the Texas A&M University System to take action to assist the affected workers - including to help the men still in Qatar and affected by short-term problems paying for food to sustain themselves.

On 12 July the Director of TEEX replied to Amnesty International by email:

"Thank you for your letter dated July 10, 2013 regarding the treatment of workers at Ras Laffan Emergency and Safety Institute. Please be advised that TEEX has no role in the operation or construction of the facility. In addition, TEEX not does not have any role in the management and supervision of the labor force at the facility. TEEX currently has 4 employees at Ras Laffan who are focused on the training of the emergency responders who have been accepted into the program." [70]

Amnesty International had not suggested in its letter that TEEX had direct responsibility for the men's experiences. However, the organization replied to TEEX to express surprise and disappointment at this position, given that TEEX had been presented with evidence that a facility with which the organization has a close and ongoing involvement has been constructed - in part - by workers who were subjected to labour exploitation. International standards make clear that businesses should seek to prevent, address and mitigate human rights abuses related to their operations - even if they have not contributed to them. At the time of publication, TEEX has not sent any further response to Amnesty International.

During April and May 2013 Amnesty International received a series of emails from a Krantz employee who was desperate to leave the country and return to his home in India. He told researchers he had to falsely sign papers saying he had received his salary in order to get his passport back.

23 April 2013
"...I am writing this email after lots of pain and struggle ... I have complained in several places like Labour court, Indian Embassy, High court, CID and National Human Rights Council Qatar but no any positive response from anyone of them... I don't have money to eat food from last 5 days as I didn't get salary from last 9 Months, several times I called & message to company owner, PRO [Public Relations Officer] and Qatari sponsor they are not responding at all and office is also closed from last 1 month..."

4 May 2013
"... Company PRO is asking to sign all dues salary slip of 9 months and 2 blank latter head of company with thumb sign then only he will give our passport. This condition is also up to today before 6:30 pm."

6 May 2013
"... Somehow I arrange ticket but they have taken my signature for all pending salary slip and two blank letterhead. without paying single penny. these people are totally crazy they don't have human quality to understand the people situation they torture beyond limits...."

8 May 2013
"...they applied condition that if I won't sign the all papers as they wish they won't give the passport. After all these harassment they didn't gave ticket that too also I only paid."

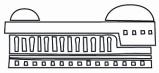
15 May 2013
"...I would like to inform you that I am on the way to India and hopefully other people will also be able to get release from Krantz engineers wll..."

Amnesty International was able to connect him with the National Human Rights Committee, who assisted him to get an exit permit from the Ministry of Interior more quickly than was possible for many Krantz employees, but nevertheless he received no salary. In August 2013 he contacted Amnesty International to say that he had returned to Qatar with a new employer. He had amassed so many debts during his ordeal trying to leave Krantz that he had no choice but to migrate again, in an attempt to pay off these debts. As of September 2013, he had still not been paid any wages for the work he carried out at Krantz.

Key players in the Krantz case

Qatar Petroleum (QP)

state-owned energy giant, by some estimates the 17th largest oil company in the world



What they did

QP has worked in conjunction with the Ministry of Interior to create the Ras Laffan Emergency and Safety College (RLESC).

In May 2013 Amnesty International wrote to QP, as ultimate project owner, asking whether QP had been aware of the abuses against Krantz workers and – if so – what they had done to address them. The letter also sought immediate assistance for the affected workers. QP responded in September 2013.

What they said

"We greatly appreciate you bringing these allegations to our attention. QP takes such allegations seriously and will not tolerate such actions by contractors engaged by QP on a QP project."

"Please be assured that QP will investigate this matter, but please note that QP does not have the legal authority to 'ensure that all affected workers are able to return to their home countries…or are able to transfer to other companies.'"

SEG Qatar (SEG)

a contracting company linked to Beirut-based SEG International

What they did

In 2008, SEG was appointed as main contractor for the RLESC project, reportedly worth 1.1 billion riyals (US$302 million), alongside Qatari firm Black Cat. Krantz says SEG delayed payment. On 17 October 2012 SEG sent Krantz an email:

"The payment will be arranged as follows. Kindly tell your staff and labors [sic] to be ready. First payment for the Month of June and July: Tomorrow morning. Second payment for the month of August and September: by the end of October."

What they said

On whether SEG paid Krantz:

"I'm not saying we paid Krantz. We honour our contracts, that's all I'm saying."

On what SEG did to help the situation:

"We tried to help [Krantz] … "We do [have responsibilities towards the workers] - we took measures."

Krantz Engineering (Krantz)

a sub-contractor providing "electro-mechanical engineers and contractors"

What they did

Krantz was subcontracted by SEG in 2010. Krantz often paid employees late and in July 2012 pay stopped altogether.

Workers reported that the only way to get their passports back and leave the country was to sign documents falsely stating they had been paid. Food deliveries to the workers stopped in April 2013. It took until July 2013 for Krantz's employees to get home.

What they said

"In around July [2012] I said to SEG that the workers will stop if there is no pay … But there were no payments [from SEG to Krantz] after June [2012]."

"The workers were adamant. They would only work if they were paid."

Ras Laffan Emergency and Safety College (RLESC)

What they did

Billed as the "world class emergency and safety training facility in the Middle East", facilities include a campus building, classrooms, offices, a 120-seat auditorium, conference rooms, accommodation units for host instructors, mosque, 300-seat dining hall, parade ground with VIP stand, 6-bay fire station with fire emergency training vehicles, an emergency vehicle driver training track and a driver simulator.

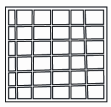
What they said

At least 70 workers worked for three months without pay to help build the project, including – for at least part of this time - under conditions amounting to forced labour.

The majority were never paid for this work and faced an ordeal lasting months, simply to get out of the country and go home.

Texas A & M Engineering Extension Service (TEEX)

part of the US-based Texas A&M University System



What they did

TEEX announced in 2009 that it had been signed a 10-year "multi-million-dollar" agreement to act as the training provider for the RLESC.

TEEX stated that it had been "involved in the design of the facility and the props". Amnesty International asked TEEX to assist the Krantz workers - including to help the men still in Qatar by assisting with the provision of food.

What they said

"Please be advised that TEEX has no role in the operation or construction of the facility.

"In addition TEEX does not have any role in the management and supervision of the labor force at the facility. TEEX currently has 4 employees at Ras Laffan "

3: ROUTINE ABUSE IN THE CONSTRUCTION SECTOR

"I don't think there has been as comparatively ambitious an infrastructure rollout in such a small place, in such a short period of time... There's just no precedent for this."
Doha-based economist speaking to Reuters, February 2013 [71]

"There are many workers who do not know what their rights are. There are many workers who keep working like donkeys, without asking a question. They don't understand what is legally our entitlements, what our rights are. The company has been causing a lot of trouble. The company doesn't give them even the minimum facilities and treats them as sub-human beings. Sometimes they are not given drinking water and not given transport. If a worker falls ill and stays in his room for a day, they cut the salary for two days. If he remains absent for two or three days, then they cut salary for 10 days. If the workers work over time, they don't pay for over time."
Nepalese construction worker, October 2012 [72]

Estimates vary, but by some assessments, Qatar's construction boom over the coming decade will amount to more than US$220 billion of project spend.[73] The scale of the development is drawing in companies from around the world, alongside Qatari companies, in complex subcontracting and supply chains. According to the 2010 census, the last time figures were made publicly available by sector, construction companies in Qatar employed 503,518 foreign national workers - 500,674 men and 2,844 women.[74]

Amnesty International has documented a number of serious labour abuses in the sector. These frequently start at the recruitment stage before an individual starts work, when people are given false information about the jobs and salaries. Once in Qatar, the sponsorship system and the fact that many migrants have incurred debt to migrate, makes it very difficult for migrants to challenge the deception. Migrant workers also face serious problems with payment of salaries. Prolonged delays or non-payment of wages are not only abuses in themselves but can leave workers unable to pay for food, send money to their family or afford phone calls home. Migrants are forced to work excessive hours, and subjected to unlawful deductions from their salaries if they miss work.

The sponsorship system, in particular the difficulties that workers face in switching employers, combined with the exit permit system which requires workers to obtain permission from their employer to leave the country, makes workers extremely dependent on their employers. It also increases workers' vulnerability to abuses of rights, including forced labour. As discussed in this chapter, employers have been able to use threats such as non-payment of wages, refusal to return passports and provide exit permits to leave the country and in some circumstances, physical threats in order to exact work from workers involuntarily.

The extent of the abuse of migrant workers in Qatar is not fully clear; however, a combination

of quantitative and qualitative data point to widespread problems affecting tens of thousands of migrant workers. Independent survey results suggest that the numbers of people affected may be very significant. For example, a 2012 survey of 1,189 low-income labour migrants, funded by the Qatar National Research Fund, found:

- 90 per cent of migrants said their employers possessed their passports;[75]
- 21 per cent said they received their salary on time only "sometimes, rarely or never";[76]
- 20 per cent said their salary was different to the salary they had been promised prior to leaving their home country.[77]

In a different study conducted by Qatar University 7 per cent of migrant labourers sampled said that they were working seven days a week.[78]

Given that the number of migrant workers recorded as working in the construction sector in 2010 was more than half a million, the number of people experiencing exploitative practices may well run into the tens of thousands.

The Labour Ministry reported that in 2011 it received 7,659 labour complaints, most of which were about the failure of employers to provide tickets to leave Qatar and delays in payment of salaries.[79] The Supreme Judicial Council reported that during 2011 the courts heard 4,272 labour cases.[80] In January 2013 the Head of the Labour Relations Department announced that the department had received "some 6000 workers complaints in 2012".[81] As will be discussed in detail in Chapter 5, migrant workers face significant challenges in making complaints to the Ministry of Labour or taking legal action; those who do access these systems are likely to be a small proportion of those who experience labour exploitation.

This chapter details Amnesty International's findings in relation to each of the forms of exploitation referred to above. Many of the workers interviewed were subjected to several – and in some cases all – of these abuses during their time in Qatar. Their efforts to leave Qatar or to seek justice in Qatar almost always met with serious obstacles.

QATAR'S OBLIGATION TO ELIMINATE DISCRIMINATION AGAINST MIGRANT WORKERS

Qatar is a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the ILO Discrimination (Employment and Occupation) Convention. Under both of these treaties, Qatar is under an obligation to eliminate discrimination, defined under the ILO Convention as "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation".[82]

The International Convention on the Elimination of All Forms of Racial Discrimination provides:

"In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of

everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(c) Other civil rights, in particular:

(ii) The right to leave any country, including one's own, and to return to one's country;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services; [83]

Contract substitution and deception over terms and conditions of work

"I was told I would work in the market and would get 1,000 riyals (US$275). But the company I came with did not have work so I was transferred. They took away my original contract and gave me a new one. I got 600 riyals (US$165) per month plus 150 (US$41) for food with the new company. I complained about the amount but they told me, 'if you don't like it, go back home, get your own ticket'. I kept trying to call the recruitment agent in Nepal but I got no answer."

28-year-old Nepalese painter and water-proofer [84]

Many of the construction workers who spoke to Amnesty International reported arriving in Qatar to find that the terms and conditions of their work were different from those that they had been promised, either verbally or in writing. In some cases the promises were made by recruitment agents or brokers in their home countries; in other instances by their employer in Qatar. Some workers told Amnesty International that they had signed agreements in their home countries but had these removed on arrival in Doha - either by their recruitment agent, or by their employer – and were either given new "agreements" in Arabic, or simply informed of the real terms and conditions of their work.

The main form of deception that workers reported was with regard to salary. One Sri Lankan construction worker told researchers that before he arrived he was given an employment agreement by a person in Sri Lanka acting as an intermediary with the company, stating that he would earn 950 riyals (US$261) per month. But when he arrived in Qatar, the company gave him a contract which specified that his salary was only 650 riyals (US$179). He asked to return home but was told that if he wanted to leave, he would have to pay for everything including the cost of his recruitment and his flight home. He had already paid approximately US$300 to the intermediary in order to arrange his recruitment.[85] A Nepalese man living in Doha's industrial area and working as a cleaner told researchers his recruitment agency had

promised a salary of 1,200 riyals (US$330) a month, but when he arrived he was told his salary was only 700 riyals (US$192) per month. He had not received any kind of agreement.[86]

Other workers told Amnesty International that they were deceived as to the type of work they would be doing. A Sri Lankan construction worker had been promised work as a plumber having received specialist training in his home country, but when he arrived was told he was going to be a labourer earning 800 riyals (US$220) a month. He told Amnesty International researchers he been asked to do one month's work as a plumber in two years, but received the salary of a worker without specialist skills during this month.[87]

A Nepalese construction worker told Amnesty International:

"The salary is what they had promised me. However, in terms of the type of work, I was not given the work what they had told initially. They had told me that I would get work as cleaner, cleaning windows. But when I came here, I realized that I had to do construction work. But I agreed to do this work under compulsion."[88]

In a study funded by the Qatar National Research Fund in which 1,189 low-income migrants were surveyed during February and March 2012, 15 per cent of workers reported that they were put to work in a different position to that which they had been promised. Twenty per cent said that their salary was different to the one promised to them in the sending country.[89]

FEES AND DECEPTION IN THE RECRUITMENT PROCESS

The finding that migrant workers in Qatar are deceived about their terms and conditions of work is consistent with the findings of Amnesty International's research on labour migration in Nepal. The organization's 2011 report *False Promises: Exploitation and forced labour of Nepalese migrant workers* documented the way in which practices of recruitment agencies and brokers in Nepal, who arrange the majority of work placements for migrant workers, place migrants at serious risk of exploitation and abuse even before they reach their country of destination.[90]

The report found that some recruitment agencies and brokers are involved in the trafficking of Nepalese migrants for exploitation and forced labour. Nearly all of the 149 migrants who were interviewed by Amnesty International for the report stated that they had been deceived on at least one substantive aspect of their employment terms and conditions: salary amount, the type of job offered, work hours, overtime pay or rest days.

The initial deception by the broker or recruitment agency regarding the job leads migrants to take on heavy debts to pay for the costs of their recruitment - something which is illegal under Qatari law, though not under Nepalese law.[91] Many workers Amnesty International interviewed in Qatar had taken out large loans in their home country to fund the costs of their recruitment and travel. A 2011 study by Qatar's National Human Rights Committee sampled 1,114 construction workers and found that 53 per cent had borrowed money to pay for their migration.[92]

The size of such loans varies depending on the person's home country and the particular circumstances of each individual's migration route. For example, Nepalese workers interviewed by Amnesty International in Qatar typically owed around US$1,150 when they arrive, borrowed at an interest rate of 36 per cent per annum.

This figure is consistent with Amnesty International research carried out in Nepal.[93] Depending on their salary, it can take two years or more to pay back loans of this size. Amnesty International spoke to workers who, when they arrived in Qatar and found that their salary was less than they had been promised in their home country, were given a choice, either to work for the reduced salary, or go home immediately. The workers were aware that if they chose to go home, they would, because of a provision contained in the Sponsorship Law,[94] give up the chances of employment in Qatar for at least two years, which would leave them with little prospect of paying back their loans and could place them under severe pressure from moneylenders when they returned home.

Amnesty International is concerned that some employers use their knowledge of workers' debt in their home countries to offer them reduced salaries on arrival. Workers in such a situation are not able to leave their jobs to go home, because their debt payments prevent it, and are unable to find another job, because Qatar's Sponsorship Law prevents them from doing this without the permission of their employer. It is reasonable to suggest that many employers are well aware of their employees' debt, since it is so common for migrant workers to arrive in Qatar indebted.

In June 2013 a spokesperson for the Nepalese Ministry of Labour was quoted as stating: "Nepalese workers come [to Qatar] for work based on the contract attested by the Chamber of Commerce and the Embassy. But when workers arrive [in Qatar], employers make them sign a different contract."[95] In October 2013, responding to Amnesty International's findings, the Government of Qatar said it had begun an initiative to prevent contract substitution:

"In the event that the Ministry of Labour becomes aware that an employer has not adhered to the contract with the employee, or a complaint is received, then it will take all legal means and measures against the employer. The Ministry of Labour is in the process of implementing a programme for electronic connection with labour-exporting countries. Cooperation between the Ministries of Labour will be in the form of establishing an electronic information base for those seeking jobs in Qatar. The website will allow employers in Qatar to choose their workforce from the available applications. This project will ensure there will no longer be any discrepancy between the job the worker has signed up for in his country. from that signed in Qatar, as all the documents listed on the information base, including the work offer by the employer, will be registered. In the case of any disagreement between the two sides in the future the information can be checked and verified."[96]

Whether such a system will assist workers will depend to a great extent on its implementation, including the languages the database and contracts would be available in, as migrant workers frequently do not read Arabic or English. Additionally, some migrant workers are recruited from rural areas with limited internet usage, so they may be unable to access such a database. Initiatives to develop closer co-operation between Qatar and migrant workers' countries of origin to protect workers should nevertheless be encouraged.

While the Government of Qatar is developing the system referred to above to prevent contract substitution in the future, this alone is not a sufficient response to a phenomenon that the government accepts is already occurring. The authorities must also take action to hold accountable those companies responsible and protect the affected workers.

Residence permits not issued or not renewed, leaving workers "undocumented"

"We can't go anywhere. If we go to the Embassy, the police could catch us. We go to work in a car, we work, we come back and eat. We watch for the police from the terrace. We walk around on Fridays but have to watch out for the police."
Nepalese construction site "helper" without a residence permit, October 2012 [97]

There is a significant problem of employers effectively leaving their employees "undocumented", by not making arrangements for them to be issued with residence permits and the accompanying ID card[98] - the critical document without which migrant workers find themselves in a highly precarious situation. Workers have no ability to secure their own residence permits and those without valid residence permits are often assumed to have "absconded" from their employers – a criminal offence – by the authorities.[99]

Researchers met hundreds of workers without valid permits, despite the fact that the workers were complying with the relevant Qatari laws and regulations with regard to their employment. Some of these workers were initially issued with a residence permit when they arrived, but then their employers did not arrange for the renewal of their permits.

Amnesty International spoke to some men who said that they had never been issued residence permits since arriving in Qatar. Others said they had not had valid residence permits for up to a year or even 18 months after the expiry of their previous permit, because their employers had not organized them.

Many workers expressed their fear of being arrested for not having valid permits. A 25-year-old Nepalese electrician told Amnesty International that he kept asking the manager of his company to arrange a residence permit for him, but met with little success:

"The manager says, 'if you get caught [by the police], it's your fault. You went out of your own accord.' "[100]

One Nepalese construction worker who had been detained by police with two other men in October 2012 for not having a valid residence permit told researchers what had happened to him:

"We were arrested outside the labour camp while we were having tea outside. Two of us had expired IDs and the other one had no ID at all. We were taken to Al Rayyan [an area adjacent to central Doha] jail. We were arrested by police in a marked car. They didn't handcuff us. When they arrested me they slapped me twice. I was kept in a cell with about 15 other people for three days. I signed some papers and they released me, I don't really understand why. The guy without an ID still hasn't been released."[101]

Confiscation of passports

"We are asking the company, 'it is ok if you don't give us money, but please send us home.' We asked them to just return our passport and send us back."
Nepalese worker in Qatar, March 2013[102]

The vast majority of the workers that Amnesty International interviewed had their passports confiscated by their employers, in contravention of the Sponsorship Law which provides that "the sponsor shall deliver the passport or travel document to the sponsored person once the procedures for issuing or renewing the residence permit are accomplished." [103] Among all the construction workers that researchers interviewed, only one worker said he held his own passport.

One Nepalese construction worker told researchers:

"We should have it. I asked for it but I was told [by my employer] the law was that the sponsor should have it."[104]

A Bangladeshi man, who had been working on the construction of a tower in Doha's West Bay financial district, said:

"The sponsor has our passports. Most of the men's passports, probably around 80 per cent, are with the sponsor. Only the drivers keep their passports. The passports are actually kept by the mandoob [public relations officer, responsible for companies' interaction with government authorities]. It's a problem if a person is fired and the sponsor has the passport."[105]

Qatar University's Social and Economic Survey Research Institute found in its 2012 poll that out of 721 migrant workers surveyed, only 11 per cent said they were in possession of their passport at the time of the survey.[106] In a separate study funded by the Qatar National Research Fund, 1,189 low-income migrants were surveyed during February and March 2012 and 90 per cent reported that their employer possessed their passport.[107]

Workers prevented from leaving the country

"Please tell me, is there any way to get out of here? If something is possible tell us. If not, then tell us that. We are going totally mad now. Our mind is blank now. We can't think."
Nepalese construction worker, February 2013[108]

In its research Amnesty International has documented cases of dozens of construction workers who had attempted to resign, giving an appropriate period of notice in line with the Labour Law, but who had not been allowed to leave the country. The factors preventing them from leaving tended to be a combination of:

- Employers not issuing exit permits;
- Employers not paying fines on expired residence permits, which blocks workers' exits;

- Employers not returning passports; and

- Employers not issuing workers with tickets to travel - which they are required to do under Article 57 of the Labour Law at the end of workers' contracts.

Under the Sponsorship Law, employers have to give permission each and every time a migrant worker wants to leave the country. The employer's power to restrict workers' freedom of movement has a profound psychological effect on workers, who throughout their working career in Qatar are always aware that their employers have the ability to prevent them from going home. The National Human Rights Committee noted in 2010 what it called "negative practices" of sponsors "unjustifiably denying employees their right to obtain exit permits to leave the country."[109]

Amnesty International documented dozens of cases where, even after employers had failed to provide tickets, which the Labour Law requires them to do,[110] and workers had bought their own tickets home, their employer then delayed the issuing of exit permits or entirely failed to issue them exit permits.

Interviews with employers suggested that in situations where companies face financial difficulties, employers may try to prevent workers from leaving the country so that they can put them to work on new projects and raise new funds for the company.[111] Some companies in this situation told Amnesty International they have been placed on lists by the Ministries of Interior and Labour - because they have failed to comply with the Labour Law or the Sponsorship Law regulations - which would prevent them recruiting new workers, with the effect that they then appear to be reluctant to let any existing workers leave. One man from Nepal told Amnesty International:

"I hope that my fellow countrymen from Nepal don't get trapped in such a company the way we did... There is an illness in my family, my father is in hospital. I have been trying to go back for his treatment. There were many of us, so the Managing Director said, 'Wait a bit, I will send you back. And if there are fewer workers [seeking to leave], I will send you back,' he said. But until now, nothing has happened."[112]

Many employers strengthen the power that they have to prevent workers leaving the country by illegally confiscating their employees' passports and refusing to give them back when workers want to leave.

Amnesty International has documented cases where workers – in order to get their passports back from their employers and receive tickets to leave the country – agreed to demands by their employers to sign documents falsely confirming that they had received all wages due to them and that they had no further claim against the company.

Researchers watched 11 workers from one construction company (featured in detail later in this chapter) sign these kinds of documents in March 2013 in the presence of officials of the Ministry of Justice - who did not, as far as Amnesty International is aware, know that the workers were signing documents that were not true but did not ask the workers any questions about why they were signing. Amnesty International was asked by the group of workers to witness them signing these papers, as they were worried that they would sign the documents

and would still not be allowed to leave. Researchers did not alert Ministry of Justice officials to the fact that the men were signing false documents, because the men had asked them to help them leave the country, and to alert officials at that point could have placed their chances of leaving in jeopardy.

Workers at a different company (featured in Chapter 2) told Amnesty International that to retrieve their passports, they had to sign and put thumbprints on documents which said that they had no claims against the employer, as well as blank documents. They were not clear what the purpose of these blank documents was.

It should go without saying that no worker should be asked to sign away their rights to unpaid salaries and other benefits in order to merely leave the country. Amnesty International showed Ministry of Labour a copy of a document signed by workers in this situation, and also wrote to the Government of Qatar about this practice, but has received no official response from the Qatari authorities.

Even when workers are able to obtain exit permits and retrieve their passports, they can still face significant hurdles to leaving the country. In particular, if they do not hold valid residence permits - something which is very often caused by employers failing to observe Qatari law - a government policy (explored further in Chapter 5) means that fines accrue against their name. Until these fines are paid off, migrant workers are prevented from leaving the country. The fines can rise to as much as 6,000 riyals (US$1,648) and can be well beyond what workers can afford. For example, many construction workers only earn 600 riyals (US$165) a month.

The control employers hold over their employees' ability to leave Qatar can be used to pressure worker to continue to work in situations where they are subjected to exploitation (for example, unpaid salaries, very poor living conditions) or when the individual simply wants to resign and return home. Some workers, who had resigned and wanted to leave, reported that their employers would continually promise them that their exit from the country was being arranged, and tell them to keep working.

But after this went on for a period of months, they would realise that the only way to leave was in fact to stop working, to signal to their employers that there was no point keeping them in the country any longer. Workers in such cases reported that if they continued to work, the employer would not issue an exit permit.

One Nepalese worker said of his former employer:

"It was not easy to leave. You had to do your one-month notice period, then stop work for 15 days before you might be able to leave."[113]

An employee of a different company said that this could last for months:

"The company says, 'if you wish to go on leave or want to cancel the agreement [resign], you have to put down papers [give notice] five months in advance'. If we put in our papers, the company allows you to stop working after five months. So they say, 'ok you have stopped working and we will send you home after next month's salary.' Once that salary gets credited,

they say they will send us home in the next month. By acting like this, they make us go without work for three months."[114]

The fact that some workers have to stop work and wait in their accommodation in order to get out of the country is deeply problematic, as some reported that they were not paid salaries for this time while they were not working. They were therefore heavily disincentivised from trying to leave the country, since they would face a period of uncertain length during which they were unable to work and send money back home. While they were not actually being forced to work, such practices place significant pressures on people to keep working.

Amnesty International found that workers in this position are effectively in 'catch 22' situations; although they resign and give notice in accordance with the law, their employer uses her or his power to prevent them leaving and keep them working. The only way to secure their exit permit is to refuse to work, and if they do this, they face the penalty of months spent in Qatar unpaid, and in some cases, unable to move outside their labour camp because they do not have residence permits.

Late payment and non-payment of wages

"Non-payment of wages is the most common complaint... For example yesterday 80 workers came in having not been paid.... When we send people back [to their home country] they tend not to have received their salaries for three, four, five or six months."
Representative of the Embassy of a labour-sending country, Doha, March 2013[115]

"Due to pending salaries we are facing huge financial crisis to manage our daily routine expenses as well as our family commitments. This is leading us to series of mental stress."
Letter from a group of workers to the management of a construction firm, May 2013[116]

"It is clear that employers differ in their fulfilment of financial obligations towards the workers, though the Ministry of Labour holds them to the minimum decided by labour law and ministerial decisions"
Government of Qatar, responding to Amnesty International's concerns about non-payment of wages, October 2013[117]

The impact of late payment and non-payment of wages is devastating for migrant workers. Large numbers of workers said they had taken on loans in their home country to pay for their migration and had to pay back their creditors at high rates of interest, sometimes up to annual rates of 36 per cent.[118]

Under the Labour Law, wages should be paid once a month – or for some workers, once every two weeks.[119] Amnesty International has documented the cases of construction workers employed by seven different companies, who experienced severe problems with delayed payment of wages or non-payment of wages. In some cases, after long delays, they received payment. In others, pay never arrived, and eventually the men stopped working, or the projects they were working on ground to a halt, apparently due to financial problems.

A group of five Nepalese workers told Amnesty International in March 2013 that they had never been paid a proper salary by their company, which recruited them in July 2012 with promises of salaries of between 900 and 1,200 riyals (between US$247 and US$320) per

month. They worked from July until December 2012 and say they only received small amounts of cash - around 200 riyals (US$55) - irregularly to buy food during this time. One of the group described the past few months to researchers:

"We worked for five months without pay. We stopped working in December and submitted a complaint to the Labour Ministry. Our manager put us in a car and took us away from the rest of the workers and brought us to this room. We haven't seen him since. We have to pay rent to stay in this room. We don't have ID cards or medical cards."[120]

Researchers met the men in the room they had been placed in by their former manager, which had no air conditioning and no beds, so they were sleeping on the floor.

Some workers reported instances when their salaries were delayed for two months, at which point the company might pay them one month of salary only, leaving them persistently behind in their wages.[121] Workers facing pay delays generally report that employers make repeated promises about when the salaries will come. An Indian man working for a cement production company based in Lusail said:

"The company started practicing a 'no salary' policy. We used to do overtime duty, but no payment was received for it. It would go on and the company would announce a lockout [work stoppage]. So, we would stay in our room. After one or one and half months, they would again open the company. After sometime, again they would close it. Until yesterday, they played the same games. It is the same till today. When we asked for our salaries, they always promised that they would give it 'tomorrow' or 'day after tomorrow'. We did not get any salary."[122]

Researchers have seen a letter sent from one construction company's management to its employees telling them that their delayed salaries would be paid and requesting that they "be patient" while the company's cash-flow problems were resolved.[123] Amnesty International has seen evidence suggesting that this company had consistently delayed payment of its employees' salaries by up to four months over a period of 15 months.[124]

One Nepalese man, talking to researchers in March 2013, explained how his company had persistently paid the workers late, and they had become used to long gaps. But after November 2012, for reasons they did not understand, there were severe problems with pay.

"The real problems started in November 2012, when we hadn't been paid for three months. When we threatened to complain, we were paid for three months work, although the payment for September was only for 600 riyals [US$165, less than the lowest paid worker in the group normally received]. That was the last payment we received. We haven't been paid since then."[125]

The men said they had stopped work in protest at non-payment. Researchers spoke to the manager of the company in question who confirmed that it was quite normal for him to be unable to pay wages for two or three months, though he denied that the workers had continued working until February 2013 and said they had stopped working entirely in November 2012.[126]

Amnesty International has documented at least five cases where groups of construction workers continued to work without pay for at least three months, as they were continually promised by their employers that pay was coming.

- In three of these cases they were never paid and left the country without receiving the salaries due to them;

- In a fourth case, the men remained in Qatar at the time this report went to publication trying to recover their salaries through the courts, ten months after stopping work;

- In the final case, the employees continued to work, without receiving any salaries, at the time this report went to publication. One man told Amnesty International that this was because they were worried that if they stopped work and left, they would never get their pay, and because the company would not allow them to move to another employer.[127]

Without regular payment, workers not only face difficulty sustaining themselves in Qatar - finding it difficult to pay for food, transport and other essentials - but they are also unable to send money back home to make debt repayments and support their families. Many workers also told us that they had to pay school fees for their children in their home countries. Others had to pay rent on accommodation for their families. One Filipino construction worker who had not been paid for more than two months explained the pain of not being able to send money back:

"There are individuals [in the local community in Qatar] who learn our situation, they give help, they come here, bring food, bring water. That sort of thing relieves us from the needs. But the impact in not sending money to the Philippines is one big question in our minds. We cannot stay relaxed thinking that our [family] is not eating well in the Philippines." [128]

In a study funded by the Qatar National Research Fund, 1,189 low-income migrants - of which 48 per cent self-identified as labourers, helpers, painters, electricians, masons or carpenters - were surveyed during February and March 2012, and 21 per cent reported that they received their salary on time "sometimes, rarely or never".[129]

The Ministry of Labour has also stated that delayed payment is - along with failure to provide air tickets to enable workers to return home - the main cause for Labour complaints submitted by migrant workers.[130]

Conditions on site: long hours, dangerous conditions

"On the construction site I fainted because of exhaustion – because of the heat and working in the sun."
Nepalese construction worker, Doha[131]

"Companies should take more interest in the safety of their workers. The authorities must be strict on rules and regulations to force these companies to take all safety measures and make it obligatory at all construction sites."
Director of Hamad Hospital Trauma Unit, Doha[132]

Many of Qatar's construction projects are massive, complex enterprises working to ambitious deadlines. The conditions on construction sites include sometimes extreme weather conditions and a workforce drawn from around the world speaking a variety of languages. There are obvious dangers to workers, both from site accidents and from working in demanding roles in a very hot climate. Robust health and safety procedures are vital in such circumstances. However, there is evidence that employers in the construction industry fail to protect health and safety.

During its research, Amnesty International was informed about two incidents where employers refused to take workers to hospital. One worker had been injured in a workplace accident, and the other had collapsed on site due to the heat. A Sri Lankan man told Amnesty International about what had happened to his colleague in September 2012:

"There was an accident with the cement truck at the site, and he dislocated his shoulder. The company did nothing for him so we got a taxi to get him and another injured guy treated at the hospital. We paid for the taxi, not the company, and he had to pay for his own hospital fees."[133]

Two workers from separate companies alleged that when workers got badly injured, the companies cancelled their residence permits and sent them home, rather than paying for them to be treated in Qatar from their insurance. One of these men, a Nepalese construction worker, told Amnesty International in October 2012:

"As a painter, I have to climb quite high. People do fall and get hurt. If they get hurt they [the company] don't treat them, they get sent back [to their home countries]."[134]

Many workers reported that employers cut their pay if they took a day-off because they are unwell. Article 82 of the Labour Law requires that employees prove their illness with a note from a doctor approved by their employer. Several workers said that their employers would only accept a doctor's note from Hamad hospital, which is very difficult for sick workers to travel to, especially when unwell. The hospital is approximately 15 kilometres drive from the Industrial area, where many construction workers live. Public transport in the city is very poor and the cost of a taxi for a return journey of this kind of distance would be unlikely to be less than 90 riyals (US$25), around 15 per cent of a month's salary for many of the migrant workers who spoke to Amnesty International.

The penalty for missing a day's work due to sickness varied from one day's salary to four days'

salary, way beyond the amounts specified in Qatari regulations for missing a day of work without a reason, which - for a first offence - is non-payment of that day's salary and a fine of a quarter of a day's salary.[135] Consequently people go to work when they are not well enough to do so. A Nepalese man described:

"One day on Friday, I had a fever and there was work going on at site. HR called me and asked me to come at once to site. I told them that I am sick and can't go. But they said that I will have to go, there was no other alternative. They asked me to go anyways, and I had to go. If one remains absent for a day, they cut two days' salary. That day it was Friday, but even then I had to go, because it is better to take some extra burden rather than to take up a fight with them."[136]

As well as posing serious risks to their own health and discouraging them from seeking proper medical attention, the presence of unwell workers in building sites presents obvious risks to other workers, as it could easily affect construction workers' concentration in carrying out dangerous tasks.

In addition to men working when unwell, it is not unusual for construction workers to work excessive hours, with implications both for their own health and safety and that of others around them. At least 52 workers (including those interviewed as part of focus groups) told researchers that they had worked hours in excess of the maximum allowed under the Labour Law, which sets the maximum working week at 60 hours over a six day week, including up to two hours of paid overtime per day.[137]

Some people who worked excessive hours told researchers that they received overtime pay for these hours. Some, but by no means all, of these workers said that they were willing to work hours in excess of the Labour Law maximum as long as they received the correct rate of overtime payments for these hours. An Indian construction worker told researchers, for example, that he worked from 05:00 to 17:00, not including transport time, a 12-hour day including a one-hour lunch break, meaning he was working for 11 hours a day. He was paid for three hours overtime.

Working hours beyond the legal limits can become extreme. Amnesty International researchers saw copies of two construction workers' timesheets from 2012, which had been signed by a company "timekeeper". Both showed that the workers were regularly working excessive hours, including days of up to 14 hours. A group of 24 Nepalese workers reported working 12 or 14-hour days during the construction of a major infrastructure project. Amnesty International understands that the men's employer had been asked by a company higher up the contracting chain to increase productivity to meet tight programme schedules.[138]

With respect to the health effects of long working hours, a 2012 ILO research paper stated:

"Long weekly hours tend to be associated both with acute effects of fatigue as well as chronic fatigue, generating long-term negative health effects."[139]

During the hottest months of the year, Qatari regulations ban working in areas exposed to the sun between 1130hrs and 1500hrs.[140] But two Nepalese workers employed by a cement

production company told Amnesty International that they had to work 12-hour shifts throughout the summer months.[141] They said that in the summer of 2012 two workers suffered heatstroke as a result.

In hot working conditions, plentiful supplies of drinking water are clearly vital. Amnesty International found some evidence of problems with water supply to workers on sites. A group of Sri Lankan men said that water provision on site was inadequate, as a site where 3,000 men were working only had one water tanker, and the water was not cooled properly, leaving it boiling hot by the afternoon.[142]

During its research Amnesty International obtained information recorded by the Nepalese Embassy, stating that of 174 Nepalese nationals who died in 2012, 102 died of causes it recorded as "cardiac", a further three died of falling from height, and 23 deaths were recorded as "misc".[143] Amnesty International is not able to confirm how many of these individuals were employed in the construction industry, but construction is a leading source of employment for Nepalese migrants in Qatar.[144] An investigation by the UK Guardian newspaper found that at least 44 Nepalese workers died between 4 June and 8 August 2013, more than half dying of heart attacks, heart failure or workplace accidents.[145]

The lack of adequate health and safety measures has been noted by the Qatari authorities. In January 2013 a Ministry of Labour official told a local newspaper that during 2012 the Ministry issued around 5,245 warning notices relating to health and safety, and that "around 30% of the companies working in Qatar had violated to some degree the safety standards", describing most of the shortcomings as "minor and simple".[146]

But the fact that some employers do not appear to be taking their health and safety responsibilities seriously is clearly of great concern given the available data about incidences of serious occupational injury, which are the second leading cause of trauma admissions at Hamad General Hospital after major vehicle crashes.[147]

A study carried out by Hamad Hospital and published in 2012 found that between January 2008 and June 2010, 185 patients were admitted to the hospital as a result of suffering head injuries from falling objects at construction sites. 29 per cent of these cases were defined as major trauma cases, and 16 people died as a result. According to the study, safety devices were used in only 17 per cent of the 185 cases. The authors of this study conclude:

"Many of these injuries can be prevented by following established safety guidelines. Perimeter barriers above ground level and the compulsory wearing of hard hats may mitigate the problem."[148]

A separate study, also carried out by Hamad Hospital and published in 2013, analysed the 281 patients admitted to the hospital between November 2007 and October 2008 after suffering falls from height in the course of work. 97 per cent of the cases were expatriate workers. Twenty-nine (approximately 10 per cent) of these patients died. The study found that:

"There were a high number of injuries affecting head and spine, and a comparatively low number of injuries to the lower extremities. This suggests that injured workers are falling

mainly on their heads. The implementation of helmets or other protective headgear and safety barriers or restraint devices for construction workers at risk of falling may lead to significant reduction of injuries." [149]

The study concludes that in the period under study, the fatality rate for construction workers was 8.44 per 100,000 workers. According to the study, the British Health and Safety Commission estimated the rate of fatal falls in the construction industry at 3.4 per 100,000 workers in the United Kingdom in 2007-2008, a similar time period.[150]

The Director of Trauma and Intensive Care at Hamad Hospital stated in February 2013 that injuries due to falling from heights at work sites have now reached more than 1,000 per year, with the mortality rate being "significant" and ten per cent of victims suffering disability as a result.[151] This would suggest that as the number of workers in Qatar has increased between 2008 and 2013 the scale of this problem has also risen.

Some workers interviewed by Amnesty International said their companies did not provide them with proper safety equipment in contravention of Qatari regulations.[152] Two Nepalese construction workers reported that their employer gave them boots and overalls but did not always allocate helmets. They said that some workers were therefore sent to work at the main contractor's site without helmets and were told by managers to hide if safety inspectors visited.[153] Workers who were employed on the construction of a multi-storey tower block told researchers that they were provided with helmets but had to pay for their own gloves[154] A Bangladeshi worker told researchers that his company made workers buy their own equipment and when they asked for the company to pay, the management refused.[155]

A 2011 study by the National Human Rights Committee sampled 1,114 construction workers and found that:

"About 11 per cent of the surveyed sample have stated that they have been injured at work, mostly in the form of fractures of arms or legs or serious wounds. More than half of these workers attributed injury to the lack of adequate safety measures and procedures in the workplace, while the rest of the sample attributed injury to high workload or neglect on their part. When examining the types of injuries with the circumstances, it is clear that serious injuries result primarily from the lack of safety measures, while fractures result mainly from the workload rather than other factors." [156]

Amnesty International also asked workers whether their company provided health facilities as required under Minister of Civil Service and Housing Affairs Ministerial Decree 16 of 2005. The vast majority of those interviewed said that no health services were provided by their employer. Workers in such situations were generally not provided with health cards by their employers and had to buy them– at a price of 100 riyals (US$27) – for themselves. Health cards allow people access to subsidized non-emergency health-care and co-paid medicine at state medical centres. Health cards can only be obtained by those with residence permits, an issue detailed further in Chapter 5.

Poor accommodation

"Look at this. Is this fit for a human?"
Egyptian construction worker, Doha, October 2012[157]

"The visits team of the Committee has documented in its visits that some companies house workers in rooms without windows, toilets in the accommodation do not have ceilings, bunk beds are used despite this being illegal, and the limits on the numbers of workers in a room are not complied with. Despite one of these companies being one of Doha's biggest companies, the Inspection Department [of the Ministry of Labour] has not demonstrated to the Committee that it has previously inspected this accommodation."
National Human Rights Committee Annual Report 2012[158]

The discrepancy between Qatar's prescribed standards and what workers actually receive is most visibly obvious to an observer where accommodation is concerned.

Most construction workers are housed by their employers in dormitory-style blocks known as "labour camps". Amnesty International visited 20 labour camps housing construction workers in the Industrial Area and in other areas of Qatar. In every camp that researchers visited they noted breaches of Qatari standards, as well as recognized international housing standards on habitability.

A 2005 Ministerial decree sets clear standards on what constitutes "appropriate" housing for workers. The authorities have the ability to suspend a company from dealing with the Labour Ministry should the provisions of the decree be violated, though no other specific penalties are defined in the decree. Among the standards prescribed, the decree specifies that:

- Workers should only sleep four to a room in permanent accommodation, though eight is allowed if temporary accommodation is being used, while each worker should have four square metres of their own space in their bedroom;

- Air conditioning must be "sufficient and suitable"; and

- Employers are responsible for ensuring that accommodation is cleaned, and that a supervisor is appointed to maintain equipment.[159]

There are some examples where companies have committed to high standards of living for their employees,[160] but few workers enjoy accommodation at this standard. In some camps researchers found multiple and severe breaches of the prescribed standards, meaning that the workers were living in deplorable conditions. Many workers highlighted how their surroundings contributed to a sense of lack of dignity and dehumanisation.

Crowded rooms

In both Doha and the Industrial Area it is routine for workers to sleep 10 or 15 to a small room and researchers only saw two camps where the majority of workers were sleeping in rooms with fewer than eight people. The Government of Qatar has itself documented cases of extreme overcrowding in workers' accommodation, such as a 2011 case when Al Rayyan

municipality found workers being forced to sleep in shifts in a villa.[161]

A workers' room in Doha's Industrial Area, October 2012 © Amnesty International

Missing or non-functioning air conditioning

In at least four of the camps that Amnesty International researchers visited, there were severe problems with air conditioning. In one camp several rooms, including a kitchen and several bedrooms, did not have air conditioning units installed at all. In three camps the units were not supplied with power. Lack of air conditioning renders rooms virtually uninhabitable all year round even in the cooler months of October or March, let alone during the hottest periods when temperatures can reach up to 45 degrees Celsius. In other camps, several workers reported that they were forced by their employers to pay for vital maintenance or upkeep of air conditioners and other critical utilities, in clear breach of Qatari standards.

Hole in the wall where an air conditioner should be installed. Camp in Doha's Industrial Area, October 2012
© Amnesty International

Overflowing sewage, covers to septic tanks left open

Amnesty International saw several camps in Doha's Industrial Area where sewage had overflowed and stagnant water was flooding the surrounding area. In one camp visited by Amnesty International, the covers of septic tanks were left open with suction hoses connected to a static sewage tanker, creating a strong and unpleasant smell in the area around the accommodation. Amnesty International has seen photographs taken by a member of the local community who assists workers in distress, showing that this cover had been open for weeks before researchers visited the camp.

Sewage overflows in the street. Doha's Industrial Area, October 2012 © Amnesty International

Workers' compounds not cleaned by company; bathrooms and kitchens not properly maintained

Despite the requirement for companies to appoint a member of staff to clean workers' accommodation, workers had to clean their own rooms in all camps visited by Amnesty International. In the majority, it was also left up to them to clean communal areas, despite working long hours in very physically demanding jobs and having only one day off per week. At one camp, workers told researchers that, over a period of two years, there was no cleaning of the accommodation by the company. Amnesty International researchers saw at least four camps where bathrooms and kitchens were not properly maintained, with, for example leaking sinks and pipes.

Workers' bathroom without functioning sinks. Doha's Industrial Area, October 2012 © Amnesty International

Lack of power and running water

In two camps visited by Amnesty International researchers, the companies in question had failed to pay utility bills and, as a consequence, the electricity supply had been cut off, and water could not be pumped to the top of the buildings in order to provide running water for personal and domestic use. Workers had to use candle or torch light to see at night, had difficulties in cooking food due to a lack of electricity and clean water, were unable to charge their mobile phones, had to use toilets which did not have running water, and had to use whatever water was left in the tank on the ground floor for drinking and washing. Researchers met one man (featured in the subsequent case study) who had seriously injured his arm; he explained that he had slipped in the dark while going to the bathroom at night.

Workers sleeping on the floor

Amnesty International visited two camps where workers were sleeping on mattresses on the floor. The workers were forced to sleep on the floor because their bedrooms did not have working air conditioning and the rooms were too hot to sleep in. They therefore took their mattresses into other rooms to sleep on the floor. In one of these cases the workers had to sleep on the roof of their camp because there was no space in the other bedrooms for them.

LAW ON HOUSING BANS "WORKERS" FROM LIVING IN FAMILY AREAS

In 2010 the Government passed a law prohibiting "owners of property, or managers of property, or business owners from renting or letting any property, or part of a property for workers' accommodation inside families' living areas."[162] The law effectively bans labourers from living in residential districts in any of Qatar's urban areas.

A subsequent decree in 2011 defined the "family areas" which workers were banned from living in: Al Khor and Al Dhakira; Al Dayeen; Al Rayyan; Doha; Umm Salal; Al Wakrah; and Al Shimaal. If any owners of property failed to comply with the new rules and continued to allow migrant workers to live in their property, an "administrative eviction" of the workers living in this accommodation would take place.[163] Evictions began in 2012.[164]

The law stems from apparent concern among some parts of the Qatari national community about the effects of living in the same area as single male workers. A 2012 Qatar University study found that 97 per cent of 800 Qatari nationals surveyed expressed preference for having Qatari families as neighbours, while fewer than 1 per cent indicated a preference for having single migrant labourers as neighbours.[165] The Ministry of Municipal Affairs has a function on its website for residents to lodge online complaints about the presence of workers in a family neighbourhood.[166]

The only exception to this ban, according to the decree, is for workers who have jobs in shops or other licensed businesses inside the banned areas, though in somewhat contradictory public statements, government officials have been quoted suggesting that labour camps may be allowed to remain in areas where no Qatari families live. A 2011 newspaper report said:

"In areas where there are no Qatari families, labour camps might be allowed to stay put. This was disclosed by

Rashid Saed Al Naimi, Director of Al Rayyan Municipality. However, it must be made hundred percent sure that the area concerned has no Qatari family at all and only then would a labour camp be allowed to remain put in that area." [167]

Other statements have suggested that the ban only applies to construction workers or that companies with small groups of labourers working on projects in urban areas may be allowed to keep their workers there.[168]

Scanned copy of a map of Doha attached to the 2011 decree. The areas in yellow mark out the areas where workers' housing is banned.

The government of Qatar is under an obligation to ensure that there is no racial discrimination in housing and to ensure to all persons equality before the law.[169] The Committee on the Elimination of Racial Discrimination has stated that "Under the Convention, differential treatment based on citizenship or immigration status will constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim. Differentiation within the scope of article 1, paragraph 4, of the Convention relating to special measures is not considered discriminatory".[170] The law on housing clearly fails to meet these

requirements. The government has not, to Amnesty International's knowledge, provided any evidence of a legitimate aim that such a law would pursue.

The ban on workers living in family areas also risks exacerbating the already serious issue of overcrowded and poor accommodation for migrant workers across the country by restricting the supply of available housing for workers. A Qatari newspaper reported in early 2012 that rental prices in the Industrial Area had risen "three-fold" due to the 2011 Decree. In the same article a prominent Qatari businessman was quoted as saying: "There hardly are any labour camps in the country to accommodate such a large workforce."[171] A March 2012 study by a Doha-based real estate firm found that rents for newly built labour camps increased 20-30 per cent between the start of 2011 and the start of 2012.[172]

The law also legitimises negative stereotypes about migrant workers and would further entrench racial segregation in housing.

In its concluding observations on the State of Qatar in 2012, the Committee on the Elimination of Racial Discrimination stated among other things that "the Committee is concerned that racist stereotypes persist in Qatar," and recommended that Qatar "continue its efforts to raise public awareness and knowledge of the importance of cultural diversity, understanding and tolerance, especially in respect of vulnerable population groups."[173]

FORCED LABOUR

"We are the ones being pinned down by the problem. We are the ones not being paid properly; we are ones not being sent home. We have finished our contract already… around 95% have finished their contracts. And we want to go home but – no. They do not allow. The managers told us we are not allowed." [174]

Filipino construction worker to Amnesty International, March 2013

ILO Convention 29 defines "forced or compulsory labour" as "all 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."[175] The following factors can be used to identify forced labour in practice:[176]

- Actual presence or threat of a penalty, including: physical or sexual violence; financial penalties (such as non-payment of wages); loss of rights or privileges; denunciation to authorities and deportation; dismissal from current employment or exclusion from future employment; deprivation of food, shelter or other necessities; etc.

- Lack of consent to work, including: restriction of freedom of movement, physical confinement in the work location; psychological compulsion; induced indebtedness (by falsification of accounts, reduced value of good or services produced, etc.); deception or false promises about types and terms of work; withholding and non-payment of wages; confiscation of identity documents; etc.

The ILO Committee of Experts on the Application of Conventions and Recommendations has stated that a penalty "need not be in the form of penal sanctions, but might take the form also of a loss of rights or privileges". [177] 'Voluntarily' is less clearly defined but the ILO Committee of Experts has stressed that "considering the freedom to "offer oneself

voluntarily" for work or service, account must be taken of the legislative and practical framework which guarantees or limits that freedom… An external constraint or indirect coercion interfering with a worker's freedom to "offer himself voluntarily" may result not only from an act of the authorities, such as a statutory instrument, but also from an employer's practice, e.g. where migrant workers are induced by deceit, false promises and retention of identity documents or forced to remain at the disposal of an employer; such practices represent a clear violation of the Convention."[178]

During its research on the construction sector in Qatar, Amnesty International identified a number of cases that meet the ILO definition of forced labour.

Amnesty International found workers being threatened with financial penalties for not attending work. This can include - as detailed in the case study in Chapter 2 - daily fines for not attending site, even when employees have not been paid for months. Their return to work was therefore not voluntary: they had stopped work because they had not been paid for months. Further work was then extracted under threat of a penalty, which was having sums deducted from the salaries they were owed.

Financial penalties can also include non-payment for past work. A group of workers at a cement production firm was desperate to receive several months' delayed pay and return to their home countries as soon as possible. The company told them that to receive their pay, they would have to sign a form stating: "I assured that I will attend for working at any time at any point upon the request of [company name redacted]… I will withdraw all legal cases filed".[179]

CERTIFICATE OF CLEARANCE:

I, ...
Nationality of ..... according to Passport No. ..... [redacted]

Name: .....
Qatar ID .....
Signature: .....
Date: .....
Badge No.:
Right Thumb Mark:

A form which construction workers who wanted to leave the country were required by their company to sign in April 2013, in order to receive three months of delayed pay © Amnesty International

The ILO has recognised that promises to pay can also be used to extract forced labour, stating that "workers should be free to leave an employment relationship without losing any rights or privileges. Examples are the threat to lose a wage that is due to the worker…" [180]

Construction workers who had worked for four months without pay (whose experience is detailed in the case study in this chapter) explained to Amnesty International that they would threaten to stop work and leave, and their managers would tell them that pay was coming, setting deadlines. Because the sponsorship system makes it extremely difficult for people to move employers or even leave the country without the permission of the sponsor, non-payment of wages can be used as a form of coercion to force the worker to keep on working and/or working longer hours or in poor conditions; people keep working because they hope to get paid and fear that if they stop working they will never get the money they are owed

One employee of a construction company working on a project of national importance told Amnesty International by email in September 2013 that after five months without receiving a salary, he and his colleagues were continuing to work because of the combination of factors: the fact that under Qatari law, workers cannot move to other employers; the risk of losing their jobs and being sent home; and persistent promises by management.

"If any worker go to labour court company wont keep him ... most of them are in huge debt back in their country, cant afford to lost a job. Labor and other staff are in real panic, GM [General Manager] keep making promise and breaking, really dont know how long this will go." [sic][181]

Some employers seem to employ the threat of deportation to keep migrant workers from trying to leave their employment – as well as the immediate loss of income, workers who are deported lose their right to an end of service benefit payment and are prevented from migrating to Qatar again.[182]

One group of workers told Amnesty they feared the consequence of even asking to change jobs as their employer had "sent home" some of their colleagues merely for asking to change employers. They saw this as a way of deterring others from asking.[183] This practice has been criticised by Qatar's National Human Rights Committee, which noted in its 2010 Annual report that "this procedure is severely unfair because deportation comes as an unexpected punishment simply because a person applied to transfer his sponsorship, an action which any person would not take if he knew that deportation will be the result of his application."[184]

Researchers also found that managers used their power to prevent workers from leaving Qatar as a tool of forced labour. As detailed above, migrant workers routinely have their passports confiscated; they also have to obtain exit permits from their employers in order to leave Qatar. Some employers use this power to extract work from their employees, by promising them they can leave if they just keep working a little longer.

Amnesty International researchers spoke to one manager of a construction company whose employees were all desperate to leave the country. The manager said that he did not want the workers to leave, because he needed them to do some more work. He specified that they could only leave the country if they carried out one and a half months' more work. This case provided a clear example of the use of the sponsor's power to prevent workers leaving the country as a threat of penalty to extract labour involuntarily from workers.

People are also prevented from moving job, even when their current employer is not paying them. One Filipino construction worker who had suffered persistent and severe pay delays at

the hands of his employer and wanted to move to another company or leave the country, rather than remain in Qatar not being paid, said:

"We used to go back and forth in the office asking for a release letter so we can be able to work for another company … but it is a futile attempt. They are not going to allow us the release. Much better for us to be sent home, but when we ask to go…'ok we have finished our contracts, I want to be sent home…it is better for me to see my family there, do something that I can help them to relieve their problems there'…but no, it doesn't happen." [185]

The fact that, under Qatari law, it is so difficult for workers to leave their employers increases the risk of forced labour. If sponsors refuse to give permission for workers to move jobs, and a worker leaves their job nonetheless, the employer is required to report them as "absconded" – the term used by the government to describe workers who have left their employers. If a person is detained for "absconding", they face the prospect of heavy fines, being deported, and can even face criminal charges.

A 26-year-old Nepalese electrician similarly told researchers his employers used their powers under the sponsorship system to keep the men working:

"They don't let you go home. Why would they let you transfer?"[186]

In October 2012 Amnesty International met a group of four men from Nepal working as cleaners and construction workers.[187] Based on their testimonies and the documents they showed to researchers, Amnesty International considers them to have been victims of human trafficking for the purposes of forced labour.

They were deceived about the type and terms of their work. Three of the workers were able to show researchers the contracts they had signed before leaving their home country. The contracts, which were attested by the Qatari Ministry of Labour and the Nepalese Embassy in Doha, promised the workers wages of 1,000 riyals (US$275) a month for 48 hours of work as cleaners per week. On arrival in Qatar, they were asked to show their contracts, but they told their employer they had left them at home, as they believed the employer would substitute them for different contracts.

Their fears appear to have been well-founded. The men said the actual salary they received was 650 riyals (US$179) plus 100 riyals (US$27) for food. They told researchers that when they complained, the company told them there were other workers in the company earning 750 riyals (US$206), so it would cause divisions to pay them what they had been promised in the contracts they had signed.

The men reported that they were made to work grossly excessive hours, beginning at around 05:00 each morning and working until nearly midnight, and during this time had only short breaks of five minutes or so to eat or drink water. They said that initially they had been compensated for these hours of overtime with extra pay but that subsequently they had not been paid any extra salary for this work.

"If you try and rest for 5 minutes, they say money is cut for that, even in an 18 hour shift. Once, one of the workers went into the bathroom and the foreman asked what he was doing

in there. We think he might get money cut for that incident."

In addition, because they were mostly cleaning schools, they were made to do construction work in the summer months when schools were shut.

The men said that they worked in an environment of force and coercion. Two of the four workers said they had been subjected to physical violence and intimidation at the hands of company staff. One of the workers, the youngest and smallest of the group, said he had been hit three or four times by one of the managers, because of perceived faults with his work. He said that one of the company's foremen had also threatened him, saying:

"I will cut you, I will cut you".

In July 2012 they only received half of their usual salary. In August they did not receive any salary. In late September they went to the Labour Relations Department and submitted a complaint about this.[188] They said that they told officials they wanted to leave the country.

The same day they claim they were threatened with criminal charges by the company, in what appeared to be a threat of penalty because they had tried to leave. One of their managers told them that something had been stolen from the camp and anyone who did not drop their labour complaint and go back to work would be reported to the police.

The men continued to work until November 2012, when the company stopped having work for them to do. They were told by the company that they would be allowed to leave, but they were not given tickets home or their passports. In December 2012, the last time Amnesty International was able to contact the men; they were still negotiating with their employer in an attempt to leave the country with some of the wages which were owed to them.[189]

MELTDOWN: THE WORKERS OF ITC GROUP

" Since 8 months No salary, from last week onwards no water and electricity in our Labour Camp ... We submit complain to Human rights and Capital Police also we did not get positive answer from them ... I am asking What mistakes / Wrong those labour did? Why this punishment. I am again asking Where is the HUMAN RIGHTS IN QATAR???"

Post on online forum Qatar Living by an employee of Indian Trading and Contracting, a construction firm, 7 March 2013[190]

ITC workers stand in an unlit corridor at their accommodation, March 2013 © Amnesty International

In March 2013 Amnesty International was alerted to an online posting made on behalf of a group of approximately 85 migrant workers from India, Nepal and Sri Lanka in Qatar, who were in severe distress and seeking assistance. Researchers visited the men's accommodation on four occasions during March 2013, spoke to representatives of their employers by phone, and raised their case with the Qatari authorities to seek assistance.

The men were employed by different companies. Approximately 50 were working for Indian Trading and Contracting Group (ITC), an Indian / Qatari company.[191] The rest were employed by different companies - including Noor al Huda Trading and Contracting, a Qatari company and Bestway Qatar – who had been contracted by ITC to supply workers. The men were living in a labour camp on Street 38 of Doha's Industrial Area.[192]

They told Amnesty International that between July and December 2012 they had worked for around four months on a tower in the Al Sadd district of Doha, without being paid. At the time of publication, Amnesty International has been unable to ascertain exactly which building they worked on or which entity was responsible for the project.

In December 2012 the men complained to the authorities and tried to leave the country but had been prevented from doing so by their employers, despite numerous appeals to the authorities. They were almost all living without valid residence permits because their employers had not renewed their permits, and some men had been detained by the police for this reason.

Additionally, when Amnesty International spoke to them in March 2013, the men said, conditions at their accommodation had deteriorated dramatically, as the electricity had been

cut off, as a result of which the camp's supply of running water was shut down. Every time Amnesty International researchers visited the camp during March 2013, there was no power or running water.

Several men told researchers that they had become so desperate to escape these conditions and return home that they had abandoned hope of ever being paid and just wanted to leave.[193]

An ITC employee in his room with an Amnesty International researcher, March 2013 © Amnesty International

Non-payment of salaries

The workers sponsored by ITC - and the supply companies engaged by ITC - told Amnesty International that the majority of the group did approximately four months work unpaid from the end of July 2012 until December 2012, and during the subsequent months in which they were stranded in Qatar and not working, had not received any further salaries. Amnesty International has seen documents that substantiate the men's claims.[194] One man said he had not received a salary since March 2012, a full year before.

Workers told Amnesty International that during this period, ITC would repeatedly make promises about when workers would be paid, giving them deadlines which they would not meet. A Sri Lankan ITC employee said:

"They kept saying, 'in the next two days' and so on, and it got delayed by six months."[195]

For the men left without wages for so many months, the impact was truly profound. In particular, several of the men highlighted to researchers the difficulties their families were facing. One Indian ITC employee said:

"My wife is crying. Who is responsible for this? Are the government? Or this company? ... We came out here because of the difficulties we have in India, and then we come here and we can't even have three meals a day... This money we want is not for our pleasure, it's to pay

back debts. Why can they not understand this? My wife has mortgaged her gold ... Every time I eat a meal, I just wonder if my family has anything to eat. Each and every day I think the same thing, because my family is suffering."[196]

When Amnesty International spoke to ITC the company confirmed that it had not paid workers. ITC told the workers – and has also told Amnesty International – that it was facing severe financial problems and this was why it could not pay wages. One of the two company signatories and ITC's largest shareholder, while confirming the non-payment of salaries, told Amnesty International that he did not know how long the workers had worked without pay, since that was the Managing Director's responsibility.[197]

The ITC Managing Director told Amnesty International, during a phone-call in April 2013, that the financial problems had occurred as a result of a dispute between ITC and Arab United Construction (ARCON), a company for whom ITC was carrying out work.[198] He said that in total he believed ITC workers were owed around two million Qatari riyals (US$549,542), and said he planned to pay them this money in their home countries when he has raised the money to do so. He suggested that the number of ITC employees affected by his company's financial crisis was far higher than the number of people who Amnesty International had met, running into hundreds of people.[199]

Workers living at the ITC camp who were sponsored by other companies said they too had not been paid for a similar time period. Workers from Bestway Qatar said their manager had told them his company was owed 140,000 riyals (US$38,466) by ITC and that they would only be paid when he received this money.[200] Amnesty International tried to contact the manager of Bestway Qatar by phone and international courier but was unsuccessful.

One of the main shareholders at Noor Al Huda, another company supplying labour to ITC, told Amnesty International that ITC had not paid the Noor Al Huda workers as it was supposed to under the agreement between the two companies. He said that ITC had not paid Noor Al Huda either.[201] Subsequently he sent Amnesty International a December 2012 Qatari court judgement against the Managing Director of ITC for giving Noor Al Huda a cheque for 341,450 riyals (US$93,815) which was not valid. According to the court document, the court sentenced the Managing Director of ITC in absentia to 18 months in prison.

In October 2013 Noor al Huda told Amnesty International that the company had helped all the workers to go home, and the majority shareholder said he had provided them with some money from his personal account when they left. The company said it had not yet been able to enforce its court judgement against the ITC Managing Director to recover the money owed to Noor al Huda, because the ITC Managing Director no longer had assets in Qatar.[202]

Excessive working hours

Amnesty International researchers were given the timesheets of two of the workers; these showed that the workers had recorded - and had signed off by a company timekeeper - hours in excess of the maximum hours allowed under Articles 73 and 74 of the Labour Law. One man employed by ITC showed Amnesty International timesheets which make clear that in July, August and September 2012 he worked 273 hours of overtime in a 12 week period, an average of 22.75 hours of overtime per week. The maximum allowable overtime per week for

an individual is 12 hours. A worker sponsored by Bestway Qatar showed Amnesty International timesheets for September, October and November 2012. He did a total of 231 hours overtime in a 13 week period, an average of 17.75 hours of overtime per week.[203]

Conditions at the labour camp

When researchers visited the camp during March 2013, there was no power. The ITC major shareholder told the National Human Rights Committee in March 2013 that he could not afford to pay the bill for the electricity.

The men had to use candles or, if they had been able to charge them elsewhere, the light from their mobile phones, even during the day-time - because the rooms inside the camp did not have enough natural light. Shortly before Amnesty International's visit, one man had slipped in the bathroom as a result of the lack of lighting in the camp at night and fallen against a toilet door, severely injuring his arm. He showed researchers his bandaged arm, which he said had required 38 stitches, as well as the still-broken door.[204] Because there was no running water, the men had been unable to wash the bloodstains from the bathroom floor.

An Indian worker shows the injury to his arm. He told researchers he slipped in the bathroom at night because there were no lights
© Amnesty International

The National Human Rights Committee intervened in the case following a request by Amnesty International, and on 18 March 2013 the company provided the workers with a small generator. But this was removed three days later. Workers told researchers that this was because the company had not paid the rent on the generator, so the owners of the machine took it away.

Without electricity, the water in the tanks outside the labour camp could not be pumped to the top of the building,[205] and so there was no running water in the accommodation and the men had to go to nearby camps to wash and ask for drinking water. Because the toilets at the camp had no running water, there was a persistent stench throughout the camp building.

On all four occasions that Amnesty International visited the camp, sewage was leaking from the ground - apparently from the camp's septic tank - and flowing down into the street, where it had collected in a large stagnant pool. Piles of rubbish were mounting up at the camp,

apparently because the company had not paid for them to be collected, and the piles of rubbish attracted swarms of insects.

Piles of rubbish were mounting up at the labour camp, apparently because ITC had failed to pay for collection

© Amnesty International

In April 2013 the Managing Director of ITC told Amnesty International that the problems the organization had found at the workers' accommodation represented an "old picture" and that he had since cleared the camp of all but two workers whose role was to guard and maintain the premises.[206]

There were also significant problems with food for the men. ITC had been paying for ready-made meals to be delivered to the workers, but in mid-March 2013 these deliveries stopped. Because the workers had not been receiving any salaries, they were unable to buy their own food. When Amnesty International met a group of 11 workers on the morning of 21 March 2013 they told researchers that they had not eaten a proper meal in two days.

A representative of ITC told the National Human Rights Committee in March 2013 that they had been having problems providing food recently.[207] As a result, the Committee arranged for delivery of food by a local charity, and the workers sought donations from their embassies. However, when Amnesty International spoke to them in April 2013, both ITC's majority shareholder and Managing Director denied there had been any significant problem with food for the workers.[208]

Failure to provide workers with residence permits

ITC and the companies it had labour supply contracts with failed to arrange for many employees to be provided with residence permits or to renew expired permits during their residence in Qatar.[209]

The workers generally felt they had to stay in their camps for fear of being stopped by the police if they went out. The National Human Rights Committee confirmed in March 2013 that three ITC employees were in detention as a result of not carrying valid residence permits. One Indian ITC employee told researchers:

"Without an ID we need to think about everything we do. Should I even go out and buy a cup of tea?"[210]

Photocopies of two expired residence permits, which, in March 2013, these men were carrying to show if they were stopped by police. One permit had expired in September 2012, the other in July 2011 © Amnesty International

Asked to sign away salaries before being able to leave

The men employed by ITC and the companies supplying to ITC told Amnesty International that they began asking to leave the country in late 2012.

ITC workers told Amnesty International that the company refused to give them back their passports in order that they could leave the country. When workers visited the Ministry of Interior Search and Follow-up Department, responsible for the entry and exit procedures for migrant workers, to try to leave - something they told Amnesty International they had attempted at least three times between November and March – they were told to come back with their passports and they could not do so. One Indian man, who was sponsored by Noor al-Huda and working for ITC, told Amnesty International:

"We went to CID [referring to the Search and Follow-up Department of the Ministry of Interior], but the first time they told me to come back on a given date ... When I presented myself on that date, he handed over about ten forms and then he asked me to bring my passport. 'From where would we get the passport sir? The company has our passports. Where

will we get that, sir?' He said that was not his responsibility. He said, 'you go wherever you wish, you come to me with your passport and then I will see what I can do'." [211]

The circumstance of their eventual departure was to be traumatic. The men told researchers that on 14 March 2013 the major shareholder of ITC came to the labour camp with some of the management staff, and spoke to the men, offering them an unpalatable option, in order to leave the country. A Sri Lankan worker described what happened:

"Yesterday [name of staff member redacted] and the sponsor came. They said, 'those who want to go back to their country, stand in one line and those who want to get their release [to work at another company in Qatar] done to stand in one line. If you want these things, then we will give it you. But, you will have to go to the Ministry of Justice on Sunday morning and sign this document saying that you have received everything'." [212]

Effectively, the company was informing its staff - at least those who were employed directly by ITC – that they could only leave the country after signing documents which falsely stated that they had received their salaries. By the next day, many of the men had already resigned themselves to signing. The same man told researchers:

"There is no problem, even if they don't give anything. But we have to go to our home country. We don't want to be delayed further with false hopes ... We can't wait anymore for the money. We have family at home. We have to send money to them." [213]

A Nepalese worker explained that many of the men were prepared to accept signing papers like this because they had lost any faith that the company could ever pay them:

"We don't bother with our salaries. [The company management] have given us so many promises in the past so we cannot believe anything they tell us. The families are also so worried about us. They are waiting for us. They say, 'money is not a problem, just come back so we can be happy.' One man gave a resignation letter nine months ago." [214]

At the men's request, in 19 March 2013 Amnesty International witnessed 11 ITC employees - four Indian nationals and seven Sri Lankan nationals - signing papers in front of Ministry of Justice officials which stated that they had received all their benefits from their sponsor in relation to the work for ITC, and that their sponsor was comprehensively discharged from any responsibility for them, as part of a "final, comprehensive settlement". The documents they had to sign also stated that they had "no right" to later lodge a claim against the sponsor. Finally the documents stated that the workers had received "all financial benefits and travel tickets".[215]

An example of one of the documents signed by ITC employees © Amnesty International

Workers wait at the Ministry of Justice to sign documents stating, falsely, that they have received their salaries
© Amnesty International

A representative who was sent by ITC to deal with the matter at the Ministry of Justice gave the men their tickets in return for signing, and told the men that they would receive their passports at the airport.

Tickets are handed to the men outside the Ministry of Justice as they prepare to sign to say, falsely, that they have received their salaries © Amnesty International

Amnesty International understands that eventually the vast majority – possibly all – the remaining employees of ITC signed papers of this kind in order to leave the country.[216]

4: CONSTRUCTION COMPANIES AND HUMAN RIGHTS ABUSES

"The amount of construction here is unlike anywhere in the world. By 2015 the local supply chain will have been exhausted, both material and labour. It's a massive issue for government."

Country head of a multinational construction company to Amnesty International in Doha, March 2013[217]

"As with the rest of the global construction industry, contractors active in Qatar will remain very reliant on their supply chain."

Report by international built asset consultancy firm EC Harris, published March 2013[218]

"You expect me to go to the labour camp? I will never go to the labour camp ... The workers are living a very good life, getting triple their salaries."

Managing Director of construction subcontractor, to Amnesty International, Doha, October 2012[219]

There are a number of reasons for the abuse experienced by construction workers in Qatar. The government is ultimately responsible for preventing such abuse. However, companies also have responsibilities in relation to the rights of workers. These include specific obligations under national law, which generally relate to people directly employed by the company and, in the context of the construction sector, the safety of individuals working on their construction sites. In addition all companies have a responsibility – anchored in international standards on business and human rights - to respect all human rights, including labour rights. Many of the labour abuses that Amnesty International has documented are committed by companies operating within a permissive environment in relation to migrant workers' rights.

The failures of the state to protect workers from abuse by companies are explored in Chapter 5. This chapter examines the role of companies, including subcontractors and multinational companies responsible for major projects, and looks at the culture of the construction industry in Qatar, which Amnesty International has found to be rife with abuse and a "look the other way" approach.

The majority, though not all, of the abuses documented by Amnesty International researchers, involved workers employed by small subcontractors, employing between 50 and 200 people. Subcontractors speaking to researchers have generally explained their treatment of workers by blaming those above them in the supply chain, claiming that they have not been paid on time and that their deadlines are too tight, meaning that that they cannot allow workers to go home for leave or at the end of their contracts.

However, whilst stating that they are not at fault for what has happened to their employees, managers of some of these companies are openly dismissive of workers' rights and some have displayed contempt for basic labour standards.[220]

These small companies often win tenders to deliver specific pieces of work on major projects for the companies acting as main contractors, including on some of the biggest projects in the country. According to the Middle East Economic Digest, the top 20 so-called "megaprojects" by value in Qatar have a combined value of US$193.4 billion.[221]

In such circumstances, the companies and institutions at the top of the chain - both the project owners and main contractors, whether multinational companies or Qatari developers - have an essential role to play to prevent human rights abuses taking place on their projects, including when those suffering abuses are employed by subcontractors.

Some major Qatari institutions, including the Qatar Foundation and the Qatar 2022 Supreme Committee - responsible for some of the country's biggest and most high-profile construction projects - have, in 2013, announced plans to monitor their supply chains to ensure that workers are not subjected to exploitation and abuse. The key test for these plans will be their implementation. Given the widespread exploitation in the construction sector, this will be a significant challenge.

WHO IS GOING TO DELIVER QATAR'S CONSTRUCTION BOOM?

For many of Qatar's biggest projects, the ultimate owner or client is a Qatari institution which is part of - or closely linked to - the government. The Middle East Economic Digest estimates that between 2012 and 2020, there will be US$117.5 billion-worth of capital spend by the Qatari government on projects.[222] This is then awarded to various locally-registered construction companies to execute. According to the most recent census data, there were 2,519 construction companies in Qatar as of 2010.[223]

There are many fully Qatari-owned construction companies, large and small, who execute major construction projects, but as the pace and scale of the construction programmes has grown in recent decades, foreign companies have also increasingly played a major role. Foreign construction companies in Qatar range from multi-million dollar operations to small subcontractors and are drawn from around the world, including Asia, the Middle East and North Africa, Europe and North America.

Under Qatari legislation, foreign construction companies operating in the country must generally establish a locally registered entity, with a Qatari partner holding at least a 51 per cent stake in the company.[224]

SUBCONTRACTORS

"The company is the real criminal. They get all their profits from the worker. Workers are more profitable than the materials ... Companies want more profit, not from doing business but from exploiting workers."

Member of the Nepalese community in Doha, 2013[225]

When Amnesty International has contacted subcontractors who have failed to pay their workers over significant periods or whose workforce have other serious grievances, they have generally blamed cash-flow for their problems, with many specifically blaming the main contractors with whom they have contracts. The Managing Director of one subcontractor, explaining the fact that many of the company's employees had not been issued with residence permits, told researchers:

"Ask anyone ... There is a big cash-flow problem. [Name of European contractor removed]

take 160 days to pay when they are supposed to pay after 90 days. [Name of East Asian contractor removed] pay after 90 days when they are supposed to take 45 days... You book 100 thousand riyals [US$27,463] to pay for IDs [residence permits], then the sponsor [Qatari majority shareholder] is not in Doha [to carry out procedures]. Then you reallocate money. You have a terrible cash-flow. Call all the contractors you know, they have cash-flow problems... We're not making money. Look at this email sent to [Name of Qatari contractor removed], the top line says, 'Seriously this is like begging.'" [226]

Problems in payment are not new to the global construction industry, nor to Qatar, though the problem has attracted some attention in recent years, with one architectural journal claiming in January 2013 that Qatar "now has the reputation for the worst payment culture in the Gulf".[227] But the effect payment delays have on workers at the bottom of the supply chain is less widely documented.

A manager of a company whose workers had stopped working because they had not been paid for two months told Amnesty International that he could do nothing about the fact that his company had not been paid by a major Qatari developer, and blamed it on slow payment processes in government ministries, since so many projects are ultimately funded by the Qatari state:

"These days this is happening to all the companies. The government isn't releasing money." [228]

A manager who said his company was close to collapse told researchers that the reason that his employees were suffering was due to cash-flow problems, not deliberate abuse on his part:

"Intentionally I have not done anything wrong. I have not harassed workers. I had cash-flow problems and I lost everything. I have tried everything." [229]

A senior international contractor overseeing a number of major projects in Qatar confirmed to researchers that there are problems with delays in payments being approved by clients:

"Sub-contractor payment is top of my list [of issues to address]. We have trouble getting paid here ...This is not sustainable. There is lots of pressure on changing payment protocols." [230]

The Embassy of a labour-sending country confirmed that many companies complained of severe financial problems, which meant that they could not pay their employees.

"Managers of companies come to the Embassy and say they are bankrupt because they haven't been paid. Since January [2013], we have had lots of such cases. Managers are saying they are not getting their own salaries. So if that is happening, where is the solution?" [231]

While companies may genuinely experience financial difficulties in some cases, the fact is that when finances begin to tighten, managers can display a disturbing lack of respect for workers' basic rights. In particular, Amnesty International encountered numerous examples of managers who considered it normal practice to violate labour standards in order to try to save

money, including - for example - by delaying the payment of salaries, not renewing residence permits and not honoring contractual obligations to pay for and enable workers to return home on leave. Moreover, financial problems cannot explain all of the abuses documented by Amnesty International.

During a March 2013 meeting between a group of workers at a cement production company and management, attended by Amnesty International researchers, the workers expressed scepticism at their manager's promise that they would be paid, when he had repeatedly broken promises in the past, and when they were owed nearly three months wages. He replied by admitting that he had failed to pay them when he had promised:

"I promised you that you would receive your salary on Thursday. But now there is a written document to say I will pay you."[232]

The workers later told Amnesty International that the company did not pay on the deadline specified in the written document.

Another manager told an Amnesty International researcher that he had deliberately ensured that some of his employees - whom he considered troublesome because they had challenged him over repeated pay delays - would not be issued with residence permits, in order that they could be sent home once a project was done:

"We didn't renew because they made problems and we wanted to send them home. The workers were being told to make trouble at work. I don't want to make any iqama [residence permits]." [233]

The same manager told Amnesty International he wanted the workers - who had all stopped work after severe payment problems and were desperate to return home - to go back to work for another one and a half months, in order that a different project could be finished.[234]

Underlying the poor treatment of construction workers are sometimes barely suppressed discriminatory attitudes about the men themselves. During a conversation with the manager of a subcontracting company, Amnesty International researchers mentioned some correspondence from the company's mainly Nepalese employees. The manager of the company, apparently under the impression that no-one in the Amnesty International delegation understood Arabic, picked up the phone to a colleague and asked him in Arabic to:

"Bring me the letter from the animals." [235]

MAIN CONTRACTORS AND PROJECT OWNERS: PART OF THE PROBLEM?

"Rigorous prequalification processes for subcontractor selection is not common ... It has often been witnessed that main contractors mirror the purported client approach and select based on price, with very little investigation into health, safety or welfare practices of subcontractors."

Qatar Foundation to Amnesty International, October 2013[236]

When there is a risk of subcontractors engaging in exploitative or abusive practices – as there is in Qatar - those above them in the contracting chain should have in place effective mechanisms to prevent and, if necessary, address such abuse.

THE RESPONSIBILITIES OF COMPANIES TOWARDS WORKERS IN THEIR CONTRACTING AND SUPPLY CHAINS

Under international law, States have a duty to protect human rights from abuse by non-State actors, such as companies. Over the past decade there has also been increasing recognition of the responsibility of companies to respect human rights. This responsibility has been elaborated in the UN "Protect, Respect and Remedy" Framework for Business and Human Rights and the UN Guiding Principles on Business and Human Rights.

The UN Guiding Principles confirm that companies have a responsibility to respect all human rights, and a corresponding need to take concrete action to discharge this responsibility. This requires taking adequate measures to prevent, mitigate and – where necessary – to redress human rights abuses connected to their operations. According to the Guiding Principles, "The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights." [237]

The responsibility to respect human rights extends to people working on projects with those companies via subcontractors, or in certain circumstances, suppliers. Companies must ensure that there are robust systems and processes in place to ensure that workers, including subcontracted labour, are not subjected to exploitative working conditions. The responsibility to ensure that subcontracted labour is not exploited is based on several internationally accepted standards. The UN Guiding Principles on Business and Human Rights state that:

"The responsibility to respect human rights requires that business enterprises… seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts."[238]

The Guiding Principles further state that businesses should have in place a "human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights."[239]

The Organisation for Economic Co-operation and Development Guidelines on Multinational Enterprises state that:

"In the context of its supply chain, if the enterprise identifies a risk of causing an adverse impact, then it should take the necessary steps to cease or prevent that impact."[240]

The poor treatment of migrant workers in Qatar has been reported in credible media outlets as well as by international and national organizations and academic researchers.[241] For multinational enterprises overseeing projects in Qatar that use subcontracted migrant workers, there is a clearly identifiable risk that such workers may be subject to poor treatment or labour exploitation, and there can be no excuse for not being properly prepared for the possibility that subcontractors may engage in exploitative practices.

In Qatar, construction project owners (clients) and main contractors should specify in contracts signed with subcontractors that adherence to international labour standards is an essential condition for both selection and retention on a contract. Additionally robust processes should be put in place to monitor subcontractors' adherence to these standards, and to provide an effective means for workers to report abuses directly to the main contractor, in their own language.

However, Amnesty International is concerned that some project owners and major contractors operating in Qatar are failing to take responsibility for what happens to workers who have been employed on their sites. This applies both to international and Qatari contractors and the major institutions which commission construction work.

One project owner - one of Qatar's most high profile and powerful organizations - took three months, and a chasing letter, to reply to a letter from Amnesty International in which the organization outlined serious abuses which had taken place on one of its projects (see Chapter 2).

Some companies - noted in the case study on page 70 - have, after Amnesty International alerted them to allegations of abuses taking place in their supply chain, taken steps to investigate allegations and change their processes.

But it nevertheless appears that some major contractors in Qatar - including some global firms delivering multi-million dollar projects - may not have adequate policies and processes in place to prevent abuses taking place and to mitigate the impact if abuses do happen.

Amnesty International met representatives of major international construction firms, managing prestige national projects involving dozens of subcontractors, who said that they were still working on developing policies to address the risk of workers employed by subcontractors being subjected to abuses. One main contractor who said he planned to begin auditing subcontractors on their adherence to labour standards said this was a new development for Qatar, and that beyond standards on the project site such as health and safety, this was potentially sensitive:

"Audits will probably be going into unchartered territory. On-site will be pretty straightforward. Accommodation and pay will be different." [242]

Another contractor - who gave a detailed account of his company's strict adherence to the welfare and rights of its own employees - was frank in admitting that he was not totally clear on what was included in the contracts his company had signed with subcontractors regarding labour standards, though he was sure that health and safety would be included:

"With regards to the contracts with our subcontractors, I would need to check whether there is a clause regarding labour standards within that contract. But safety will be there." [243]

The contracts signed between main contractors and subcontractors are potentially a vital way of holding subcontractors accountable for adhering to labour standards, provided that proper processes are put in place to follow up on the implementation of commitments made in contracts. Amnesty International has seen selected pages from only one contract between a main contractor and subcontractor on a major project in Qatar, but considers that the language on labour standards included in this contract was not adequate.

SUBCONTRACTING CASE STUDY: THE WORKERS OF PCSI SPECIALTIES QATAR

"We had spoken to Human Resources many times saying that we need good beds, good bed sheets, and that we need to get the air conditioning repaired. Now the winter is here, but imagine, when it was really hot during summer a few months back, how hard it must have been. Workers used to go onto the roof to sleep ... I have witnessed for months how this company treats Nepalese workers. They use Nepalese workers like donkeys. However much we pray, they don't give us facilities."

27-year old Nepalese PCSI employee[244]

In October 2012, Amnesty International researchers found evidence that a construction company called PCSI Specialties Qatar (PCSI) – which was subcontracted by several international construction companies to carry out work on major projects – was subjecting employees to a number of exploitative practices. PCSI, which sometimes operates under the name "Specialties Qatar", employed 167 people from countries including Nepal, Sri Lanka and India. PCSI described its employees as comprising 35 staff and 132 labourers.[245] The company says that it specialises in "decorative flooring, decorative concrete, Protective coatings, Screed works & super flat floors, Waterproofing & roofing, injection".[246]

Amnesty International researchers visited the PCSI workers' accommodation in Doha's Industrial Area on five occasions, interviewed the General Manager and raised the case with the Qatari authorities as well as with three international construction companies and the Qatar Foundation, all of whom had used PCSI employees to carry out work.

Amnesty International found that: the workers' accommodation, provided by PCSI, was grossly inadequate; many PCSI employees had not been provided with residence permits by the company and therefore were at risk of being arrested and faced difficulties accessing healthcare; and a number of workers who had resigned in the summer of 2012 had been prevented from leaving the country by PCSI. These findings are set out in more detail below.

Amnesty International researchers interviewing PCSI employees, October 2012 © Shaival Dalal

Accommodation

Amnesty International observed very poor conditions at the PCSI workers' accommodation camp in Doha's Industrial Area, including:

- The air conditioners in several bedrooms at the workers' accommodation were broken. In one bedroom, the men told Amnesty International that the air conditioning had been broken for 10 months. As a result, some workers had to resort to sleeping on the roof of the accommodation. In one kitchen, there was a boarded-up hole in the wall where an air conditioner was apparently supposed to be. When asked about the problems with air conditioners, PCSI's General Manager suggested to Amnesty International that the workers were using the machines too much, and that was probably why they were not working. [247]

- Bed mattresses in the accommodation were so old that many were falling apart. After staff complained in writing about persistent problems with the quality of the beds, the company acknowledged the issue in a February 2012 letter to workers, stating: "Regarding the bed kindly arrange a list for the bed condition with mattress in each room and give it to me and I will solve this problem."[248] By October 2012, the problem had not been solved and many other workers were also having to sleep on mattresses which were falling apart, extremely flimsy or otherwise inadequate, or having to sleep on the floor. When asked about the quality of beds, PCSI's General Manager told researchers that "maybe when [Amnesty International] went there, they hid the mattresses".[249]

- The accommodation was being used to house old paints and waste materials. Old construction materials littered external areas and corridors. Discarded electrical cables and what appeared to be spilled oil were left in the corridors inside the accommodation. The conditions which Amnesty International observed were potentially very dangerous to the health and safety of the workers, as well as impairing the basic quality of life of the workers who had to live there.

Old paints and construction materials were stored alongside workers' bedrooms and the kitchen, October 2012 © Shaival Dalal

Bedroom, PCSI workers' accommodation, October 2012. These workers had moved mattresses into this room because it had air conditioning, unlike their allocated room © Shaival Dalal

Workers expressed their frustration at the fact that they had raised these issues on numerous occasions with the company. One man said:

"They keep promising that they will look into the matter, but they don't deliver on any of those promises."[250]

Amnesty International asked PCSI's General Manager about the overall standard of

accommodation. She initially said that the workers' accommodation was "seven star" but later admitted that she had never visited the camp and would "never" go there. Nevertheless she said she thought it met labour law standards.[251] The responses of the General Manager are deeply problematic, as they indicate that she had no proper understanding of the conditions that her employees were living in, nor apparently any desire to learn. Overall she displayed little concern for the fact that the accommodation clearly breached Qatari and international standards.

The downstairs kitchen at the PCSI workers' accommodation, October 2012. There is a boarded up hole where an air conditioning unit is meant to be installed, and drainage problems mean that the floor is partially flooded © Amnesty International

Residence permits

PCSI failed to arrange for many workers' residence permits to be issued and renewed. A number of workers were never provided with a residence permit and the accompanying identity (ID) card after their arrival in Qatar - they had lived in Qatar for periods of up to two years without any proper documents. Others said that they were provided with a residence permit for part of the time that they were in Qatar but that the company did not renew their permits when they expired.

The workers provided Amnesty International with details of PCSI workers who were detained by the police because they did not have a residence permit, and researchers interviewed one man who had been detained for several days and then subsequently released – those arrested with him were not released with him and he believed they would be deported. One Nepalese worker without a valid permit said:

"We fear to go anywhere, to go out from [the camp]. We feel as if we are almost living in some prison. We fear that if we go out someone will arrest us, or do something unthinkable to us. It is like that as our company has not given us workers ID cards."[252]

Several PCSI workers without residence permits also said they had faced problems accessing health care because their lack of a permit meant that they could not obtain health cards to access subsidised healthcare. Amnesty International saw medical receipts from a private clinic used by a Nepalese PCSI employee, who told researchers he did not have a residence permit. He had been in Qatar since 2011.[253]

In February 2012, PCSI acknowledged the problem in a letter to the workers and promised to address it. But by October 2012, workers estimated that around 25 or 30 employees did not have residence permits.

In an interview with Amnesty International the General Manager cited a lack of cash flow as the reason PCSI had not provided workers with permits and said that she had to make the choice between providing salaries or residence permits. She stated that it was "not a big issue" but confirmed that PCSI workers had been arrested and deported for not carrying permits, suggesting there had been "maybe one or two" cases. [254]

In a letter to Amnesty International in October 2013, PCSI Specialties Qatar provided a different explanation, stating that the reason for not arranging residence permits was because, although the company was employing the men to carry out work, the workers remained under the sponsorship of a separate and formerly related company called "PCSI Specialties", which did not have any active projects. The two companies had apparently agreed to "utilize the manpower of PCSI the branch [meaning "PCSI Specialties"] to work for [PCSI] Specialties Qatar and then to transfer their residence".

According to the company's letter, the workers' sponsorship was apparently being transferred from PCSI Specialties to PCSI Specialties Qatar during 2012. This meant that the management of PCSI Specialties Qatar were unable to complete the men's residence procedures and issue them with permits. It appears that the company's employees were not aware of the reason for these problems:

"We were not happy of such a situation but we do not have any authority to proceed with any of these official documents, the case which was reflected on some of our employees "staff" or "workers" and the case which we were not able to explain it to all the employees while we were working on transferring these residence permits under [PCSI] Specialties Qatar sponsorship."[255]

The explanation provided by PCSI Specialties Qatar lacks credibility. Corporate restructuring cannot be used to deny worker's labour rights; nor is the transfer between two related legal entities a defence of the failure of the workers' sponsor to carry out a process required by Qatari law. Moreover, for numerous PCSI employees the failure to provide residence permits persisted for many months, which also cannot be explained or defended by reference to corporate restructuring.

Workers prevented from leaving Qatar

What brought the situation at PCSI to a head appears to have been the fact that the company did not allow people to travel home for annual leave or after resigning. One man explained:

"After two years, when I had asked for leave, they had approved. In the case of other workers, whether they are asking for leave or asking to end their contract, they delay the exit for two, three or four months. They say, 'we will send you today, tomorrow.' They just keep giving assurances and let the time pass until it is four months or five months." [256]

The workers cited a particular case involving nine people who had asked to leave in July 2012 and had been prevented from doing so. Amnesty International saw resignation letters submitted by a number of these workers. One worker explained:

"There were nine people who had submitted their resignation four months back. However, the company had told them that they will be sent back after a month. They spent four months saying that, but didn't send them back. So all of us got together and gave an application to our Human Resources office. We asked them not to do such things. We asked them to change the system. They were doing this to everyone and this case was not restricted to those nine persons."[257]

The General Manager said in October 2012 that the company did not send home nine workers who had asked to leave because the company's owner was not present to complete the procedures necessary to cancel their residence permits and issue exit permits. She said that "nine people have already had their end-of-service payments in July to live on since then."[258] These workers were therefore left waiting to leave the country, spending their end-of-service payments to get by until the moment they might be able to leave the country. The end-of-service payment - at least three weeks payment for each year a worker has been employed - is highly significant for many construction workers and is often money they plan to bring home to support their families.

In a letter to Amnesty International in October 2013 PCSI stated that the reason they could not issue exit permits was - as with residence permits - because the workers were not sponsored by PSCI Specialties Qatar but by a separate and formerly related company called "PCSI Specialties", so they were unable to complete the formal procedures.

With regard to the nine workers prevented from leaving, the company stated:

"They had not been urged to stop work, on the contrary we were in need for workers and we were hiring external manpower supply to do the works on site, but they had decided to stop and stay in camp, knowing that we had asked them many times to return back to work until the finalization of their exit permit which we were not under control."[259]

The company's response implies that the nine men, who had given in their notice in line with regulations, and made clear their desires to return to their home countries, were somehow at fault for not wanting to work.

The vast majority of PCSI's 135 employees stopped work in late September 2012. On 27

September 2012, PCSI employees submitted two labour complaints at the Ministry of Labour regarding their treatment. Thirty men signed one complaint and 37 signed another, with very similar content. The complaints noted the company's failure to provide the workers with suitable accommodation, and stated the men's desire to return to their home countries with their rights, in relation to pay and benefits, respected.

They stated in the "demands" section of the complaint that they wanted payment of one month's wages which were outstanding, overtime pay, their end of service benefit payments, tickets home, compensation for the annual leave which they had worked through and reimbursement for medical costs.[260]

When Amnesty International met them early in October 2012, the men said they were desperate to return home. One Nepalese worker explained:

"Our family members say, 'come home quickly'. They ask, 'why you are not returning home?' They say, 'if the work is over, why you are not coming home?' How do we tell them that how can we come home, it is not like we are in Delhi, Bombay and we can catch a train and return home?" [261]

Shortly after Amnesty International met PCSI in October 2012, the company sent researchers an email:

"We appreciate your concern about the labours issue in our company and listening to them; and this is to confirm once again that we have no intention of keeping whoever wants to leave back to their home countries. Our HR department is working on arranging the tickets and the information shall we communicated to labours in due course. This is for your information and record."[262]

In October the company began sending workers home. By mid-November 2012, the company said that 123 workers had been provided with tickets and exit permits to travel home. Eleven of the workers reportedly agreed to stay and continue working for the company.[263]

PCSI employees prepare to board a bus to go to the airport, October 2012 © Amnesty International

In October 2013, PCSI Specialties Qatar wrote to Amnesty International to respond to the organization's findings. In its response PCSI Specialties Qatar stated:

- Some workers had, on 25 September 2012, held a strike and prevented PSCI management and police officers from entering the labour camp, and these men had then all been "deported" on the advice of the Ministry of Labour.

- With regard to accommodation, some new beds and air conditioners were purchased after the workers' letter to the company in February 2012. The company provided receipts which are offered as proof of these purchases. Additionally, Amnesty International researchers visited the camp during a strike when management were prevented from entering the camp.

- PCSI provided its employers with "privileges": paying overtime at a higher rate than specified under the Labour Law; paying salaries for the hours when workers travelled to and from the site; paying salaries during "the waiting period between pouring the concrete screed and starting finishing phase ... when all the workers are actually doing nothing but resting and waiting for second phase"; and providing meals at the site, in addition to paying the workers a food allowance.

With respect to the workers barring management and police from entering the labour camp, on two occasions when Amnesty International visited, on 5 and 7 October 2012, members of staff were inside the labour accommodation talking to workers. Researchers also saw video footage, taken by workers, of a policeman inside the labour camp talking to workers on 25 September 2013. They told Amnesty International that they had asked the policeman to help them leave the country.

With regard to whether the reason for the poor accommodation was caused by management being prevented from entering the camp, it should be stated that Amnesty International researchers first entered the camp 10 days after the workers stopped working. Many of the problems observed by researchers, such as the storage of construction materials alongside bedrooms, problems with mattresses, missing air conditioners, had clearly been present for several months.

Finally, Amnesty International would note that several issues presented in PCSI Specialties Qatar's letter of October 2013 were never mentioned to researchers during interviews with PCSI Specialities Qatar in 2012 at the time of the events.

The response of the main contractors to the situation at PCSI

"We do not have the ability to meet with the big companies [to complain about our treatment]. When we go abroad we hope for something different but we don't get it"
PCSI employee, October 2012[264]

At the time of these events described above, PCSI was subcontracted to work on at least two major construction projects managed by international construction companies. One was the Hamad Medical City project, managed by Hyundai Engineering and Construction Co., Ltd (Hyundai E&C) and the other was the Sidra Medical and Research Centre project, a Qatar

Foundation development managed by OHL Construction and Contrack. Amnesty International contacted these companies and the Qatar Foundation to raise the case of the PSCI workers and to ask what policies and processes they had in place to prevent such abuses taking place.

Hamad Medical City: Hyundai E&C

PCSI was providing workers to the "Hamad Medical City" project, on which the South Korean company Hyundai E&C was the main contractor, having won the US$534 million contract commissioned by Ashghal, Qatar's Public Works Authority.[265] According to Hyundai E&C's web-site:

"The Hamad Medical City project covers an area of 450,000 square metres and includes three hospitals with more than 1,000 beds." [266]

In October 2012, researchers contacted the offices of Hyundai E&C to request a meeting and seek their assistance.

Researchers were concerned when, during a telephone conversation, a junior employee of Hyundai E&C in Qatar stated that "we cannot take responsibility for that company as it is a subcontractor." When researchers asked whether Hyundai E&C carried out inspections of its subcontractors, he stated that "only the Ministry" did so, and that when Hyundai E&C received complaints from subcontractors' workers, the company referred them to the Labour Relations Department and did not itself take any action.[267]

In February 2013 Amnesty International wrote to Hyundai E&C to outline the organization's serious concerns about the treatment of PCSI workers and to clearly outline Hyundai E&C's responsibilities in relation to subcontracted workers on its projects. The letter asked for a clarification of Hyundai E&C's position, since the position expressed by the Doha-based employee was not consistent with international standards, including the UN Guiding Principles on Business and Human Rights, by which Hyundai E&C states it abides.[268]

In March and October 2013, Hyundai E&C wrote to Amnesty International. The company stated that it "behaves in a moral manner both at a company level and at an individual level" and was "disappointed to learn that there is even a possibility that such standards may not have been met and thus will ensure that any necessary steps are taken". The company said that no concerns had been raised by PCSI workers prior to October 2012, and that "if any had been raised they would have been dealt with as Hyundai E&C is always concerned to ensure that it complies with all relevant laws and obligations."

The company said that there had been a misunderstanding between Amnesty International and the representative of Hyundai E&C in Doha, who was a "junior member of the local office and not … a member of our management from either our local office or headquarters" and "did not fully understand the questions being raised" due to linguistic difficulties and the fact that he was driving a car at the time:

"In relation to his actual statement, what the employee was attempting to explain is that workers of registered subcontractors in Qatar are directly supervised and managed by Qatari

Ministry of Labour. This does not mean that Hyundai E&C does not consider itself responsible for the actions of its subcontractors. Indeed, the reverse is true; Hyundai E&C considers itself responsible for the actions of its subcontractors. As such it will take any necessary measures to ensure that its subcontractors meet relevant laws, international standards and Hyundai E&C's own core values."

Amnesty International recognized at the time of speaking to him that the Hyundai E&C employee in Doha was a junior member of staff. Researchers therefore requested, in two separate phone conversations, on 10 and 11 October 2012, to meet Hyundai E&C's management in Doha. But the request for a meeting was not taken up. The incident appears to illustrate the challenges of translating corporate policies and processes to respect and protect human rights in the particular context of the Qatari construction sector.

The response of Hyundai E&C's head office in Seoul to being notified of the allegations against PCSI was positive. The company informed Amnesty International that an investigation had taken place, supervised by Hyundai E&C the head office. The company said that it had ensured that workers had been moved from the accommodation which Amnesty International had visited, and that all workers employed on the Hamad Medical City project had valid residence permits. The company said that:

"Our security policy was and is such that all workers are checked when they enter the site to see if they have a valid residence permit. If they do not have one they are denied entry to the Project site."

Amnesty International met one PCSI employee in October 2012 who said he did not have a residence permit, and showed researchers a referral form for medical treatment, signed by his supervisor on the Hamad Medical City Fitout project in July 2012. He also showed researchers medical bills, as he said he had been forced to pay privately for medicine and appointments because he could not obtain a health card. This may indicate that Hyundai E&C's policies with regard to checking for residence permits have not always been fully implemented.

Additionally, Amnesty International encourages Hyundai E&C to not just prevent workers without residence permits from entering the site but to investigate the circumstances of why they have not been issued with permits, and to follow this up with the relevant subcontractor.

In a welcome move, Hyundai E&C additionally informed Amnesty International that it had decided to increase the frequency of inspections and supervisions on the Hamad Medical City project as a result of the concerns raised with regard to PCSI:

"HDEC [Hyundai E&C] has improved and increased the regularity of our inspection regime on the Project to ensure that it remains in accordance with our core values as a company. This includes inspections, surveys and dedicated occupational HSE and welfare officers being placed at the Project site."

With respect to its general policy on selection of subcontractors, Hyundai E&C explained that in order to select subcontractors and suppliers:

"The internal evaluation procedures consider whether the sub contractors and the suppliers have the ability to comply with more general international labour standards as well as their ability to comply with specific international and local labour laws. This will include factors such as the subcontractors or suppliers' ability to provide adequate housing, medical facilities, visas, passports and residential permits to its workers, and their abilities to perform all other necessary obligations to prevent the labour and human rights abuses." [269]

Amnesty International welcomes Hyundai E&C's response and the actions the company took to investigate the situation and increase supervision on the Hamad Medical City project.[270] A meeting between Amnesty International and Hyundai E&C to further discuss the issues arising out of the PCSI case is planned.

Sidra Medical and Research Centre: OHL, Contrack and the Qatar Foundation

PCSI was additionally working on the Sidra Medical and Research Centre (Sidra) project, on which the main contractor was a joint venture (JV) between the Spanish company OHL Construction (OHL) and Contrack, a company registered in Qatar as Contrack Cyprus Limited.[271] Construction began in 2008 under the contract, which is worth approximately US$2.3 billion.[272] According to Contrack's web-site:

"The center will provide world-class clinical care, medical education and biomedical research facilities ... The finished facility will feature a three-zone set-up for patients, family and staff with approximately 380 beds. Five core facilities house biomedical research for stem cell, bioinformatics, function and anatomic imaging research, tissue management systems, genetic-genomics and proteomics."[273]

The Qatar Foundation - which funds Sidra - oversees all elements of the construction project.[274]

OHL

Amnesty International wrote to OHL in May 2013 outlining the organization's serious concerns about the treatment of PCSI workers and asking OHL for its response and for information about its policies to prevent human rights abuses arising from its operations. OHL replied in May 2013, saying that the allegations had caused the company "great concern". The company stated its commitment to respect for human and labour rights and cited a range of policies it had developed to ensure that it observed international standards. The company said that it had "appointed a team of HR technicians to investigate each and every one of the subjects in your letter".[275]

In June 2013, OHL wrote to Amnesty International again with information about its efforts to investigate:

"We have conducted a research visit to our subcontractor PSCI labour camp, as well as our own camp to verify the allegations regarding contravene local and international law standards. Our HR team has being denied access to the PSCI labour camp, with the allegation that the business contract to the J.V OHL-Contrack had finalized while ago. We can confirm you right now, no PSCI workers are working on the OHL Construction project Sidra

Medical Research Centre. Our visit and inspection of our OHL labour camp in Qatar has confirmed that the living conditions as well as the treatment of the migrant workers are adequate and in respect of the Qatari regulations and international law standards. In addition, the control and security is under our supervision." [sic]

OHL offered to organise a visit for Amnesty International to its own labour camp and also stated that, "we will appreciate any further observation or comments you may suggest."[276]

Amnesty International welcomes OHL's efforts to investigate conditions at the PCSI labour camp, despite the fact the company was no longer its subcontractor. In September 2013, Amnesty International wrote to OHL requesting information on what other actions OHL was taking to discuss with PCSI the need to provide the affected workers with compensation, particularly for those who were forced to live on their end of service payments because they were not able to leave, and for those who had to pay for private medical treatment. Amnesty International also encouraged OHL to consider how to enable workers on its projects - including subcontracted labour - to contact the company directly when labour standards are not being met, and what action the company could take to engage with the national authorities, as well as relevant embassies and support organizations, when labour standards are breached.[277]

OHL responded later in September 2013, reiterating its commitment to respecting and complying with workers human rights, and stating that it shared Amnesty International's "concern and disquiet by the negligent behaviour of our subcontractor PSCI [sic] towards its employees" but could not require PCSI to comply with its obligations towards its workers because at this point it had no contractual relationship with them. [278] In an October 2013 letter OHL informed Amnesty International that the company had invited a delegation from the Building and Woodworkers International (BWI) trade union to visit the Sidra site as well as OHL's labour camps, and the "conclusions drawn from their visit are very positive."[279] OHL has invited Amnesty International to a meeting to further discuss these issues.

Contrack

Amnesty International wrote to Contrack in May 2013, outlining the organization's findings from its investigation into the situation of workers employed by PCSI, and requesting that Contrack provide a response and information about its policies to prevent human rights abuses arising from its operations.

Contrack responded in May 2013, but requested that Amnesty International refrain from publishing its response.[280]

Qatar Foundation

In July 2013, Amnesty International wrote to the Qatar Foundation (QF), the funder and ultimate owner of the Sidra Medical and Research Centre, about the situation.[281] In October 2013 the QF responded to say that it had been assured by the "Joint Venture contractors"[282] that since May 2013, PCSI no longer worked on the Sidra project and that the QF was not aware of their presence on any other QF projects.

The QF stated that:

"The JV have stated that they had no knowledge of the above transgressions, however I can assure you that our audit team will be closely monitoring practices on this and other QF contracts to identify any similar transgressions of Qatar Law."[283]

It is welcome that the QF states that it will be monitoring for such abuses in future. Amnesty International encourages the QF to also engage closely with the relevant contractors - in this case the OHL / Contrack Joint Venture - to ensure that they themselves have the right processes in place to prevent such abuses occurring again, and that they would be capable of detecting that its subcontractors were engaged in this kind of behaviour.

Key players in PCSI case

Hamad Medical City Project

Hyundai E&C

South Korean company Hyundai Engineering and Construction (Hyundai E&C) was the main contractor, having won the US$534 million contract.

Hyundai E&C's response to Amnesty International's findings:

A junior Doha employee said: *"we cannot take responsibility for that company [PSCI] as it is a sub-contractor."*

But Hyundai E&C in Seoul said this statement was down to a misunderstanding and stated that Hyundai E&C considers itself *"responsible for the actions of its subcontractors."*

Hyundai E&C reported that it had investigated and ensured that the PCSI accommodation camp seen by Amnesty was no longer in use. It said that it had increased the frequency of inspections and supervisions on the project, including *"dedicated occupational HSE and welfare officers being placed on the Project site."*

A meeting with Amnesty International is planned.

Sidra Medical and Research Centre

Contrack and OHL

The main contractor was a joint venture between the Spanish company OHL Construction (OHL) and Contrack Cyprus Ltd. Construction began in 2008 on the contract, which is worth approximately US$2.3 billion.

Contrack and OHL's responses to Amnesty International's findings:

Contrack refused to allow Amnesty International to publish any details of their response.

OHL said: *"We have conducted a research visit to our subcontractor PCSI labour camp… Our HR team has being denied access to the PCSI labour camp."*

"We share your disquiet and discomfort".

A meeting with Amnesty International is planned.

PCSI Specialies Qatar

Employed around 150 people. Specialises in flooring and roofing. Provided migrant labour to both the Hamad Medical City project and the Sidra Medical and Research Centre project.

Workers' accommodation provided by PCSI was grossly inadequate. Many employees had not been provided with residence permits and were therefore at risk of being arrested and faced difficulties accessing healthcare. PCSI failed to ensure workers who resigned were given the paper needed to leave Qatar, and consequently some workers were trapped in Qatar for months.

PCSI provided workers to the "Hamad Medical City" project

PCSI also provided workers to the Sidra Medical and Research Centre

PCSI's response to Amnesty International's findings:

Initially: *""You expect me to go to the labour camp? I will never go to the labour camp ... The workers are living a very good life, getting triple their salaries."*

Later: *"We appreciate your concern about the labours issue in our company and listening to them; and this is to confirm once again that we have no intention of keeping whoever wants to leave back to their home countries."*

Hamad Medical City

Sidra Medical and Research Centre

QATAR 2022: CAN THE WORLD CUP BE BUILT FREE OF FORCED LABOUR AND OTHER EXPLOITATION?

"We at Q22 firmly believe that all workers engaged on our projects, and those of other infrastructure developers in Qatar, have a right to be treated in a manner that ensures at all times their wellbeing, safety, security and dignity. This is personally, and for the whole of Q22, a top priority"

Qatar 2022 Supreme Committee Secretary-General, August 2013[284]

"The mudir [manager] says you can go to the Labour Court, you can do anything, you can't touch me."

Employee of a major supplier to the Sheraton Park project, which would contribute to the proposed "FIFA cluster" in 2022, speaking in October 2012 [285]

In October 2012, Amnesty International researchers interviewed a group of Nepalese workers employed by a company that was acting as a significant supplier to the Sheraton Park project in Doha, which will connect the Sheraton Park and the Doha Convention Centre by tunnel under the Corniche.[286]

FIFA's Qatar 2022 Bid Evaluation report states:

"It is proposed to set up a FIFA cluster with the FIFA Headquarters located in the Doha Convention Centre (under construction) and three neighbouring hotels being used for the FIFA VIP hotel and the FIFA delegation hotel, all within a maximum radius of 400 metres ... It is proposed that the Four Seasons Hotel, the Sheraton Doha Resort and Convention Hotel and the Doha Convention Centre Tower Hotel (under construction) be used as the FIFA delegation and VIP hotels."[287]

The Sheraton Park project would therefore be of significant importance to delivering on Qatar's World Cup bid, should the FIFA cluster, including the FIFA Headquarters and FIFA delegation and VIP hotels, go ahead as has been proposed.

The workers who spoke to Amnesty International said that they had been in the country for between one and five years. Amnesty International was able to confirm at the beginning of 2013 that their employer was delivering critical supplies to the Sheraton Park site on a daily basis. The men reported that their employer was engaging in a range of exploitative practices in contravention of Qatari laws and standards, including: requiring them to work excessively long shifts; not reducing workers' hours during summer months; requiring them to work seven days a week; making workers pay for the renewal of their residency permits; and not providing adequate safety equipment.

The workers reported that they routinely worked excessively long shifts, up to 12 hours a day, and while they received pay for overtime, the rate for this varied and was not explained to them properly. Under the Labour Law, the maximum shift including overtime is ten hours.

The workers said that during the summer months they continued to be required to work 12 hour shifts on the supplier's site, including in areas exposed to the sun. Ministry of Labour regulations ban working in open areas in the middle of the day from the middle of June until the end of August.

Some of the workers said that they worked seven days a week. They said they were paid overtime for working on Fridays but that if they did not work all four Fridays in the month, they would not receive any overtime payment for their Friday work that month. Under the Labour Law, "the worker shall be allowed of a weekly paid rest which shall not be less than twenty-four consecutive hours and Friday shall be the weekly rest day for all workers with the exception of the shift workers. If the circumstances of the work necessitate the employment of the worker during the rest day the worker shall be compensated for the rest day by another day and shall be paid for working that day the wage payable to him for the ordinary weekly rest day or his basic wage plus an increase of not less than 150 per cent."[288]

The workers said that they had to pay the costs of their residence permit renewal, paying back the costs in monthly instalments which were deducted from their wages. Despite this, one worker reported having to wait for seven months before his new permit was issued to him. Finally, the workers reported problems with safety equipment, saying that the company gave them boots and overalls but did not always allocate them helmets. Explaining the attitudes to workers on the part of the company, one man said:

"*Nepalis are treated like cattle.*"[289]

Amnesty International is not publicly identifying the company that employed the men because the organization did not have the men's consent to do so.

In May 2013, Amnesty International wrote to VINCI Construction Grands Projets and QDVC (a construction share holding company with two shareholders: Qatari Diar Real Estate Investment Company and VINCI Construction Grands Projets, a French company, leader in construction), the main contractor on the Sheraton Park project, outlining these allegations relating to a supplier on their project. Amnesty International acknowledged that the fact that the organization was not able to identify the company directly employing the men would make follow-up challenging for QDVC. The organization requested a meeting with QDVC to discuss the issues in more detail.[290]

QDVC replied stating that such abuses could not have taken place on the Sheraton Park site, as there were strict standards in place on the site to prevent workers entering without health and safety equipment, and that workers did not work excessive hours or during the hottest periods in the sun. QDVC stated that it made all possible efforts to ensure the best possible conditions for workers through safety procedures at worksites. QDVC further stated:

"QDVC's Training Academy provides relevant skills training to improve productivity, quality and safety. QDVC's subcontractors must adhere to and comply with its HSE policy and supporting programs, procedures and standards in place of each job site. QDVC audits in this regard outside their construction sites are improving."

QDVC invited Amnesty International to visit the company's projects, "Training Academy" and labour camp in Qatar. At the time this report went to publication this visit was being organised with a view to further exploring the allegations against the supplier in question.[291]

Amnesty International acknowledges that the labour exploitation it documented was occurring in the supply chain and not at the Sheraton Park site. However the organisation is concerned

by the treatment of workers in the supply chain for major projects.

In July 2013 Amnesty International raised the case with the Qatar 2022 Supreme Committee (Q22) Secretary-General in writing, as part of a letter highlighting the risks of human rights abuses occurring as a result of major construction projects in Qatar.[292] In his August 2012 response to Amnesty International, he did not respond specifically to the details of this case. While Q22 is not the project manager overseeing the Sheraton Park site, the case demonstrates the risk that in the construction of high-profile projects in Qatar - including those which may be of integral importance to the staging of the 2022 World Cup - workers may be subjected to serious exploitation.

The FIFA World Cup stadiums programme, managed by Q22, is valued at US$4 billion.[293] When those projects begin construction – according to media reports, construction of the first stadium could begin in late 2013[294] – there is a significant risk that some of the workers involved could be employed by contractors or suppliers who are subjecting them to labour rights abuses. The role Q22 plays to prevent such exploitation will therefore be crucial.

Qatar 2022 organizers' plans regarding workers' rights

In March 2013, Q22 finalized a "Workers' Charter" containing ten principles with which "all contractors and subcontractors engaged in the delivery of its projects will comply … as well as all relevant Qatari laws. These principles will be enshrined in Q22's contracts and will be robustly and effectively monitored and enforced by Q22 for benefit of all workers".

The ten principles in the Workers' Charter provided to Amnesty International by Q22 in August 2013 are: health and safety; compliance with Qatar 2022 employment standards and relevant Qatari laws; equality between workers; ensuring the dignity of workers; prohibition of unlawful practices (forced labour, child labour, human trafficking); providing safe and healthy working and living conditions; timely payment of wages; prohibition of retaliation against workers exercising their rights under Q22 standards and Qatari laws; access to information for workers; and training for workers. The Committee states that the Charter is the first part of its programme on "workers' welfare" and that this will be followed by the development of detailed workers' standards. [295]

The fact that Q22 states that it will hold its contractors to these principles is positive, although Amnesty International also considers that in any contractual terms it will be critical to include standards relating to: the recruitment process; workers' rights to freedom of association; non-issuing or non-renewal of residence permits; and workers being prevented from returning to their home countries.[296]

The adoption of human rights standards is not in and of itself sufficient to prevent human rights abuses – implementation and monitoring is critical. Amnesty International asked Q22 how it planned to ensure that such standards were enforced on its project. The Secretary-General of Q22 stated:

"Q22's workers standards (Q22's second step in its overall strategy for improving workers' welfare in Qatar), will be enshrined in our contracts and will supplement all relevant Qatari laws by taking additional steps that Q22 has identified as enhancing the welfare of our

workers. We are driven by transparency in setting up our standards, which will include a robust enforcement and monitoring mechanism. Please find below the process we are currently undertaking in developing our standards:

- *Stage 1: review and assess current best practice standards in conjunction with proposed standards from early works' contractors to develop Q22 standards;*
- *Stage 2: review of proposed Q22 standards by external counsel;*
- *Stage 3: review by and collaborate with International NGOs, Ministry of Labor, and the QHRCC [Qatar Human Rights Coordination Committee – encompassing various national bodies including the Ministries of Interior and Foreign Affairs] of the proposed Q22 standards;*
- *Stage 4: finalise and enshrine Q22 standards in all Q22 contracts;*
- *Stage 5: monitor and enforce implementation of Q22 standards by appointed third party auditor."* [297]

Amnesty International does not at present have information as to what stage Q22 has reached, and whether this process will have been completed before construction on Q22 projects has begun. If Stages 1 to 4 were to be carried out thoroughly and in line with international standards, the critical challenge will be faced by Q22 in Stage 5, in ensuring that these standards are adequately monitored and enforced by the third party auditor. It will be essential that Q22 maintains its commitment to transparency, and provides full details on how Stage 5, monitoring and enforcing, will be carried out, and what actions will be taken in the event of non-compliance with Q22 standards.

Q22 and the Qatar Foundation (QF) have been transparent about the fact they are working together on workers' standards. In April 2013, the QF – which is one of the country's biggest developers of high-value, high-profile construction projects – published its own workers' charter and mandatory standards with a press release stating that the standards "guarantee workers rights." [298]

The QF committed to "transforming workers' quality of life" through the Mandatory Standards and says that it will create a due diligence system within the Foundation. Adherence to the QF's Mandatory Standards and the relevant laws is - the standards state - to be considered as "the key condition for QF's selection and retention of its Contractors and their Sub-Contractors". [299]

The standards draw heavily on both Qatari and international labour standards and cover a wide breadth of worker welfare issues. Amnesty International wrote to the QF in July 2013 seeking further information about how the high standards would be implemented.[300] In October 2013, the QF responded, providing details about the operations of its "Health, Safety, Security and Environment (HSSE) Migrant Worker Welfare team", which it stated was "first of its kind" for monitoring contracts involving the use of migrant workers and operated as an internal independent auditor:

"This team acts as QF's internal independent third party audit mechanism as the QF HSSE Directorate has no ownership or involvement in any construction contracts involving migrant workers. The HSSE Safety department has independent audit responsibilities for HSE

Standards on all QF construction sites and this provides an efficient sister team of audit specialists to assist the monitoring of welfare standards. It is clear from a practical point of view that for several years ahead, our team will be working hard first to bring existing contracts up to the minimum legal standards where any transgressions are found and aspiring to achieve improvements above these standards on a voluntary basis. We are having some notable successes already."[301]

The QF also stated that a major pillar of its approach involves ensuring that workers who work on its projects have been recruited in an ethical manner, including without taking on debts to pay fees to migrate to Qatar for work.

The QF acknowledged in its response that "the scale of the task before us is no simple one". Amnesty International considers that it will be critical that the QF gives the Migrant Worker Welfare team the tools and authority to act in a fully independent fashion, in order to drive up standards on QF projects and with the contractors employed on them. Depending on how the standards are monitored and enforced, the QF's initiative could potentially serve as a positive model for other developers in Qatar of how to put in place effective due diligence processes to prevent and address human rights abuses in the course of their business operations.

Health and Safety on World Cup 2022 sites

In April 2013, the Assurance Director of CH2M Hill, the US-based company acting as Programme Manager for Q22's construction projects, was quoted in the Qatari media as saying that "his team has estimated that at least 14 people will die while building Qatar's World Cup stadiums".[302]

In its July 2013 letter to Q22, Amnesty International requested clarification as to how this figure has been arrived at, and what assumptions it made about the standards of health of safety on World Cup construction sites. Amnesty International was concerned that this appeared to suggest that Q22's Programme Manager was not aiming for a fatality-free construction programme. In response the Secretary-General of Q22 stated in August 2013:

"As for the statements made by CH2M Hill, I think it is important to provide context: many large infrastructure projects will use Heinrich's Law and local data to predict accident and incident figures. This practice has been used in the HSE profession to examine data and illustrate the statistical potential for accidents. CH2M Hill used both historical regional statistics and Heinrich's Law to project the unmitigated potential for accidents and deaths on a programme of this magnitude. Based on the predicted accident and incident figures, Q22 has committed itself to take the steps necessary to ensure that the historical trend is not allowed to prevail. Q22 efforts to mitigate the potential for accidents and deaths include the "Goal Zero" behavioural safety programme, the development of construction health and safety standards and practices that are linked to key performance indicators which are embedded in its contracts, an improved worker welfare programme focusing on ethical recruiting, and employment practices and recognition of the need for a skilled and qualified workforce." [303]

Labour standards on non-Q22 projects that will contribute to the staging of the World Cup

Amnesty International understands that the Q22 standards will apply to the direct World Cup construction such as stadiums and training grounds. But not all World Cup related construction will be covered. In particular, major infrastructure projects, including road and rail, as well as the additional accommodation which is being planned to provide hotel space for those attending the events, fall outside the direct remit of Q22.

Many of the issues identified by Amnesty International's research point to structural problems with the way in which the Qatari authorities regulate the recruitment and employment of migrant workers, including flaws in the Sponsorship Law and Labour Law. In its July 2013 letter to Q22, Amnesty International asked what efforts Q22 was making to engage the relevant Qatari authorities on these critical issues, which will affect hundreds of thousands of workers employed on projects which will support the staging of the World Cup. Q22 stated:

"For projects not under our control, we are working diligently through the QHRCC and technical meetings with our stakeholders to influence and encourage them to adopt best practice in the area of workers' welfare." [304]

Efforts by Q22 to encourage other institutions to improve their practices with regards to the rights of workers are welcome. However as a state agency, Q22 is in a position to do more than 'encourage'. It is not enough to encourage: Q22 must require respect for workers' rights.

It should be noted that Sheikh Tamim bin Hamad Al Thani, Emir of Qatar, was in 2011 – at a time when he was Heir Apparent - announced Chair of the Q22 Board of Directors.[305] To Amnesty International's knowledge, no announcement has been made to change the Board of Directors since he became Emir. Given that Q22 is chaired by the Head of State, it is reasonable to expect that the committee should be able to work at a high level within the Qatari government to secure broad reforms to protect the rights of migrant workers.

The outside world will judge whether the World Cup has been built on forced labour and other exploitation. This judgement will be based not on the standards observed during the construction of stadiums and training grounds, but also on whether the rights of workers constructing other critical infrastructure projects – whether it be road or rail projects, or hotels – are respected and protected. Ultimately the only way to protect the rights of all such workers is for the government to fundamentally reform the Sponsorship Law to reduce the excessive control of employers over their employees and to proactively enforce the protections of the Labour Law.

The role of FIFA

"We uphold the respect for human rights and the application of international norms of behaviour as a principle and part of all our activities."
FIFA Secretary-General to Amnesty International, October 2013[306]

As early as 2011, in the context of a meeting with the International Trade Union Confederation (ITUC), FIFA recognised that it had a responsibility to address the issue of

workers' rights in relation to the World Cup in Qatar. FIFA stated then that it would work with the ITUC to address labour rights and stated that:

"We have a responsibility that goes beyond the development of football and the organisation of our competitions."[307]

Two years later, it remained unclear what steps, if any, FIFA had taken with regard to migrant workers in Qatar. When the UK newspaper The Guardian published reports of serious labour exploitation the President of FIFA, Sepp Blatter, made several statements in October 2013 outlining the organization's position. On the one hand, he acknowledged that FIFA could not "turn a blind eye":

"What has happened now, we are not indifferent to that. We can't turn a blind eye and say this does not concern us"

However, he stated clearly and repeatedly that FIFA was not ultimately responsible and would not or could not intervene to deliver change:

"The workers' rights will be the responsibility for Qatar and the companies – many of them European companies – who work there. It is not FIFA's primary responsibility but we cannot turn a blind eye. Yet it is not a direct intervention from FIFA that can change things." [308]

He committed to raising the issue with the Emir of Qatar in a "courtesy visit":

"I will meet with the new emir for a courtesy visit to confirm the World Cup 2022. We will also touch on this concern, the working conditions, but we are not the ones that can actually change it." [309]

Finally he suggested that there was a long time to address the issue of migrant workers' rights:

"We have plenty of time concerning Qatar but it is 2022, it is in nine years." [310]

In October 2013, Amnesty International wrote to the FIFA Secretary-General, presenting its preliminary findings on abuses in Qatar's construction sector, including the case relating to the proposed location for the FIFA cluster in 2022 described earlier in this chapter. FIFA responded to Amnesty International on the overall findings without commenting on the specific case raised.

FIFA confirmed that, "Mr Blatter will once again bring this matter to the attention of Qatar's highest authorities."[311] But the letter also suggested, in line with statements by Sepp Blatter, that Qatar 2022 is not FIFA's main priority right now, as there are two World Cups between now and 2022.

"Despite the current main focus of our work being the 2014 and 2018 FIFA World Cups in Brazil and Russia, we will strengthen our exchanges with the Qatar 2022 Local Organising Committee and promote dialogue between them, the Qatari Ministry of Labour, the ILO and civil society organisations." [312]

The fact that FIFA has publicly recognized the importance of the rights of migrant workers in Qatar, and the President's intention to raise this with the Qatari authorities at the highest level, is welcome. But certain aspects of FIFA's approach give cause for concern.

In particular, FIFA's repeated assertions that it is not responsible and cannot change things suggests that the organization may believe that raising the issue with the state authorities is sufficient. Additionally, the President's comments that there is "plenty of time" before 2022 fails to recognize that abuses are happening already, and that hundreds of thousands of workers will be recruited into Qatar's construction sector in the next nine years. It is not enough to wait until the 2014 World Cup in Brazil is over before FIFA turns its attention to the human rights risks associated with the staging of the world cup construction work in Qatar.

In fact, FIFA must engage closely with Q22 and the Qatari authorities, to ensure that these issues are addressed as a matter of urgency. Preventing these abuses cannot wait. FIFA must send a strong message to the Qatari authorities and the construction sector that human rights must be respected in all World Cup related construction projects. This cannot be restricted only to stadiums and training facilities being managed by Q22, and must include additional hotel capacity as well as key transport and other infrastructure that will support the World Cup.

5: A SYSTEM THAT PERMITS ABUSE AND TRAPS WORKERS

"This is the Qatar rules?!"
Indian construction worker seeking to get home, March 2013[313]

"If there are poor relations between workers and management, the manager has every weapon to punish workers."
Representative of the Embassy of a labour sending country, Doha, October 2012[314]

Chapters 2 to 4 explored the kinds of abuses faced by migrant workers in the construction sector. This chapter analyses the systemic factors which lead to, or allow, such abuses.

On the one hand, the sponsorship system affords unscrupulous employers powers to exploit their employees, not least of which is the ability to prevent workers leaving the country. Set against this, the Labour Law, which should offer workers a measure of protection, is ineffectively enforced, and has serious flaws in its own right, including the exclusion of whole groups of workers from its provisions, and the fact that migrant workers are banned from forming or joining unions. Meanwhile, those workers who attempt to bring a complaint against their employers for unpaid wages or other abuses find themselves confronting a cumbersome and unresponsive justice system.

THE SPONSORSHIP SYSTEM: A RECIPE FOR EXPLOITATION AND FORCED LABOUR

"Every expatriate granted a visa to enter the state shall have a sponsor."
The Sponsorship Law[315]

"The fundamental nature of the sponsorship programme increases the dependency of the migrant workers on sponsors rendering them vulnerable to various forms of exploitation and abuses."
Committee on the Elimination of Racial Discrimination Concluding Observations of the State of Qatar, 2012 [316]

The sponsorship or "kafala" system – a version of which is found in all of the six Gulf Cooperation Council (GCC) states[317] – is the means by which unscrupulous employers in Qatar exert control over their foreign workforce. All migrant construction workers are subject to the terms of the Sponsorship Law.

The sponsorship system is policed by the Ministry of the Interior and set out in Law No. 4 of 2009 (the "Sponsorship Law"). The system binds foreign workers to a single "sponsor" who must, under the law, also be their employer – either an individual or a company established in Qatar. A migrant worker cannot change job without the permission of their sponsor. Once a migrant worker leaves Qatar, he or she cannot return to Qatar under a new sponsor for two years. Sponsors therefore can have a significant influence over the lives of migrant workers.

Several government officials have told Amnesty International the purpose of the sponsorship

system is to ensure a "balance between the rights of the worker and the rights of the employer".[318] In fact, it creates an excessively unequal power relationship, in which workers have limited and ineffective avenues open to them if they are being exploited. If workers arrive in Qatar to find that they have been deceived about the terms and conditions of their work during the recruitment process, or are subjected to abusive working or living conditions by their employer, the question of whether or not they can change jobs depends on their employer – the very person responsible for their abuse.

In contrast, sponsors:

- have the power to prevent their workers from moving jobs;

- can block workers from leaving the country without needing to provide any justification; and

- have the right to terminate the worker's employment and have his or her residency permit cancelled by the authorities; "if the expatriate declines to leave the state", the employer is obliged to report the worker to the authorities for deportation.[319]

When combined with ineffective enforcement of worker protections (discussed below), the Sponsorship Law means that people can be compelled to work under exploitative conditions, when they would otherwise be able to resign and get a new job or leave the country.

Sponsors' co-operation is required for workers to carry out essential bureaucratic procedures like the issuing and renewal of their residence permits, without which they cannot move freely around Qatar. Anyone without a valid permit and accompanying ID card is at risk of arrest by police, who regularly stop migrant workers to check their papers. Sponsors' agreement is even needed for foreign nationals to take driving lessons.[320]

Sponsors are required to report "absconded" workers – the term used by the Qatari government to describe workers who have left their employers, possibly to seek work with someone other than their sponsor, without permission (see next section). If a person is detained for "absconding", they face the prospect of heavy fines, being deported, and can even face criminal charges. Amnesty International found that people leave their employers for a number of reasons – including because of exploitation or abuse. However the government is not adequately investigating the circumstances of those who flee abusive conditions at work.[321]

In some of its interviews with migrant workers in Qatar, Amnesty International found that the range of powers available to sponsors meant that some workers felt unable to challenge abusive behaviour or to claim the protections set out in the Labour Law. In one case, Amnesty International researchers offered to notify government authorities about the severe exploitation which a group of workers were being subjected to, but the affected workers said they were trying to negotiate with their employer in order to leave the country with the salaries they were due, and they felt that any official intervention could put this delicate process at risk.

Commenting on the situation across the Middle East and North Africa region, the ILO stated

in 2013 that "the reliance on the kafala (sponsorship) system is inherently problematic."[322]

In its 2011 comments on Qatar's adherence to ILO Convention 111 on Discrimination (Employment and Occupation) Convention, the ILO Committee of Experts on the Application of Conventions and Recommendations stated that it:

"remains concerned that the limitations imposed on the cases in which transfer of a worker to another sponsor is allowed, as well as the requirement to obtain permission of the sponsor, continues to place the worker in a vulnerable situation... The Committee is concerned that under the present system migrant workers suffering abuse and discriminatory treatment may refrain from bringing complaints out of fear of retaliation by the employer, or because of uncertainty as to whether this would lead to a change of sponsor, or to deportation."[323]

Inadequacy of Government's mechanism for workers to change jobs because of abuse or a legal case

Under the Sponsorship Law, the sponsorship of a worker can be transferred with the permission of the Minister of the Interior or his nominee "in the event of abuse" or - temporarily - if there is a legal case between the sponsor and the employee.[324]

However, according to data provided by the Ministry of Interior's Human Rights Department in March 2013, in 2012, 607 people made requests for a sponsorship transfer, but only 49 were allowed to transfer permanently, and 211 temporarily. No further detail breaking down these figures is available. Given that there are approximately 1.38 million foreign nationals in Qatar's workforce,[325] this means that less than 0.02 per cent of the foreign workforce received sponsorship transfers – temporary or permanent – with the assistance of the Ministry of Interior.

The very small proportion of people securing a transfer through this mechanism stands in contrast to the survey data presented in Chapter 3. The government's own figures also suggest that only 260 sponsorship transfers in a year is a very small number. For example, statistics from the Supreme Judicial Council show that in 2011 the Labour Court dealt with 4,272 cases brought by workers against their employers.[326]

This raises serious questions about the operation of this transfer system. In part this may be caused by a lack of knowledge about this mechanism, which is mentioned in the Sponsorship Law but is not widely advertised. It is not easily located on the Ministry of Interior's web-site, nor is it mentioned in the workers' information pamphlet produced by the Ministry of Labour.[327]

Even for those who know about this possibility, the fact that less than half those who apply for transfer in this way are granted the ability to move employers - with the large majority of these only receiving temporary transfers which may relate to court cases - suggests that the Ministry may be applying narrow criteria to define "abuse". The Ministry of Interior has not published a definition of what criteria it uses but the Director of the Human Rights Department at the Ministry of Interior told Amnesty International that the criteria he uses to judge which cases should be granted transfers included but were not limited to: lack of decent accommodation for workers; workers not being given work; workers not receiving pay

for more than two months (though he mentioned that sometimes a shorter period without pay could be considered abuse); ill-treatment of a worker by his or her employer; and a worker not being given an exit permit. [328]

However, if workers are to understand how they can access the procedure to change sponsorship if they have been subjected to abuse, these criteria should be based on breaches of international standards and should be formally set out, including on the Ministry of Interior's website – in a range of appropriate languages – with instructions on how to apply. They should also be posted where migrant workers are found, including in company-run accommodation, at construction sites and other areas where other migrant workers, including domestic workers, will be able to see them. Such mechanisms should ideally also be advertised on local radio stations broadcast in migrant workers' first languages.

CRITICISMS OF THE SPONSORSHIP LAW

In its 2007 annual report, Qatar's National Human Rights Committee (NHRC) called on the government to replace sponsorship "with another system that might be called 'job contract' or 'job opportunity'… a worker can change their job according to the contract in cases of contract expiry, or when the employer defaults on their obligations. In case of a worker defaulting on their obligations, the employer may resort to Labor Department or court to cancel the contract and get compensation."[329] In 2009, when the government issued the current sponsorship law, the NHRC welcomed some specific elements, but pointed out that it had hoped the authorities would adopt "a new attitude by reconsidering the sponsorship system to achieve balance between the rights of the immigrant worker and those of the sponsor". In particular, it noted that the exit permit system remained in place.[330]

In its concluding observations on Qatar in 2012, the Committee on the Elimination of Racial Discrimination stated that "the fundamental nature of the sponsorship programme increases the dependency of the migrant workers on sponsors rendering them vulnerable to various forms of exploitation and abuses."[331]

In 2010 UN High Commissioner for Human Rights Navi Pillay called on Gulf countries to stop requiring migrant workers to secure local sponsors, saying that they should "replace the Kafala system with updated labour laws that can better balance rights and duties".[332] The same year the International Labour Organization called on Gulf countries to carry out 'major reform' of the sponsorship system.[333]

THE CHARGE OF "ABSCONDING"

Amnesty International has not been able to find a precise definition of "absconding" or "escaping" in Qatar's laws. [334] "Absconding" appears to refer to migrant workers who are considered to have breached Article 11 of the Sponsorship Law:

"Any expatriate permitted to enter or reside in the state for a particular purpose or for business with any particular entity shall not act in breach of the relevant purpose and shall leave the state upon the depletion of such purpose, the completion of such business or the cancellation of the residence for any reason whatsoever."

Migrant workers found to have violated this article face, under the Sponsorship Law, a maximum jail sentence of three years and / or a fine of up to 50,000 riyals (US$13,731). But they have the option to alternatively pay a "conciliation" fine of 6,000 riyals (US$1,648) to the Ministry of Interior, if they have the funds. If they do not pay this fee they face either

deportation or criminal prosecution – this appears to depend on the precise circumstances of the "absconding".[335]

The policing of "absconding" appears to aim at assuaging employers' concerns that they will lose out financially should workers leave for new employers without their permission - its effect is that workers are treated by their employers as personal property. In a 2010 study, the Qatar National Human Rights Committee found that:

"All employers and managers have emphasized that "the sponsorship system cannot be cancelled," all having the same justifications and reasons. The most important of these reasons is that it is the only mechanism available to ensure that the worker or employee will not escape and leave the State after training him and spending money on recruiting him."[336]

It is disturbing that this study found businesses in Qatar "all" using terminology referring to their workers "escaping", language usually reserved for convicted prisoners or people in conditions of debt bondage and slavery.

There are a number of serious problems with the way the authorities deal with people they consider to have "absconded".

International standards recognise the right of everyone to the opportunity to gain a living by work which he or she freely chooses or accepts.[337] Making it a criminal offence to leave employment without the employer's permission is wholly inconsistent with international human rights and labour rights standards. This is especially the case when the restrictions in the Sponsorship Law mean that the option to leave work legitimately is often foreclosed to workers.

Additionally, the policing of "absconding" does not appear to take adequate consideration of the fact that some workers who leave their employers do so because of labour exploitation, extending to forced labour or other forms of abuse.

The Director of the Search and Follow-up Department at the Ministry of Interior told Amnesty International that people who have left their sponsor and wish to go home are not detained but helped to leave.[338] But Amnesty International has documented several cases where workers have been detained for breaching the Sponsorship Law and where it appears that inadequate efforts have been made by the authorities to establish the context in which the workers left their employer.

Amnesty International interviewed workers from several sectors who reported experiencing abuse at the hands of their employers and had fled, only to be subsequently detained and held at the deportation centre pending deportation.[339] In one case which Amnesty International raised in writing with the Director of the Search and Follow-up Department at the Ministry of Interior in a letter of 11 April 2013, a former domestic worker who still clearly bore the physical marks of abuse was being held in the deportation centre.[340] It was not clear why this woman was being detained rather than being treated as a victim of abuse. At the time of publication, Amnesty International has not received any response to its letter.

Amnesty International was similarly concerned by the case of one Nepalese worker who was

trying to leave the country in October 2012 after reportedly suffering abuse and was subsequently detained for "absconding". Amnesty International was informed that after being beaten by his sponsor, the worker in question had fled and requested the help of the Search and Follow-up Department to leave the country. According to the information received, officials told him to return to their offices for a follow-up meeting, but before he could attend this appointment, he was detained.[341] On 14 October 2012, researchers provided the details of his case to the Director of the Search and Follow-up Department, who said that there was a complaint of "absconding" against him. The Director did not seem to consider the background information about the man's case relevant.[342] Amnesty International later learnt that this worker was eventually deported to Nepal.

The Director of the Search and Follow-up Department at the Ministry of Interior told Amnesty International researchers that of around 12,000 people issued with deportation orders for violating the Sponsorship Law each year, about 50 are successfully able to challenge these orders in judicial proceedings.[343] This represents less than 0.5 per cent of the total number of migrant workers deported. Given the number of workers who – according to Amnesty International research and independent surveys – are subject to forms of exploitation and abuse by their sponsors, this low figure for successful challenges to deportation decisions raises serious questions about whether all workers are given a genuine opportunity to challenge their deportation order, including by obtaining access to professional legal advice.

Under Qatar's 2011 Human Trafficking Law (Articles 2 and 25), victims of human trafficking, including those trafficked into "forced labor or servitudes, slavery or semi-slavery practices" are exempted from the penalties under the Sponsorship Law, which would include those for "absconding". Amnesty International welcomes the existence of this provision and encourages the Government of Qatar to implement it. The organization requested details on how many people had been afforded the protection of this provision, but in its October 2013 response to Amnesty International's findings, the Government did not provide this information.

An Indian national held in the deportation centre told Amnesty International that he had been recruited to work in his employer's house but after five months in Qatar, his employer took him to work in the desert against his will, as a camel herder, which he said was very demanding and hot work. He said he left this job after one month, without his employer's permission and was soon after caught by the police. He said he had been held in the deportation centre for four months and was expecting to be sent back to India in 10 to 12 days.[344] His testimony would suggest that he may have been a victim of human trafficking.

Amnesty International recommends that - pending fundamental reform of the Sponsorship Law - the Ministry of Interior carry out a full screening of all workers detained on charges of "absconding" or for other breaches of the Sponsorship Law, in order to assess whether or not they have been victims of human trafficking, forced labour, labour exploitation or other abuses.

THE EXIT PERMIT AND THE TRAPPING OF WORKERS IN QATAR

"[Working expatriates] may not leave the state temporarily or permanently unless they provide an exit permit issued by the Residence Sponsor." The Sponsorship Law, 2009[345]

"It is difficult to retain the exit permit system in its existing form... It is being likened to slavery. It can't remain like this."
Prime Minister Sheikh Hamad bin Jassim bin Jabor Al Thani, 2007[346]

The requirement for workers to obtain an exit permit from their sponsors – a requirement that, among the GCC countries, only remains in Qatar and Saudi Arabia - is a crucial element of the sponsorship system.

The Qatari Constitution specifies that no person's "freedom of residence and mobility" should be restricted "save under the provisions of the law".[347] But under the provisions of the Sponsorship Law, all foreign nationals must obtain an exit permit every time they wish to leave Qatar - whatever their destination and whatever the purpose of their travel. The exit permit is issued after the sponsor or their approved representative submits an application to the Ministry of Interior. Some highly-paid foreign nationals are able to obtain multiple use exit permits but the vast majority of foreign workers are only issued single use permits.

Members of the Qatari government, including the former Prime Minister in 2007, have admitted publicly that the exit permit is untenable.[348] Nevertheless the system was retained when the latest Sponsorship Law was issued in 2009.

Supporters of the system, including elements of the Qatar business community who claim to have pressured the government into retaining the system,[349] have argued that the exit permit is merely an administrative procedure.[350] The Ministry of Interior publicly stresses the convenience of obtaining the permit which "won't take more than few minutes".[351] But giving employers the power to stop their employees leaving the country – without needing to give any justification – is clearly far from being a mere formality.

Amnesty International considers that the existence of the exit permit system in its current form constitutes a violation of the right to freedom of movement. Article 13 (2) of the Universal Declaration of Human Rights states that "everyone has the right to leave any country, including his own, and to return to his country". Article 5(d)(i) of the International Convention on the Elimination of All Forms of Racial Discrimination, to which Qatar is a state party, includes the following provision:

"State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... The right to leave any country, including one's own, and to return to one's country."(emphasis added)

Similarly, the Arab Charter on Human Rights, to which Qatar is a state party, provides:

1) No one may be arbitrarily or unlawfully prevented from leaving any country, including his own, nor prohibited from residing, or compelled to reside, in any part of that country.
2) No one may be exiled from his country or prohibited from returning thereto."[352]

In its General Comment on Freedom of Movement, the Human Rights Committee has stated that "the right to leave a country must include the right to obtain the necessary travel documents." [353]

The employer's power to restrict workers' freedom of movement has a profound psychological effect on workers, who throughout their working career in Qatar are always aware that their employers have the ability to prevent them from going home.

Officials at the Ministry of Interior have told Amnesty International that they assist workers who wish to leave the country and are facing problems doing so. In their response to Amnesty International in October 2013 regarding the exit permit, the Qatari authorities said:

"The law did not forget the protection of the employees from some bad examples of sponsors, thus the employee can travel without permission if the objection of the sponsor was unreasonable, when the sponsor is absent or on his death."[354]

Leaving aside the suggestion that there can be reasonable ground for an employer denying someone their right to leave the country, Amnesty International does not accept that migrant workers can simply leave the country if their sponsor does not grant permission.

To Amnesty International's knowledge, there are two ways a migrant worker can obtain an exit permit if a sponsor does not issue it. Firstly, Article 18 of the Sponsorship Law provides that if migrant workers cannot obtain a permit from their sponsor:

"The expatriate may provide an exit sponsor or a certificate that there are no judgments under execution or claims made against the expatriate issued by the competent courts after 15 days from the publication of a notice in two daily newspapers for once prior to the departure of the expatriate from the state, all in accordance with such procedures and measures issued under a resolution by the Minister."

This process is difficult and time-consuming. Navigating such processes requires command of the Arabic language. Placing adverts in newspapers costs money that workers in such a situation do not generally have. One expert on human rights in Qatar told researchers they knew of instances where newspapers had refused to publish such notices because they did not know of the existence of such a provision in the law. [355]

Secondly, many workers seek the direct assistance of the Ministry of Interior's Search and Follow–up Department when they are unable to obtain an exit permit and where their passport has been confiscated by their employer. The Ministry has the authority to arrange their departure in such cases.

However, the process at the Search and Follow-up Department is opaque, conducted entirely in Arabic, and sometimes lengthy, with workers called back for repeated appointments. The system does not appear to be fit for purpose, given the numbers of people seeking assistance to leave.

In some cases workers told researchers that they visited the Search and Follow-up Department – travelling long distances from their accommodation at their own expense to do

so – and did not have their papers examined by officials at all, meaning they had to return on another day to register their case. Nepalese community members who assist migrant workers in distress have reported to Amnesty International that on some days there are up to 200 Nepalese migrant workers at the Department seeking assistance to leave, and only a dozen or so may be seen every day. One member of the Nepalese community told researchers that he knew of one man who had visited the Search and Follow-up Department 18 times in seven months in order to try to leave the country.[356] Workers do not receive any financial assistance from the Qatari authorities while trying to leave the country.

Amnesty International has documented the case of one Indian national who had been trying to leave Qatar for months and could not obtain an exit permit. On the day he was supposed to leave, in late May 2013, he stayed at the airport without food or water for around 36 hours before he was informed by Ministry of Interior officials at Doha airport that they had misplaced his passport – which they had been holding to arrange his departure – and he could not fly until this had been resolved. He told researchers his family were very upset with him because they had paid for a driver to go to the airport, which is a long way from his home, and collect him. Because they were not in a position to fully understand the difficulties of leaving Qatar, they blamed him for falsely promising that he was coming back.

Three weeks later and in a state of some distress, he was granted a meeting at the Ministry of Interior, following a request by Amnesty International and the National Human Rights Committee, to try to resolve the obstacles to his departure. A member of the Indian community who attended the meeting on 16 June 2013 to assist the worker in question said that after some delay officials finally established what the problem was: it appeared that his passport had been mistakenly filed in a folder for Nepalese nationals. On 17 June 2013, he boarded a flight to India.

The process for migrant workers to exit Qatar should be made significantly simpler and faster. In the first instance this should be achieved by removing the requirement for sponsors to approve their exit, a severe and arbitrary limitation of the right to freedom of movement. But Amnesty International has found that migrant workers unable to leave the country are generally facing multiple connected obstacles simultaneously. These obstacles also relate to the Sponsorship Law and have the effect of trapping workers in Qatar and must be addressed by the Qatari authorities:

- Employers do not arrange for workers' residence permits to be issued or renewed after expiring, and as a result they incur large fines, which have to be paid before workers can leave the country; and

- Passports are confiscated by employers and not returned.

Fines on expired residence permits block exit

Under the Sponsorship Law, employers are supposed to ensure that workers have residence permits. The Government has stated to Amnesty International that it fines sponsors a maximum of 10,000 riyals (US$2,747) for not arranging for permits to be issued.[357]

RESIDENCE PERMITS AND ACCESS TO HEALTH CARE

Migrant workers – men and women - can face significant obstacles accessing non-emergency health care because they have not been issued with residence permits by their employers. To access state medical care in Qatar, foreign residents are required to apply for a 100 riyals [US$27.46] health card, which allows them to pay subsidized charges for tests and consultations as well as inpatient care. The cost of medicines is reduced by up to 80 per cent with a health card.[358] Any patient not holding a health card will be charged by state medical centres as a visitor, at private prices. Only emergency care is provided free of charge to patients without health cards.

It is not possible to obtain a health card without a valid residence permit. Not holding a valid residence permit therefore places severe limitations on workers' access to healthcare. Researchers have interviewed four workers who - because their employers had not issued them residence permits - were struggling to afford the costs of follow-up treatment and/or medicines after suffering injuries or illnesses. One worker without a residence permit and health card said he had to pay 500 riyals (US$137) – close to a month's wage for many workers – for a single bottle of specialist medicine which a doctor had prescribed him. He told Amnesty International his doctor had donated him the money to pay the amount required.[359]

Researchers met hundreds of workers whose employers had failed to ensure they are issue them with residence permits.

New arrangements for health insurance

In June the Emir passed Law no. 7 of 2013 on the social health insurance system,[360] which is reportedly intended to come into force for migrant workers in 2016.[361] Officials at the Supreme Council of Health said in March 2013 that under this law, which is intended to improve health insurance coverage across Qatar, it is planned that it will not be possible to issue a residence permit without employers paying for comprehensive health insurance. This health insurance is intended to provide greater coverage than residents are entitled to under the health card system. The Minister of Health stated in May that "the scheme will cover all diseases with no exceptions at all".[362]

The intention of this legislation appears to be increase the number of residents who are properly covered with adequate health insurance. However, this will not address the problem of workers not being issued residence permits. Several offending companies have claimed in conversation with Amnesty International researchers that they have not arranged for residence permits for workers due to problems with cash flow and the cost of the process. It appears that the new health insurance measure will increase the amount that employers have to pay for residence permits for workers. This may lead to greater numbers failing to arrange for residence permits to be issued, and may therefore have the effect of making access to non-emergency healthcare even more difficult for the affected groups.

In order to prevent this problem from affecting workers' access to healthcare, close co-ordination between the Ministry of Interior, Ministry of Labour and the Supreme Council for Health is required in the short term, to ensure that if migrant workers cannot obtain residence permits, their access to healthcare is not affected.

In the longer term, the Supreme Council of Health should ensure that its plans for health insurance take account of the fact that it is not uncommon for employers to illegally fail to arrange for residence permits to be issued for workers. It is therefore very possible that many employers will similarly fail to purchase health insurance for their employees, or will purchase the health insurance and seek to pass on the costs to workers through salary deductions.

However, the law also provides for a "conciliation" fee, which can be paid by anyone to cancel the fine. The conciliation fee is charged at a rate of 10 riyals (US$2.75) per day that a worker does not have a valid permit, rising to a maximum of 6,000 riyals (US$1,648).[363]

However, even though the Government appears to acknowledge in its letter to Amnesty International that sponsors must be held accountable for not arranging the issuing of residence permits, it maintains a policy of preventing workers themselves from leaving Qatar when these conciliation fees have not been paid, apparently applying Article 56 the Sponsorship Law, which states:

"The accused who committed any of the crimes provided in this Law may not leave the State, as the case may be, before paying the amount specified for conciliation."

Preventing workers from leaving the country in such situations appears to assume that the worker is the 'accused', when in fact the sponsor may be responsible. It results in situations where an employer commits an illegal act, and the employee faces punishment. As such this appears to be an arbitrary application of the law, and one which exacerbates exploitation and abuse. Rather than protecting the rights of migrant workers, the government is adding to their exploitation.

The impact of this policy can be extremely damaging. Many employers say they cannot or will not pay the fines generated on their employees' residence permits - and the fines can be well beyond what workers can afford, when - for example - many construction workers only earn 600 riyals (US$165) a month. It means that if employers have failed to renew workers' residence permits, workers may be stranded in Qatar and unable to leave, through no fault of their own. Inevitably, some end up borrowing money to pay the fines off themselves in order to leave, while others are told by their employers that the fines will be paid off by the company, but this means they will not be paid any wages they are owed.

The Government of Qatar should review the way residence permits are issued and renewed, to ensure that people's right to freedom of movement is not left subject to the vagaries of a private actor. No-one should be prevented from leaving a country because of a breach of the law by another entity.

Unlawful confiscation of passports

Article 9 of the Sponsorship Law requires that employers return migrant workers' passports to them after having their residence permits issued. However this frequently does not happen. The Director of the Search and Follow-up Department at the Ministry of Interior has been quoted as stating that if an employer refuses to return a worker's passport, "the worker can approach the [Search and Follow-up Department] and file a formal complaint. Action would be taken against the sponsor because he doesn't have the right to refuse to part with an employee's passport".[364]

In a letter to the then Minister of State for Interior Affairs,[365] Amnesty International raised the case of a group of workers, whose case is featured in Chapter 2, who had sought the assistance of the Search and Follow-up Department of the Ministry of Interior in order to leave the country, but were told that they would have to produce their passports. They were

unable to do this, however, because their employer had refused to return their passports to them.[366] Amnesty International asked for clarification on why the prohibition of passport confiscation did not seem to be being enforced in this case. The organization did not receive a response.

Additionally, Amnesty International has been concerned to hear of cases where employers hand in workers' passports to the Ministry of Interior, as a way of reporting workers as having "absconded".[367] This would suggest that government officials may in some cases accept the practice of passport confiscation. The Qatari authorities must ensure that all relevant government bodies are instructed that if employers attempt to hand in the passports of workers to file a charge, the employers themselves should be investigated and held accountable for breaching Article 9 of the Sponsorship Law and any other relevant laws.

Prospects for reform of the Sponsorship Law

Following her visit to Qatar in 2006, the Special Rapporteur on trafficking in persons, especially women and children recommended, with relation to Qatar, Bahrain and Oman, that "the sponsorship system be abolished and migrant workers allowed to more easily change their employers."[368] In its 2012 recommendations to the State of Qatar, the Committee Against Torture recommended that Qatar "consider abolishing the sponsorship system for all migrant workers"[369]

In May 2012 the Labour Ministry Undersecretary told a Qatari newspaper that there was an intention to "cancel the sponsor system and replace it with a contract between the worker and the employer".[370] Amnesty International understands from conversations with officials, including with the Director of the Search and Follow-up Department at the Ministry of Interior in October 2012, that this refers to a proposal to replace the current system with standard contracts for each worker, which would last for between one and three years; when these contracts expired, workers would be allowed to find work with a new employer if they wished.[371]

In October 2012 the Qatari Government announced the formation of a panel to review the Sponsorship Law.[372] Amnesty International requested information about the progress of this panel's work in July 2013 but the Qatari authorities did not provide any further information in their October 2013 response.

The Qatari authorities have not published any plans that provide detail with respect to the reform of the Sponsorship Law. But on the face of the changes proposed, while this would limit the length of time that a worker remained under the sponsor's control, it would not affect the fundamentally problematic nature of the sponsorship system. The employer could retain the ability to prevent the worker from leaving the country and from moving to other employers for the duration of their contract, so the potential for employers to subject workers to exploitation during this period would remain.

COMPLAINING TO THE MINISTRY OF INTERIOR

Of the 690 complaints made to the Ministry of Interior Human Rights Department in 2012, only 341 complaints – less than half the total – were made by nationals of Asian countries outside the Arabic speaking Middle East, who make up the large majority of Qatar's foreign workforce.[373]

The low number of complaints appears most glaring in relation to the Nepalese community in Qatar. Only 36 complaints were made by Nepalese workers to this department in 2012, when according to the Nepalese Embassy in Doha, around 350,000 to 400,000 Nepalese people are working in Qatar, at a "conservative estimate".[374] In the course of its research Amnesty International has documented dozens of cases of Nepalese construction workers who have suffered serious abuse at the hands of their sponsors, including issues specifically within the remit of the Ministry of Interior, such as denial of exit permits, confiscation of passports and failure to have residence permits issued.

As far as Amnesty International is aware, procedures in the Ministry of Interior's Human Rights Department are carried out only in Arabic, which presents a major barrier to Asian workers. There does not seem to be a human rights section on the Ministry of Interior's English language website.

THE LABOUR LAW: PROBLEMATIC AND NOT ADEQUATELY ENFORCED

"Please help us, our company [name removed] did not pay us our salary for 4 months. We don't have any money to eat or rent. If we go to labour office we may lose our job. Please send this mail to some who can help us."

Email received by Amnesty International from migrant worker in Qatar, July 2013[375]

"Qatar's labour laws will be revised, as necessary, to protect further the rights and safety standards of all expatriate workers within a comprehensive social protection framework and in accord with international norms and standards."

Qatar National Development Strategy, 2011 - 16 [376]

Qatar's Labour Law lays out the basic entitlements of workers and places specific responsibilities on employers. If the standards and regulations in the law to protect workers were fully and consistently implemented, the working conditions of migrant workers in Qatar would be greatly improved. But there are several significant factors which limit the law's effectiveness in protecting workers.

A critical problem with the Labour Law is that under Article 3, several categories of migrant workers are explicitly excluded from the provisions of the Labour Law, including approximately 132,000 domestic workers – the majority of whom are women.[377] But even for those workers covered by the scope of the law - including construction workers - the impact of the Labour Law is severely undermined by the inadequate enforcement and the fact that under the Labour law, migrant workers are not allowed to form or join trade unions.

KEY PROTECTIONS IN THE LABOUR LAW

The Law and related decrees provide workers with important legal protections in a number of areas, including:

- It sets a maximum working week of 48 hours over six days, plus up to 12 hours paid overtime for certain professions, and bans work in exposed areas in the hottest part of the day during Qatar's summer;
- It specifies the key information service contracts should contain;
- It bans employers from asking workers to do work which differs from what they had agreed, with limited exceptions "if it is temporary or if the work does not basically differ from the original work and if the request to perform that work does not entail an insult on the worker provided that the wage of the worker shall not be reduced";[378] and
- It sets minimum standards for workers' accommodation, the medical care of workers, and health and safety at work.[379]

DENIAL OF LABOUR RIGHTS TO DOMESTIC WORKERS AND OTHER CATEGORIES OF WORKERS

Unlike construction workers, domestic workers in Qatar - along with some other categories of workers - do not enjoy even the nominal protection of the Labour Law. Article 3 states:

"This law shall not apply to ... the persons employed in domestic employment such as drivers, nurses, cooks, gardeners and similar workers."

This leaves them with, under Qatari law, no legal protection for the labour rights recognized in international law, and means they are barred from lodging claims against their employers at the Labour Court. They therefore cannot lawfully demand essential rights such as: limits on their working hours; a day off; annual leave; a grievances process in the event of abuse; the provision of medical care; or decent accommodation.

Some of these rights may be specified in employment contracts during the recruitment process, but while it may be theoretically possible for migrant workers to enforce these contracts through private law suits, this would be costly and would almost certainly be beyond the scope of migrant domestic workers. Amnesty International is not aware of any such cases. While enforcement of the Labour Law is currently inadequate, as described below, the existence of a law is an essential foundation for protection of labour rights.

Although these workers are still subject to the provisions of the Sponsorship Law just as other workers, they cannot appeal to the Labour Relations Department in the event of abuse or breach of contract. The result is that workers in these groups are particularly exposed to exploitation and other abuse from their sponsors, as there are few checks against the power of the employer beyond the criminal justice system. The Qatar Foundation for Combating Human Trafficking has stated that it receives 200 to 300 requests for help a month from domestic workers or their relatives.[380]

GLOBAL PRESSURE TO PROTECT DOMESTIC WORKERS' RIGHTS UNDER QATARI LAW

The Committee Against Torture, in its 2012 concluding observations on Qatar, stated that it "regrets the absence of labor legislation that protects domestic work, while noting that a draft law on domestic workers is presently under review" and recommended that the authorities "adopt, as a matter of urgency, labor legislation covering domestic work and providing legal protection to migrant domestic workers against exploitation, ill-treatment and abuse".[381]

The Committee on the Elimination of Discrimination Against Women has stated in its General Recommendation 26 on women migrant workers that states parties "should ensure that occupations dominated by women migrant workers, such as domestic work… are protected by labour laws, including wage and hour regulations, health and safety codes and holiday and vacation leave regulations. The laws should include mechanisms for monitoring workplace conditions of migrant women, especially in the kinds of jobs where they dominate."[382]

In 2011 the Government of Qatar, along with other Gulf Cooperation Council governments, voted in favour of the ILO adopting Convention 189 Concerning Decent Work for Domestic Workers, which commits ratifying states, among other things, to the following:

"Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work."[383]

Amnesty International urges Qatar to ratify ILO Convention 189 Concerning Decent Work for Domestic Workers and incorporate its provisions into domestic law and implement it in law, policy and practice.

Government officials have previously announced, including as recently as 2010, that a specific law to clarify the "rights and duties" of domestic workers would be introduced.[384] In its presentation to the Universal Periodic Review Working Group in 2009, the Qatari delegation stated that "the competent authorities were considering… a draft law on domestic workers."[385] But no substantive progress has been announced by the Government on this law, to Amnesty International's knowledge.

Indeed a Ministry of Labour official was quoted in March 2013 as saying that:

"There is no need for a law for housemaids… Since there is a contract signed between a maid and her employer, a law isn't needed." [386]

The same official was also quoted as saying that a weekly day off was *"a maid's right"* but rejected the idea of limiting domestic workers' hours to eight hours, saying, *"maids don't work for eight hours a day."*[387]

Representatives of the Supreme Council for Family Affairs told researchers that they were open to a law to regulate the employment of domestic workers and had participating in drafting discussions. However, they questioned why such a law should include a mandatory

weekly day-off for domestic workers, since they believed that domestic workers get days off without this protection. They also rejected the contention that domestic workers currently lack protection for their labour rights under Qatari law, but they did not explain what protection was provided.[388]

Qatari Government officials cannot reasonably state that domestic workers currently enjoy the "right" to a weekly day off when this is not guaranteed by a legal protection. The position that no legislation is necessary also seems to be at odds with Qatar's National Development Strategy 2011-16, which states that:

"The government will devise a set of regulations, including standards and conditions, to better manage the recruitment and employment of domestic helpers. This way forward will be supported by new legislation covering the legal rights of domestic workers… Stronger regulations will improve the relationship between the family and domestic helpers, particularly in relation to clearer demarcation of responsibilities and duties."[389]

DENIAL OF RIGHT TO FREEDOM OF ASSOCIATION AND TO FORM TRADE UNIONS TO MIGRANT WORKERS

Article 116 of the Labour Law only allows Qatari workers the right to form workers' associations or trade unions. This is stark contrast to Article 20 (1) of the Universal Declaration on Human Rights which provides that "everyone has the right to freedom of peaceful assembly and association" and Article 23 (4), which provides that "everyone has the right to form and to join trade unions for the protection of his interests." This ban prevents migrant workers from responding in an organized manner to exploitative practices and other abuses by their employers, since they are prohibited from doing so.

Under Article 5 (e) (i) of the International Convention on the Elimination of Racial Discrimination, states parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, in the enjoyment of "the right to form and join trade unions". General Recommendation 30 by the Committee on the Elimination of Racial Discrimination recommends that the states parties to the Convention "Recognize that, while States parties may refuse to offer jobs to non-citizens without a work permit, all individuals are entitled to the enjoyment of labour and employment rights, including the freedom of assembly and association, once an employment relationship has been initiated until it is terminated."[390]

This restriction also fails to implement a key principle outlined in the ILO Declaration on Fundamental Principles and Rights at Work, which calls on all ILO member states to respect and promote principles and rights in four categories – including freedom of association and the effective recognition of the right to collective bargaining – whether or not they have ratified the relevant Conventions.[391] The Qatari authorities must ensure that the right to freedom of association is respected for all people in its country. In September 2012 the International Trade Union Confederation (ITUC) and Building and Woodworkers' International (BWI) made a formal complaint against Qatar to the Committee on Freedom of Association of the ILO.[392] The ITUC stated that in a December 2012 meeting the former Minister of Labour told them that "if workers want to establish a union he [the Minister] will make sure that those who decide to join a union will not be punished."[393]

In 2011 government officials made public statements that a 50-member "constituent labour committee" will be formed, including employees from the public and private sectors, and that this would be the "core for the general trade union in Qatar". [394] The body's function would be to "provide professional and social services to its Qatari and resident members in order to enhance their working conditions." It would be independent from the Ministry of Labour and would provide "support for the expatriates and campaigns to promote their awareness about their rights and duties as part of Qatar's commitment to labour rights. The committee will support workers and employees and will help them secure their rights stipulated in Qatar's labour law." [395] A 2013 statement suggests that the panel will "fight for the rights of workers and help them get justice from their sponsors in disputes, as well as provide legal aid to workers or their dependents to seek compensation for work-related injuries and deaths."[396]

Additional government statements suggest that the proposed committee would only have Qatari members, and that migrant workers would have the right to vote, but will not be allowed to be members of the board.[397]

There is little information available about when such proposals might take shape. While some of the services that it may provide could be positive for workers in and of themselves, such a committee would not meet the basic criteria for workers' freedom of association, as established by the relevant ILO Conventions.

In particular, the fact that migrant workers would – as some government statements have suggested – not be allowed to be represented on the committee, and the level to which the governmental authorities are shaping the committee, are also serious flaws. Article 2 of the ILO Freedom of Association and Protection of the Right to Organise Convention provides that "workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof."

It is also left unclear from the statements by officials whether collective bargaining would be legal for migrant workers following the establishment of such a committee. Article 4 of the ILO Right to Organise and Collective Bargaining Convention provides that "Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements."

Some elements of the Labour Law require reform to guarantee freedom of association for all of Qatar's workers. In its current form, the law places severe limitations on the right to freedom of association for all workers, both migrant workers and Qatari nationals. For example, among other significant deficiencies, only workers in enterprises with more than 100 workers are employed are able to form or join a union, and there are no clear provisions protecting workers from anti-union discrimination.

INADEQUATE ENFORCEMENT OF THE LABOUR LAW

"The government monitors the workers. They don't monitor the companies."
Nepalese national who assists migrant workers in distress[398]

"Although the [National Human Rights] Committee acknowledges that the number of inspectors is not suitable for the size of the workforce, the Committee has documented complaints raised in reports by international organizations concerned by workers' rights, which show that in some cases when the [Labour Inspection] Department receives complaints, it limits itself to only calling the company representative and being satisfied with the documents presented by the company in relation to the complaint, without reviewing the rest of the circumstances of the company."
National Human Rights Committee Annual Report 2012[399]

Chapters 3 and 4 explored some of the casual attitudes of construction companies towards labour standards and workers' rights, which some appeared to see as an optional set of guidelines, at most. While the excessive powers granted to employers under the Sponsorship Law go some way to explaining this phenomenon, it is undoubtedly the case that lack of enforcement of the Labour Law is a critical factor too.

In responding to Amnesty International regarding problems of non-payment of salaries in October 2013, the Qatari authorities essentially set out their approach to enforcement of the Labour Law:

"The Ministry carries out regular inspections of all companies and organisations and invigilates accounts to ensure employees receive their dues. Administrative punitive measures are enforced, which may lead to the automatic closure of all company activities that have not paid employee wages on times. Companies may be taken to court."[400]

The practice of "closure of all company activities" appears to refer to what is often called "blacklisting" - meaning that the Ministry of Labour stops carrying out any services for companies, including preventing them from recruiting any new employees. Amnesty International asked the Qatari authorities how many employers were "blacklisted" in 2012 for failing to comply with labour standards. The organization also asked how many employers had been criminally prosecuted for violating the rights of their employees under the Labour Law in the last five years.[401] The Qatari authorities did not provide this information.

Amnesty International's research indicates that the measures referred to by the Qatari authorities are wholly inadequate, both in themselves and in practice, to ensure that workers' rights are respected. There are a number of bases for this judgement.

Inadequate capacity for thorough labour inspection

There are not enough labour inspectors for the size of Qatar's workforce of nearly 1.5 million people. A Ministry of Labour public statement in 2012 reported that at that date there were 113 labour inspectors and another 32 inspectors for checking occupational safety standards in companies.[402] Ministry of Labour officials assured Amnesty International in meetings in October 2012 and March 2013 that more inspectors were being recruited, though they confirmed that the number remained around 150.

Responding to international criticism of the treatment of migrant workers, the Minister of Labour said again in September 2013 that more labour inspectors would be recruited.[403] A senior Labour Ministry official was quoted in October 2013 as stating that there were still only 150 inspectors, but that this number would be increased to 250.[404]

According to the Ministry of Labour, 46,624 labour inspections were carried out in 2012.[405] These figures would suggest that each inspector carried out an average of 321 inspections in 2012, requiring them to complete more than one inspection per working day. The Assistant Director of Inspection at the Ministry of Labour confirmed this, telling Amnesty International that he wants inspectors to carry out at least two inspections per day and that some manage three or four in a day. He said that the inspectors focused most of their efforts on companies known to be problematic. [406]

While the commitment shown by the inspection department to ensure that each company receives inspection visits every year, as required by Article 16 of Minister of Civil Service and Housing Affairs Decree 13 of 2005, is to be welcomed, the fact that inspectors are sometimes carrying out three or four inspections in a day is a matter for serious concern.

Many of Qatar's employers are large, financially complex operations, with dozens or hundreds of employees living and working on multiple sites. Amnesty International's research shows that it requires some time to investigate labour abuses, and that detailed interviews with a range of workers, sometimes in a range of a languages, is likely to be necessary. Carrying out three or four inspections on the same day is likely to lead to a "tick box" approval process.

There are additional concerns about the extent to which labour inspectors can communicate with workers. Ministry of Labour officials told Amnesty International in October 2012 that labour inspectors speak with workers during their visits. However, they also said that most inspectors typically speak Arabic and English only. For the majority of inspectors, who do not speak any of the languages spoken by migrant workers, officials said that they hope one worker may speak English or Arabic. [407]

Amnesty International researchers found that virtually no construction workers who do not occupy management or "staff" positions speak Arabic or English to the level required to properly explain a complex labour complaint. This language barrier raises serious questions about the degree to which inspectors can fully understand and reflect any concerns that may be raised by workers.

Qatar's National Human Rights Committee (NHRC) is critical of the Ministry of Labour's inspection procedures, stating in its 2012 Annual Report:

"Despite the statistics provided by the Ministry of Labour that inspectors from the Ministry conducted more than 46,000 inspection visits in 2012, the NHRC has documented some flaws in the performance of the Ministry of Labour's Inspection Department, represented in the fact that it does not visit companies to check that they hold the records which are legally required, and also their adherence to various provisions of law, except if there has been a complaint; indeed it is not unusual for them to limit themselves to calling in a representative of the company to the [Inspection] Department and preparing a report based on the records which are presented and submitted to them by the company representative, without going to

the company itself and investigating the matter on the ground." [408]

This assessment gives weight to Amnesty International's concern that the Ministry of Labour's inspectors are not currently capable of thoroughly investigating what can be complex and widespread labour abuses.

Under Article 10 of the ILO Labour Inspection Convention No. 81, which Qatar has ratified, "the number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate." Qatar is likely to be in breach of its obligations under ILO Convention No. 81.[409] Increasing the number of trained and competent labour inspectors, and providing them with trained interpreters to communicate with workers, must be one of the Ministry of Labour's most urgent priorities.

Lack of publicly available information about labour standards

Ministry of Labour officials told Amnesty International in March 2013 that it has begun to give each company grades that reflect their compliance with labour standards. But these grades - and the criteria by which they are formulated - remain private and only available to owners of companies. [410]

Amnesty International believes that such a grading system should be designed in a way which would enable migrant workers to make informed decisions before accepting job offers in their countries of origin. In order to achieve this, the Ministry of Labour should consider making public - using languages and means of communication accessible to migrant workers in their home countries - the criteria by which the grades are calculated and the grades which companies receive. Such an initiative, providing there was thorough independent oversight of the grading system, could potentially help to reduce instances of labour exploitation. A system of this kind could also incentivise companies to improve their adherence to labour standards.

Penalties for forced labour and labour exploitation not adequate

Under Qatari law, forcing a person to work with or without a salary" carries a maximum penalty of six months in prison and/or a 3,000 riyals (US$824) fine.[411]

This penalty for forced labour is significantly less than the penalty for human trafficking, which includes those involved in trafficking people into "forced labor or servitudes, slavery or semi-slavery practices". The penalty is either seven years and a fine of 250,000 riyals (US$68,670) or 15 years in prison and a fine of 300,000 riyals (US$82,404), depending on the nature of the crime.[412]

The 1930 ILO Forced Labour Convention, which Qatar has ratified, states that: "The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced."[413] In addition, the ILO Abolition of Forced Labour Convention requires state parties to: "take effective measures to secure the immediate and complete abolition of forced or compulsory labour".[414]

Amnesty International is concerned that the penalty for forcing a person to work is not adequate, and therefore inconsistent with Qatar's obligations under the ILO Conventions.

There are also certain protections in the Labour Law and related ministerial decrees which, if breached by employers, do not expose them to any penalties. This includes those articles or decrees which relate to:

- not asking a worker to do work different from that agreed in his or her contract (Article 45);
- payment of workers' wages according to the amount specified in his or her contract (Article 65)
- timely payment of workers' wages on time (Article 66);
- not forcing a worker to buy food from his or her wages (Article 69); and
- granting a worker annual leave (Articles 79 - 81).

Additionally, the only penalty specified for employers breaching accommodation standards is the Ministry of Labour withholding its co-operation with the company in question, which means it will not carry out bureaucratic procedures for the company, such as processes related to recruiting new employees.

Amnesty International has documented cases of workers suffering severe labour exploitation, including forced labour, whose employers had breached the provisions described above.

In March 2013 the Cabinet "discussed the proposals of the Ministry of Labour related to amending some provisions of the labour law and decided to refer it for further study".[415] Ministry of Labour officials said in March 2013 that the draft would include new penalties for not paying workers, or delay in payment. The penalty would depend on the scale of the violation. The law would, they said, also include penalties for failing to meet acceptable accommodation and health and safety standards. Officials stated that there would be a "major emphasis on protection". The Ministry of Labour officials said they did not have information on when the amendments would pass into law.[416]

STRUGGLING FOR JUSTICE AT THE LABOUR COURT

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."
Article 8, Universal Declaration of Human Rights

"My boss said to me, 'You go where you want, the Labour court, the Embassy, I will not give you your [exit] visa.'"
Thirty-two year old Nepalese worker in Doha's Industrial Area, 2012[417]

"The Labour Department tries to settle. Mostly the company won't come to the meeting. So the Department sends the case to the court. There the worker has to pay 500 (US$137) or 600 riyals (US$165). How can a worker pay this? It's like climbing Mount Everest."
Representative of a labour sending country Embassy, 2013[418]

Workers who are covered by the Labour Law can make formal complaints to the authorities about their employers.

The formal route of redress for workers with grievances against their employees is via the Labour Relations Department of the Ministry of Labour, who accept workers' complaints at their offices, and attempt to mediate with employers. If they cannot resolve complaints, they then refer cases to the Labour Court, which is managed by the Ministry of Justice, in central Doha. Some migrant workers choose to bypass the Labour Relations Department and file cases against their employers directly at the Labour court.[419]

Despite the existence of these formal routes for complaint, there are several major obstacles confronting people trying to achieve justice in labour cases. The Ministry of Labour's complaints process is difficult to access, and many employers do not engage with the complaints process. At the Labour Court, meanwhile, migrant workers have to undergo lengthy legal processes - usually having to pay a large fee for their case to proceed - in order to resolve what should be relatively simple matters such as non-payment of wages.

Difficulties accessing the labour complaints system

There are significant challenges for workers to access the labour complaints process which Amnesty International believes reduces the number of workers lodging complaints. The language barrier features in all of these challenges.

The Ministry of Labour website is very difficult for migrant workers to access. It is only available in English or Arabic. The vast majority of migrant workers do not read either language with fluency. The Labour Relations hotline number is only made available on the Arabic website. When last checked by Amnesty International, the Ministry of Labour's English language website did not contain this number, but only a number for the office in the Muntazah district and a number for the "Department for Expats". These numbers were difficult to find and not available via the "Contact" tab.[420]

Ministry of Labour officials said in October 2012 that they had now made it possible to register complaints online, saying that the system only worked in Arabic. But when Amnesty International has tried to find the online labour complaint facility on both the Arabic

language Ministry of Labour website and Arabic language Hukoomi e-government portal, it was unable to do so and could only access a facility to check the status of a complaint which had already been made and a section offering guidance on how to contact the Labour Relations Department.[421] Such a facility may exist, but if so it would be almost impossible for most workers to locate.

The Labour Relations Department's physical offices are only open for business on weekdays (Sunday to Thursday), meaning that on Fridays, which is most workers' only day of holiday, they cannot submit complaints. To submit a complaint against their employer, they must therefore take a day off work. It is highly unusual for low-income migrant workers to request or be given a single day of annual leave during a working week in Qatar.[422] The impact of the Labour Relations Department not being open on weekends is to significantly deter workers from making complaints, as they must either absent themselves from work without informing their employers, risking disciplinary penalties including the deduction of pay, or they have to inform their employers that the reason they are not coming to work is in order make a labour complaint, potentially exposing themselves to retaliation.

Ministry of Labour officials said in October 2012 that Urdu translation is offered to assist communication between officials and workers at the Labour Relations Department. [423] Nonetheless some workers have reported that when they tried to use south Asian languages, including Hindi and/or Urdu, in the Department, officials were not able to help them and they had to leave. It appears, therefore, that translation is not always available on request.

As far as Amnesty International is aware, all Labour Relations Department documents are produced in Arabic only and not translated into other languages, meaning that the vast majority of migrant workers are therefore not able to understand exactly – or at all – what the documents they are given mean. In October 2012 researchers read one complaint form submitted by a Nepalese worker which showed a clear and substantial discrepancy between the information the worker believed he had submitted, and the information which had been recorded on the complaint by the official. [424]

A copy of a labour complaint made to the Labour Relations Department by a migrant worker in 2012 © Amnesty International

Attempts to find an 'amicable settlement' at the Labour Relations Department

Once a labour complaint is submitted the Labour Relations Department usually attempts to resolve the case by acting as an intermediary and facilitating an 'amicable settlement' between the worker and the employer. An 'amicable settlement' could mean the employer agreeing to all the worker's demands or offering something they will accept.

On its official Twitter feed the Ministry of Labour tries to encourage the timely cooperation of employers on labour complaints:

Please can employers respond quickly to the Ministry of Labour in the event of a labour complaint in order to settle amicably
@MOL_QATAR, 10 February 2013 [425]

Dozens of workers who had submitted complaints to the Labour Relations Department showed Amnesty International documents from the Department confirming that their employers had repeatedly failed to attend a number of meetings at the Department.[426]

The Labour Ministry does not publish detailed breakdowns of how labour complaints are settled and therefore it is not clear in how these cases were resolved. Amnesty International requested details from the Qatari authorities of how labour complaints made during 2012 were settled but was not provided with this information.

HOW MANY LABOUR COMPLAINTS AND COURT CASES EACH YEAR?

In July 2013 Amnesty International requested information from the Qatari authorities as to the number of Labour complaints made to the Ministry of Labour and number of Labour Court cases, and how these were resolved. The authorities did not make this information available. However, the Ministries of Labour and Justice publish various statistics and make announcements which give some indication of the numbers of complaints and cases.

2011

The Labour Ministry reported that in 2011 it received 7,659 labour complaints. It said that 782 were referred to court, 43 were referred for follow-up and examination and 5,006 were settled out of court.[427]

The Supreme Judicial Council reported that during 2011 the courts heard 4,272 labour cases, made up of 3,351 'partial' cases and 921 'full' cases with a value of over 100,000 riyals (US$27,467).[428] Accounting for the number of cases which had been adjourned from the previous year, the figures suggest that 3,226 new labour cases were heard by the court during 2011.[429] The Ministry of Labour says it referred 782 cases to court in the same year. This implies that in 2011, 2,444 cases were raised directly by workers at the court without having gone through the Ministry of Labour.[430]

2012

In January 2013 the Head of the Labour Relations Department announced that the department had received "some 6000 workers complaints in 2012", of which 4,500 were settled amicably. The remainder, according to the statements reported, were referred to court.[431]

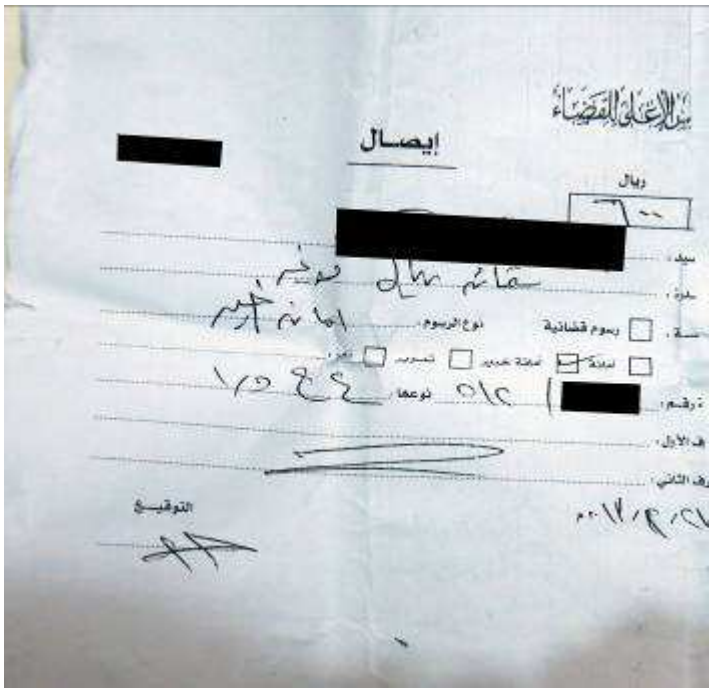
What are complaints about?

According to the Ministry of Labour, in the financial year 2011-12, disputes about air tickets and delayed salaries were apparently the main causes of complaints, followed by disputes about end-of-service gratuity payments, and leave and overtime allowances. Construction workers represented 42.1 per cent of those submitting complaints, with no information provided as to the other occupations.[432] In 2011 the Ministry stated that 99.5 per cent of workers complained about late payment of wages, 98.6 per cent about travel tickets, 91.1 per cent about their end-of-service bonuses.[433]

Fees to progress labour cases at Court

If the Ministry of Labour cannot facilitate a settlement, the case has to be dealt with through the court system, and is therefore referred to the specialised Labour Court in Doha's Dafna district.

Workers are routinely asked by the Labour Court to pay a charge – which is usually used to pay for the production of an expert report to look into the details of the case, for example to examine allegations of unpaid wages. A fee of 600 riyals (US$165) was the most common sum reported to researchers, though Amnesty International is aware of workers being asked to pay more than this amount.[434] Qatari lawyers told researchers during a meeting in March 2013 that judges have discretion to waive this fee, but were not able to specify the criteria for doing so.[435] One construction worker told Amnesty International that the judge waived the fee in his case when he said he could not pay, but this was not an experience reported to researchers by others, who had either managed to borrow to pay the fee, or had left their cases in abeyance by not paying.



A migrant worker's receipt from the courts showing payment of the 600 riyal (US$165) fee © Amnesty International

Although Amnesty International understands that, if people win their case, the other party is obliged to meet the cost of this fee, this fee nevertheless constitutes a major barrier to workers' access to justice.

Most importantly, the fee appears to breach Article 10 of the Labour Law, which states that "all lawsuits filed by the workers or their heirs claiming the entitlements accruing under the provisions of this law or the service contract… shall be exempted from judicial fees." Officials at the Ministry of Labour said in March 2013 that this fee should be considered as paying for a report which a worker requests as evidence to support their case, so it was not really a judicial fee.[436] However, cases that require an expert report cannot – as far as Amnesty International is aware – progress without the fee being paid or formally waived, so it is reasonable to interpret the fee as a "judicial fee".

The fee is prohibitively high. A fee of 600 riyals (US$165) is equal to a month's salary for many labourers, and this is particularly problematic given that workers are often complaining about non-payment of wages. The fact that workers may get this sum back if they win their case does not diminish this problem at the time of approaching the Court, whose proceedings often take many months to be processed, as described below.

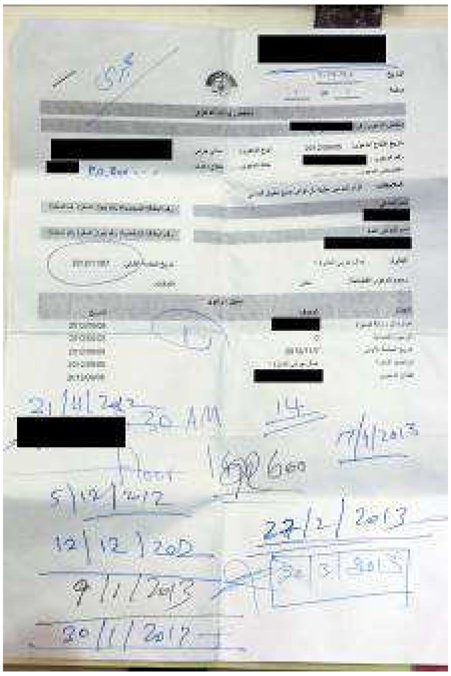
Finally, the fee is applied to every individual worker even when a large group has jointly lodged a labour complaint over the same issue. Each worker must pay 600 riyals (US$165) for a separate expert report even when the details of the complaints are virtually identical in nature. Amnesty International has documented cases where dozens of workers at the same company have not been able to pursue their cases due to the prohibitive court fees.

Amnesty International asked the government for details on this fee, including what the minimum and maximum fees were, what the basis was for the fee, and under what circumstances the fee could be waived. In their October 2013 response, the authorities did not provide this information.

The excessive length of the Labour Court process

Should a case be referred to court, it tends to take approximately a minimum of two months before the case is heard but, depending on the number of cases at court, it can take up to four months before a first session is convened.[437] Workers who do pursue cases usually have to spend whatever they might have saved during their time in Qatar or borrow from friends and colleagues just to buy food and meet the costs of the court case such as travelling to and from court and the various Ministries they are required to travel to.[438]

Amnesty International asked the government what the average period between the filing of a Labour Court case, its completion and – where a ruling in favour of the plaintiff was made – its successful enforcement. The authorities did not provide this information. By tracking the experience of workers going through the court system and speaking to embassies of migrant workers' country of origin, Amnesty International nevertheless estimates that workers can generally expect to wait between six and 12 months to have their labour cases resolved and the judgement enforced against their employers.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12/12/2012 27/2/2013
9/1/2013 20/3/2013
20/1/2013

A construction worker's document from the Labour Court shows the dates of his various court sessions written on the bottom of the page by officials. He lodged his case in September 2012 and had attended his first court session in November 2012. When Amnesty International met him in March 2013, he had attended the court nine times, but it had not yet been resolved
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Amnesty International considers that this timescale fails to meet the requirements of Article 10 of the Labour Law which states that cases brought under the law should be processed "urgently."

One senior court official involved in enforcing court decisions told researchers in March 2013 that he recognized that delays in the enforcement of court decisions must be resolved, saying that the current mechanisms were not strong enough and that court orders issued in the name of the Emir had to be implemented with much more urgency and authority. [439] Another court official said that the Ministry of Justice does not have access to a database of companies registered in Qatar, which delays its ability to enforce court decisions. [440] This highlights the need for the court to be better equipped to deal promptly with cases involving the recovery of funds for migrant workers.

Ministry of Labour officials told Amnesty International in October 2012 that relief funds are not provided to workers pursuing labour complaints through the courts, and that this issue was really the remit of the Ministry of Justice who manage the court system.[441] The lack of relief funds has the effect of encouraging workers to accept whatever their employer may offer them to settle the complaint, rather than pursuing justice through the court system.

One worker pursuing a court case also said that his employers threatened to throw him out of his accommodation.[442] Other workers said that their employers told them that they would

have unspecified criminal charges filed against them if they filed cases.

Ministry of Labour officials informed Amnesty International that workers could have their sponsorship transferred temporarily during a court case.[443] During 2012, according to official figures, 211 people had their sponsorship transferred temporarily.[444] Given that a Labour Relations department official reports that 1500 cases were referred to court in the same year,[445] this suggests that during 2012 at least 1289 workers remained under the sponsorship of the very employer they were taking legal action against.

One Nepalese construction worker, whose court papers Amnesty International has examined, won a case against his employer for compensation for him and his colleagues following a 2011 bus accident for which the employer bore legal responsibility. But when he came to collect his compensation in the summer of 2012, his employer said he would not be given a ticket and the ability to exit until he had given them over half of his compensation back to the employer. He refused and his employer subsequently filed a charge against him for stealing money from the company. In December 2012 the National Human Rights Committee made representations to his employer, who agreed to drop the charges and allow him to leave the country. When Amnesty International met him in October 2012, he was at a low point:

"The company is acting badly towards me. I haven't done anything wrong … I just asked for my insurance. I was following the law. They can't say I made any mistake. I just want to go home. How many days can I fight? They have lawyers. I have nothing … I am tired. Whichever police station exists, I have gone there. I have even walked there … I am so tired of asking people for 10 riyals (US$2.75)".[446]

These factors can reduce the incentives for a worker to put themselves through court cases that last many months – during which time they are likely to be unpaid and may face other threats from their employer – in order to recover, for example, two or three months' unpaid wages. Although workers have the option to leave the country and nominate another individual to handle their court case for them in their absence, the reality is that few construction workers are able to take this route. Most cannot afford lawyers as there is no system of legal aid, and their friends and colleagues in Doha are likely to be in full-time employment, which means that they are unlikely to be able to attend court sessions on their behalf during working hours.

The long duration of Labour Court proceedings appears to be a factor in deterring workers from pursuing their cases to their conclusion. Almost all workers to whom researchers spoke received no salary for the duration of the court proceedings and therefore had no funds to support themselves on a daily basis. One representative of a sending country Embassy said:

"Workers tend to go for the compromise [offered at the Labour Relations Department] because they have no means to support themselves for the duration of the [court] case."[447]

One migrant community representative told Amnesty International that he advises workers in distress to accept half the wages owed to them, if that is offered during the Labour Relations Department mediation process, rather than go through the lengthy Labour Court process.[448]

In its National Development Strategy 2011-16, the Government of Qatar says it plans to

"establish a tribunal for resolving labour disputes."[449] If such a proposal is to deal with the limitations of the current Labour Court system, it should address the fees charged to workers under the current system and the excessively lengthy proceedings that prevent so many from accessing justice.

CASE STUDY: STRUGGLING THROUGH THE COURT SYSTEM TO GET JUSTICE

Bhupendra Malla Thakuri, from Dhading district in Nepal, nearly died of blood loss when he was crushed underneath a sewage tanker in Doha's Industrial Area in June 2011. Doctors were close to amputating his leg but after six weeks in hospital and eight operations over a period of a year, his leg was saved. He suffered permanent disability as a result of the accident. Amnesty International first met Bhupendra in October 2012 in Doha.

The accident happened while Bhupendra was working for his employer, a construction company, and he was therefore entitled to have his treatment paid for and to be compensated for his accident by his employer,[450] who would normally be insured against such accidents.

But instead of supporting him following this accident, his company failed to help him get proper follow-up treatment and tried to send him home immediately, apparently to save on costs.

"They gave me a letter to sign. I read it first. It said, 'I want to go to home, I have received everything from the company, I will do my all medical treatment in Nepal'. It made me very worried. I refused to sign the letter. The manager threatened me, saying 'We can send you back without signing the letter too.' At that time, I was nearly unconscious due to the grief and sorrow. I remembered my house. I was feeling pain in my leg. I remembered the high expectations of my family. I asked them, crying, 'Please give me compensation and medical treatment'. I asked them many times."

When he refused to leave without being properly compensated and without his medical treatment being completed, Bhupendra's pay was stopped, and he was forced to pay for his treatment. By January 2012, his residence permit had expired, and he had to rely on a photocopy because his employer did not arrange for a new one to be issued.

Bewildered as to what to do and seeking assistance from the Nepalese Embassy and a supportive Qatari social worker at the hospital, Bhupendra was directed to the Labour Relations Department of the Ministry of Labour, who told him - in his second meeting at their office in January 2012 - that he could not lodge a legal case against the company until his treatment was completed and the extent of his disability had been officially determined by health officials.

But to complete his treatment, he had to pay at private prices, because he did not have a residence permit and therefore could not obtain a health card. He was forced to borrow around 6,000 riyals (US$1,648) to pay for medicine, physiotherapy and food. After a long course of treatment, the Supreme Council of Health confirmed the extent of Bhupendra's disability in June 2012, and in July the Ministry of Labour demanded that his employers pay him the required compensation.

The company did not respond or attend any meetings called by the Ministry of Labour, so in August 2012, over a year after his devastating accident, he was finally able, through the Ministry of Labour, to press a legal

claim against his employer. When he did this, his employer threatened him that the company would move all the workers to new accommodation and that he would not be able to come. Bhupendra told Amnesty International in October 2012 that every day he was living with the fear of being made homeless.

After four court sessions, the court found in Bhupendra's favour in December 2012 and ordered that his employer pay him the compensation he was due, which was calculated according to the extent of his injuries. At this point Bhupendra thought his battle was nearly over, but in fact his ordeal had much further to go. To have his judgement enforced he had to lodge a new case with the courts in January 2013.[451]

When Amnesty International met him in March 2013 he explained how difficult things had become:

"I don't have money to re-charge my mobile or pay for transportation to the court or the hospital. I am given food by a Nepalese man who is planning to go back next week. After that, I will have a great problem of food. I am really disturbed thinking about the possible problems, with no solution yet. I have a huge loan back at home of 400 thousand Nepalese Rupees (US$3,993). Family members were waiting for my earning. But I am in terrible financial crisis here."

The impact of this crisis on his family was severe, he told researchers, as he owed money to various people in his home region:

"My family situation is very difficult ... One person threatened to take my wife to the police station."

Amnesty International researchers visited the court on 17 March 2013 with Bhupendra to discuss progress on his case, and officers of the court took him to identify the location of his company, so they could make a list of the company's possessions, should they need to seize them in order to pay Bhupendra's compensation. Court officials told researchers they were being delayed because they did not know the company registration number of Bhupendra's employer, and they did not have a database to find this out. Bhupendra was subsequently able to retrieve this number and researchers then passed it to the court officials.

Finally, in June 2013, Bhupendra was informed by the court that his company had paid the amount required to the court, apparently after the management of the company were threatened with arrest for defying a court order. Even then, he faced further difficulties, as he could not cash the cheque from the court because he didn't have a valid residence permit. It took several attempts for him to find a bank that understood his situation and helped him get hold of his compensation and send it home to Nepal.

But the final hurdle was still to come - getting home. His company had confiscated his passport, and when he tried to get it back in order to go home, they told him and the Nepalese Embassy that they would not return it, and that he should take legal steps to try to retrieve it. He only got his passport back after the Ministry of Interior intervened directly with the company. He believes this may be because the company was concerned that he would file a new legal case against them for damages.

"I had gone to the court and the Labour Ministry for my case. I think they realized that I could go against the company again. So they waivered over handing over my passport."

On 29 July 2013, more than two years after his terrible accident and a year after he lodged a court case against his employer, Bhupendra boarded a flight back to Kathmandu. On returning to Nepal, where Amnesty International interviewed him in his home district, he reflected on his impressions of the barriers for migrant

workers to access justice in Qatar:

"There is a place to complain but no officials are researching the problems on the ground. We can go there directly to complain but it is not effective. There is no guarantee of getting justice. The Qatari government ... should meet workers on the ground on a regular basis to get first-hand information from them. If migrant workers in Qatar get justice more quickly, it would be really important for them."

Asked what message he would have for his former employer, Bhupendra told Amnesty International researchers:

"The company caused sorrow and problems for me. I request that you [the former employer] should think about other people, like me. You should think about the hurt you caused me. And you should promise not to do that again in future, that would be good. I don't want to express harsh words towards the company, I want to make a humble request." [452]

6: RECOMMENDATIONS

"In order to realize Qatar's future ambitions, it will be necessary to make up for the shortages of local labor with expatriate workers. Attracting and retaining the right mix of skills will require appropriate incentives, as well as institutional arrangements for ensuring the rights and safety of expatriate labor."
Qatar National Vision 2030[453]

Qatar's government has, at the highest level, publicly recognised that the country will remain dependent on migrant labour, if it is to deliver its ambitious plans for development. The private sector workforce is overwhelmingly expatriate and this will be the case for the next decade and beyond.

In this context, Qatar will need to develop a comprehensive approach to the protection of migrant workers' rights. This includes both reforms to the legal system, and aligning the state's resources to provide the services that its rapidly growing workforce will require.

While the Ministry of Labour must lead on transforming the government's abilities to protect and provide justice to workers, it cannot work in isolation. The state agencies that lead on infrastructure development, regulation of business, law enforcement, immigration and health should be integral to a whole-of-government programme to deliver Qatar's international obligations and meet the commitments to ensure workers' rights espoused in Vision 2030.

With Qatar and its construction sector in the international spotlight for the next decade as the 2022 World Cup approaches, the state's failure to protect workers' rights threatens to severely affect the country's international reputation. Only fundamental change - including bold reforms backed with political will from the very top of the government - will address the issues documented in this report. It is in this context that Amnesty International makes the following recommendations:

To the Qatari authorities:

1. Fundamentally reform the sponsorship system.

- Remove the requirement in the Sponsorship Law for foreign nationals to obtain the permission of their current employer before moving jobs; and

- Remove the requirement in the Sponsorship Law for foreign nationals to obtain the permission of their current employer in order to leave the country.

2. Pending the fundamental reform of the sponsorship system, take the following steps to mitigate the abuses taking place within the current sponsorship system.

- Take steps to increase awareness amongst migrant workers of the Ministry of Interior mechanism allowing workers to move sponsors in the event of abuse, and publish criteria for "abuse" which are line with international standards;

- Significantly simplify and speed up Ministry of Interior arrangements for workers whose sponsors are not assisting them to leave the country, so that workers in such situations can leave without delay;

- Make arrangements to ensure that workers whose employers have failed – for whatever reason – to arrange for them to be issued with residence permits are able to get one another way, and are not detained as a result of not having one;

- Stop the practice of preventing workers from leaving the country when fees are due to be paid because they do not have valid residence permits because of failures on the part of their employers;

- Ensure that any worker who is detained and/or issued with a deportation order for "absconding" from his or her current sponsor has his or her case thoroughly and independently reviewed to investigate the possibility of abuse or labour exploitation by his or her employer, and apply the provision under the Human Trafficking Law which allow for victims of human trafficking to be exempted from the provisions of the Sponsorship Law;

- Ensure that all workers are provided with legal assistance and language translation services to challenge deportation orders before judges;

- Improve co-ordination between the Ministry of Interior and Ministry of Labour with regard to workers suffering from exploitation;

- Proactively enforce Article 9 of the Sponsorship Law requiring employers to return passports to workers once residence procedures are completed; and

- Ensure that Ministry of Interior offices refuse to accept workers' passports as a way of sponsors filing "absconding" charges against workers, and instead investigate and hold accountable any sponsor who is withholding his or her employees' passports.

3. Allow workers to obtain health cards without requiring them to produce residence permits.

- Additionally, ensure that proposals for the social health insurance system tackle the fact that some employers may not purchase insurance for workers, or may pass the costs to workers through salary deductions.

4. Significantly reform the Labour Law.

- Repeal or amend Article 3 to ensure that all workers – including but not only domestic workers – have their labour rights protected by law, equally; and

- Repeal Article 116.4, which prohibits migrant workers from forming or joining trade unions;

- Amend Article 116.1 so that workers in enterprises with less than 100 workers of any nationality employed are able to form or join a union;

- Amend Article 116.3 to allow for the possibility of more than one confederation, and 116.1 to allow the possibility of more than one union at the enterprise level;

- Adopt clear and precise provisions protecting workers from all forms of anti-union discrimination as well as efficient procedures to ensure their implementation;

- Amend Article 120 to ensure that workers are able to exercise the right to strike consistent with the observations of the ILO supervisory mechanisms; and

- Adopt provisions that extend to all workers the right to bargain collectively, consistent with the observations of the ILO supervisory mechanisms.

5. Significantly improve the enforcement of labour protections contained in the Labour Law and related decrees.

- Increase the monitoring of the arrival of workers in Qatar, so that when workers arrive their contract is checked by government officials in the presence of their employer and the worker, to confirm that the terms and conditions are what the worker has been promised prior to leaving his or her home country;

- Significantly increase the number of competent Labour inspectors as a matter of urgency, ensuring that either a significant proportion of Labour inspectors are able to speak the languages used by workers or are accompanied by competent translators;

- Change the nature of inspections to ensure that they are thorough and involve detailed investigation into conditions across a company's operations;

- Compile and publish detailed data on workplace injuries and fatalities;

- Carry out a multi-agency review of the adequacy of health provision for migrant workers, including a thorough and independent investigation into the leading causes of death among migrant construction workers, identifying key measures to address this;

- Consider making public the grades awarded to employers for compliance with labour standards, and the criteria upon which they are judged, providing independent oversight for this system;

- Ensure criminal investigation, and where sufficient admissible evidence exists, prosecution of employers suspected of exploitation, and prevent companies - and the individuals involved at a senior level in the management of these companies - from recruiting workers in future; and

- Review the penalties applicable under law for serious exploitation of workers, including the crime of Forced Labour as specified in the Penal Code, and violations of the Labour Law, to ensure that they are adequate and in line with Qatar's international obligations.

6. Explore, with the business community, financial mechanisms which would ensure that payment of workers' salaries is not adversely affected by delays in payment in the chain of contracting.

7. Consider establishing a cross-government, integrated unit to deal with companies in crisis and assist workers to rapidly collect unpaid wages and – if they wish – leave the country or change employers.

8. Improve the systems to deliver justice to migrant workers bringing complaints against their employers.

- Improve access to the Labour complaints system by
  - Providing all relevant information on the Ministry of Labour's web-site in English and a range of relevant languages for the migrant workforce, as well as Arabic;
  - Opening the Labour Relations Department offices outside core working hours at specified times of the week in order to allow workers easier access to the office;
  - Ensuring translation between workers and Labour Relations Department officials is available; and
  - Providing translation of Labour Relations Department documents into English and the main languages spoken by migrant workers.
- Publish detailed proposals for the establishment of a "tribunal resolving labour disputes", to which the authorities committed in the National Strategy 2011-16;
- Significantly reduce the time taken to deal with Labour Court cases;
- Cancel the imposition of fees on workers for any part of the Labour Court process, including the commissioning of expert reports;
- Provide relief funds – as standard – to workers pursuing legal cases at the Labour Court if they are not receiving their salaries during this time; and
- Establish a system of state-funded legal aid to allow workers to hire lawyers to pursue Labour Court cases and to enable victims to gain equality of arms and effective redress.

9. Review Law no. 10 of 2010 and Minister of Municipal Affairs and Urban Planning Decree 83 of 2011 to ensure that they are not in violation of Qatar's obligations under the International Convention on the Elimination of Racial Discrimination.

10. Ratify the following essential international instruments, incorporate their provisions into domestic law, and implement them in law, policy and practice. In particular:

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and

- All the ILO Core conventions and other relevant ILO conventions,[454] including ILO Convention 189 on Domestic Workers.

To the governments of migrant workers' countries of origin:

- Strengthen and enforce regulation of recruitment companies and agencies and laws to protect workers from predatory recruiters, ensuring that recruitment agencies who breach regulations face appropriate penalties;

- Establish better pre-travel training and orientation for migrant workers recruited to work in Qatar and other Gulf Cooperation Council countries;

- Increase the scope of support provided by diplomatic missions in Qatar to migrant workers facing exploitation or abuse;

- Ensure that all migrant workers, regardless of whether they migrated via "official" routes, have access to a transparent and effective complaints mechanism through which they or their families can seek redress if they were trafficked and forced to work under exploitative terms or conditions, or if they are deprived of the benefits to which they are entitled as a result of accidents, illness or death while abroad; and

- Monitor the enforcement of existing bilateral agreements with Qatar relating to migrant workers and work in partnership with the Qatari authorities to ensure that workers are protected.

To companies employing migrant workers in Qatar:

- Publicly commit to respecting human rights and put in place adequate systems to enable the company to become aware of and prevent human rights abuses as a consequence of its operations;

- Review operational practices and policies to ensure the company does not commit, or materially assist in the commission of, acts that lead to human rights abuses;

- Comply fully with Qatari and international labour standards, including with regard to respecting the terms and conditions guaranteed to workers in their contracts, maximum working hours, the payment of workers on time, provision of decent accommodation, protection of workers' health and safety and forced labour;

- Respect workers' rights to freedom of movement, by complying with the legal requirement to allow workers' to hold their own passports, and not preventing them from leaving the country;

- Allow workers to move to other employers in Qatar on request;

- Put in place financial safeguards to ensure that sufficient reserve funds are always held by the company that, in the event the company suffers financial difficulties, the company is

still able to pay its employees the wages they are owed, appropriate end-of-service benefits and their ticket to travel to their home country.

To large companies or organizations commissioning or managing construction projects, including the Qatar 2022 Supreme Committee:

- Take into account the fact that they may be involved with adverse human rights impacts as a result of their relationships with other parties through the chain of contracting, and assess the most common and most serious risks of abuses which could be suffered by migrant workers employed by companies in the chain;

- Ensure that efforts to address human rights abuse go beyond simply including labour rights in contracts with subcontractors, and put in place adequate human rights due diligence systems to enable them to become aware of and prevent human rights abuses as a consequence of their operations or business activities;

- Establish mechanisms to enable them to become aware of and to appropriately address late payment or non-payment of salaries of subcontractors' employees;

- Ensure that those whose human rights have been violated as a result of corporate activity have an effective remedy; and

- Publicly disclose actions that are taken to prevent negative human rights impacts.

To home governments of companies operating in Qatar:

- Engage with the companies named in this report that are headquartered in their country and call on these companies to take action to prevent and address human rights abuses;

- Provide guidance to companies that are headquartered in their country and operating in Qatar on how to ensure their operations are in line with the responsibility to respect human rights as outlined in the UN Guiding Principles on Business and Human Rights; and

- Ensure that any State support to companies, including through export credits, insurance support or diplomatic support, is made conditional upon the company carrying out adequate human rights due diligence in relation to its operations.

To FIFA:

- Send a strong public message to the Qatari authorities and the construction sector that human rights must be respected in all World Cup related construction projects, including not only stadiums and training facilities being managed by the Qatar 2022 Supreme Committee, but also increased hotel capacity as well as key transport and other infrastructure that will support the staging of the World Cup;

- Work closely with the Qatar 2022 Supreme committee and the Qatari authorities to ensure that the protection of migrant workers is addressed as a matter of urgency, dedicating additional internal resources at FIFA to Qatar 2022 even though the events will not take place for nine years;

- Put in place adequate human rights due diligence systems to enable FIFA to become

aware of and prevent human rights abuses as a consequence of the staging of World Cup events in future.

ENDNOTES

[1] Qatar National Development Strategy 2011-2016 (http://www.gsdp.gov.qa/gsdp_vision/docs/NDS_EN.pdf), page 154.

[2] سنكشف من يقف وراء ادعاءات الجارديان

Al Raya, 7 October 2013 (http://www.raya.com/news/pages/9b736529-c388-490c-834e-ecea6529ae42). Translated from the Arabic.

[3] *Qatar Statistics Authority Population Structure Archive*: http://www.qsa.gov.qa/eng/PS-Archive.htm. Total population increase between 31 August 2012 and 31 August 2013: 177,644 (rising from 1,687,173 to 1,864,817).

[4] The Qatar Statistics Authority stated in October 2012: *"It is expected that population growth in Qatar will rise in the future, due to the increasing demand for expatriate workers in various fields, especially in construction sector, to ensure the requirements of Qatar World Cup 2022."Qatar Population Status 2012: Three Years After Launching the Population Policy*, Qatar Statistics Authority, page 18.

[5] Ambitious Qatar megaprojects surge ahead, *Middle East Economic Digest*, 13 February 2013 (http://www.meed.com/3163937.article).

[6] Labor Force Sample Survey, The second quarter of 2013, *Qatar Statistics Authority*, Table 6 (http://www.qix.gov.qa/portal/page/portal/QIXPOC/Documents/QIX%20Knowledge%20Base/Publication/Labor%20Force%20Researches/labor%20force%20sample%20survey/Tab/Labour_Force_Quarterly_Apr_Jun_Statistics_MDPS_AE_2013.pdf).

[7] Qatar needs one million foreign workers for 2022 projects: ILO, *Peninsula*, 15 October 2012. (http://thepeninsulaqatar.com/qatar/210816-qatar-needs-one-million-foreign-workers-for-2022-projects-ilo.html).

[8] According to the 2010 census, the last time figures were made publicly available by sector; construction companies in Qatar employed 503,518 foreign national workers - 500,674 men and 2,844 women.

[9] Qatar's biggest projects: The top 20 megaprojects, *Middle East Economic Digest*, 14 February 2013 (http://www.meed.com/3163937.article).

[10] Qatar's biggest projects: The top 20 megaprojects, *Middle East Economic Digest*, 14 February 2013 (http://www.meed.com/3163937.article).

[11] Embassy of Qatar in Washington DC (http://www.qatarembassy.net/climate.asp).

[12] See for example: Revealed: Qatar's World Cup 'slaves', *The Guardian*, 25 September 2013. (http://www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves).

[13] Embassy of Qatar in Washington DC (http://www.qatarembassy.net/climate.asp).

[14] ILO, Forced Labour and Human Trafficking: A handbook for Labour Inspectors, (http://www.ilo.org/beirut/publications/WCMS_097835/lang--en/index.htm), p. 4.

[15] Qatar acceded to the treaty on 22 July 1976.

[16] Qatar acceded to the treaty on 24 April 2009.

[17] Qatar ratified the treaty on 3 April 1995, after signing it on 8 December 1992.

[18] Qatar acceded to the treaty on 11 January 2000.

[19] Para 9, Resolution 60/251, adopted by the UN General Assembly on 3 April 2006.

[20] Qatar became a member in 1972.

[21] Qatar ratified the Convention on 12 March 1998.

[22] Qatar ratified the Convention on 2 February 2007.

[23] Qatar ratified the Convention on 18 August 1976.

[24] Qatar ratified the Convention on 3 January 2006.

[25] Qatar ratified the Convention on 30 May 2000.

[26] Qatar ratified the Convention on 18 August 1976.

[27] ILO Declaration on Fundamental Rights and Principles at Work and its Follow up, 1998, ILO Constitution, 1919 and Declaration of Philadelphia annexed to the ILO Constitution, 1944.

[28] Qatar acceded to the Protocol on 29 May 2009.

[29] See, for example, A Portrait of Low-Income Migrant in Contemporary Qatar. Andrew Gardner, Silvia Pessoa, Abdoulaye Diop, Kaltham Al-Ghanim, Kien Le Trung and Laura Harkness. *Journal of Arabian Studies 3.1* (June 2013), pp 1 – 17.

[30] For example, providing essential advice, translation or helping them to deal with officials.

[31] Amnesty International, *Nepal: False promises: Exploitation and forced labour of Nepalese migrant workers* (Index Number: ASA 31/007/2011) 13 December 2011 (http://www.amnesty.org/en/library/info/ASA31/007/2011/en).

[32] The foreign embassies interviewed asked Amnesty International not to identify them in this report.

[33] Amnesty International phone interview, 28 May 2013.

[34] Letter seen by Amnesty International dated 21 May 2013.

[35] Amnesty International interview, Al Muaither, 17 March 2013.

[36] Our Campus, *RLESC website* (http://www.rlesc.qa/facilities/our-campus). Accessed 19 July 2013.

[37] www.krantzengineers.com (under construction). Accessed on 19 July 2013.

[38] Amnesty International meeting with Managing Director of Krantz Engineering, Al Muaither, 17 March 2013.

[39] Amnesty International interview, Al Khor, 13 March 2013.

[40] Amnesty International interview, Al Muaither, 17 March 2013.

[41] Amnesty International interview, Al Khor, 9 March 2013.

[42] Amnesty International phone interview , 31 May 2013.

[43] Document dated 17 October 2012, seen by Amnesty International.

[44] Document dated 24 October 2012, seen by Amnesty International.

[45] See: Combating Forced Labour and Human Trafficking: A Handbook for Employers and Business, ILO Special Action Programme to Combat Forced Labour, 2008 (http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_101171.pdf), page 9.

[46] Most but not all workers lodged complaints. Some workers, who had not, told researchers in March 2013 that they had continued to trust the company's promises that the problems would be addressed.

[47] Document dated 16 December 2012, seen by Amnesty International.

[48] Amnesty International interview, Al Khor, 13 March 2013.

[49] Amnesty International interview, Al Khor, 9 March 2013.

[50] Document seen by Amnesty International. The signature on the note matches the signature on the company's registration documents issued by the Ministry of Interior, also seen by Amnesty International.

[51] Two letters, dated 6 December 2012 and 9 December 2012, seen by Amnesty International, which refer to a third letter which has not been seen by Amnesty International, also dated 6 December 2012.

[52] Document dated 20 January 2013, seen by Amnesty International.

[53] Amnesty International interview, Al Khor, 9 March 2013.

[54] On 19 March 2013, during a meeting at the Ministry of Labour, the Assistant Head of Labour Inspection Department showed Amnesty International photographs from the visits, including one in which a Labour Inspector met the workers at Al Khor standing in darkness because the power to the camp had turned off.

[55] Throughout April and May 2013 several workers contacted Amnesty International by phone and email to inform them of these practices.

[56] Amnesty International phone interview, 26 May 2013

[57] Document dated 14 May 2013, seen by Amnesty International.

[58] Documented dated 21 May 2013, seen by Amnesty International.

[59] Amnesty International interview, 12 March 2013.

[60] Amnesty International meeting with Managing Director of Krantz Engineering, 17 March 2013.

[61] Document dated 10 February 2010, seen by Amnesty International.

[62] SEG International Contracting Company Profile: http://www.seg-intl.com/aboutus.php?page_id=1

[63] Black Cat and SEG Qatar win Qatar college contract, *Middle East Economic Digest*, 21 July 2008 (http://www.meed.com/sectors/construction/black-cat-and-seg-qatar-win-qatar-college-contract/1737024.article).

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[75] A Portrait of Low-Income Migrant in Contemporary Qatar. Andrew Gardner, Silvia Pessoa, Abdoulaye Diop, Kaltham Al-Ghanim, Kien Le Trung and Laura Harkness. *Journal of Arabian Studies* 3.1 (June 2013), pp 1 – 17, page 9.

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[84] Amnesty International interview, Doha's Industrial Area, 10 October 2012.

[85] Amnesty International interview, Al Khor, 9 March 2013.

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[87] Amnesty International interview, Doha's Industrial Area, 19 October 2012.

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[92] Qatar National Human Rights Committee, Study on the Conditions of Unskilled Labor Force in the Construction Sector in Qatar, "Executive Summary", 2011, page .11.

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[94] Article 4 of the Sponsorship Law.

[95] Nepal requests Qatar to stop workers' deportation, *The Kathmandu Post*, 29 June 2013.

[96] Letter from the Ministry of Foreign Affairs to Amnesty International, dated 7 October 2013.

[97] Amnesty International interview, 9 October 2012.

[98] Under Article 9 of the Sponsorship Law, employers are supposed to complete procedures with the Government to issue workers with residence permits and renew expired residence permits within 90 days.

[99] Articles 11 and 51 of the Sponsorship Law.

[100] Amnesty International interview, Doha, 9 October 2012.

[101] Amnesty International interview, Doha's Industrial Area, 20 October 2012.

[102] Amnesty International interview Al Khor, 9 March 2013.

[103] Article 9 of the Sponsorship Law.

[104] Amnesty International interview, Doha, 16 October 2012.

[105] Amnesty International interview, Doha, 16 October 2012

[106] *Annual Omnibus Survey, A survey of life in Qatar 2012, Executive Summary Report, Social &*

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[108] Amnesty International interview, Al Khor, 12 February 2013.

[109] National Human Rights Annual Report 2010 (http://www.nhrc-qa.org/resources/userfiles/FINAL%20NHRC%20ANNUAL%20REPORT%202010.pdf)

[110] Article 57 of the Labour Law.

[111] One employer has specifically said to Amnesty International that workers could go home only if they completed more work. Two other companies have made clear in conversation with researchers that they did not want workers to leave, and that the company's financial situation would suffer if workers left Qatar. Workers at these two companies faced significant delays in leaving the country.

[112] Amnesty International interview, Al Khor, 9 March 2013.

[113] Amnesty International interview, Doha's Industrial Area, 22 March 2013.

[114] Amnesty International interview, Doha, 12 October 2013.

[115] Amnesty International interview, Doha, 18 March 2013.

[116] Document seen by Amnesty International, May 2013.

[117] Letter from the Ministry of Foreign Affairs to Amnesty International, dated 7 October 2013.

[118] In a series of interviews in October 2012, Amnesty International found that workers from Nepal, in particular, often reported that they were paying back their loan at a rate of 36 per cent interest per annum.

[119] Article 66 of the Labour Law

[120] Amnesty International interview, 19 March 2013.

[121] For example, Amnesty International interviews with workers in Al Khor, 13 March 2013.

[122] Amnesty International interview, Al Khor, 15 March 2013.

[123] Letter seen by Amnesty International, sent by a Qatar construction company to its employees, August 2013.

[124] In September 2013 researchers obtained a range of documents relating to non-payment of the company's employees' wages.

[125] Amnesty International interview, Al Sailiya, 23 March 2013.

[126] Amnesty International phone interview, 6 June 2013.

[127] Two of these cases are featured in case studies (Chapter 2 and Chapter 3 case study). In four of the five cases, Amnesty International has verified with the employers that there were pay delays.

[128] Amnesty International interview, Al Khor, 15 March 2013.

[129] A Portrait of Low-Income Migrant in Contemporary Qatar. Andrew Gardner, Silvia Pessoa, Abdoulaye

Diop, Kaltham Al-Ghanim, Kien Le Trung and Laura Harkness. *Journal of Arabian Studies* 3.1 (June 2013), pp 1 – 17, page 10.

[130] Qatari Ministry handles over 31,000 labour recruitment requests, *Gulf Times*, 16 November 2012 (http://70.32.83.237/local-news/19475-ministry-handles-over-31000-labour-recruitment-requests).

[131] Amnesty International interview, Doha, 12 October 2012.

[132] Construction site accidents on the rise, *Peninsula*, 11 February 2013. (http://thepeninsulaqatar.com/qatar/225209-construction-site-accidents-on-the-rise.html)

[133] Amnesty International interview, Doha's Industrial Area, 19 October 2012.

[134] Amnesty International interview, Doha's Industrial Area, 10 October 2012.

[135] Under Ministerial of Civil Service Affairs and Housing Decree 7 of 2005, the penalty for "missing work without a reason" is non-payment of that day's wages plus deduction of a quarter's day wages for a first offence, rising by increments to non-payment of that day's wages plus deduction of a day's wages, for a fourth offence.

[136] Amnesty International interview, Doha, 12 October 2012.

[137] Articles 73 and 74 of the Labour Law.

[138] Amnesty International interview, Al Sailiya, 23 March 2013. Additional information provided to Amnesty International in September 2013.

[139] Working Time, Health and Safety: a Research Synthesis Paper Prepared by Philip Tucker and Simon Folkard. ILO (2012).

[140] Minister of Civil Service and Housing Affairs Decree No 16 of 2007, Article 1.

[141] Amnesty International interview, Doha, 11 October 2012.

[142] Amnesty International interview, Doha's Industrial Area, 19 October 2012.

[143] Statistics obtained by Amnesty International, March 2013. The Indian Embassy reported that 237 Indian nationals died in Qatar in 2012. Amnesty International has no further breakdown of this figure (See: http://www.gulf-times.com/mobile/qatar/178/details/354551/-%E2%80%9983-indian-expatriates-died-in-qatar-this-year).

[144] See, for example, Endo, Isaku and Gabi G. Afram, The Qatar–Nepal Remittance Corridor, *World Bank Study* (Washington, DC: The World Bank, 2011), page xi.

[145] Revealed: Qatar's World Cup 'slaves', *The Guardian*, 25 September 2013. (http://www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves).

[146] 30 per cent of firms found violating safety standards, *Gulf Times*, 31 January 2013 (http://www.gulf-times.com/qatar/178/details/340488/30%25-of-firms-found-violating-safety-standards).

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[149] Epidemiology of workplace-related fall from height and cost of trauma care in Qatar. Mazin A Tuma, John R Acerra, Ayman El-Menyar, Hassan Al-Thani, Ammar Al-Hassani, John F Recicar, Wafaa Al Yazeedi, Kimball I Maull. *International Journal of Critical Illness and Injury Science*. 2013, vol 3, pages 3-7.

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[153] Amnesty International interview, Doha, 11 October 2012.

[154] Amnesty International interview, Doha's Industrial Area, 19 October 2012.

[155] Amnesty International interview, Doha's Industrial Area, 10 October 2012.

[156] Qatar National Human Rights Committee, Study on the Conditions of Unskilled Labor Force in the Construction Sector in Qatar, "Executive Summary", 2011, p. 14.

[157] Amnesty International interview, Doha, 16 October 2012.

[158] Annual report of the National Human Rights Committee on the state of human rights in the State of Qatar and the results of the activities of the committee, January – December 2012, page 47 (http://www.nhrc-qa.org/resources/userfiles/NHRC-Annual-Report-2012.pdf). Translation from the Arabic.

[159] Minister of Civil Service and Housing Decree No 17 of 2005.

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[161] Relocating labour accommodations to take several months, *Peninsula,* 25 November 2011 (http://thepeninsulaqatar.com/qatar/173719-relocating-labour-accommodations-to-take-several-months.html).

[162] Article 1 of Law No 10 of 2010 regarding the banning of workers' compounds inside families' living areas.

[163] Minister of Municipal Affairs and Urban Planning Decree 83 of 2011.

[164] For example: 1432 eviction orders on workers' accommodation in Al Rayyan during 2012. Ministry of Municipalities and Urban Planning website. Accessed on 1 March 2013. (http://www.baladiya.gov.qa/cui/view.dox?id=457&siteID=1&contentID=1911).

[165] From Fareej to Metropolis: A Social Capital Survey of Qatar, March 2012, Social and Economic Survery Research Institute, Qatar University, page 13.

[166] إبلاغ عن سكن العمال بمنطقة العائلات
Ministry of Municipal Affairs and Urban Planning website (http://www.baladiya.gov.qa/cui/view.dox?id=1253&siteID=1). Last accessed 30 October 2013.

[167] Some labour camps in residential areas may be allowed to remain, *Peninsula*, 29 October 2011 (http://www.thepeninsulaqatar.com/qatar/170886-some-labour-camps-in-residential-areas-may-be-allowed-to-remain.html).

[168] Slow progress in shifting of labour camps, *Peninsula*, 28 September 2012, (http://www.thepeninsulaqatar.com/qatar/209260-health-authorities-allay-viral-outbreak-fears.html).

[169] Article 5 (e) (iii), International Convention on the Elimination of All Forms of Racial Discrimination.

[170] Committee on the Elimination of Racial Discrimination, General Recommendation 30: Discrimination Against Non-Citizens, U.N. Doc. CERD/C/64/Misc.11/rev.3 (2004), Para 4.

[171] Huge spike in arrivals of new workers, *Peninsula*, 12 February 2012 (http://thepeninsulaqatar.com/qatar/183141-huge-spike-in-arrivals-of-new-workers.html).

[172] Boom time for Qatar's real estate sector: Report, *Peninsula*, 22 March 2012 (http://www.thepeninsulaqatar.com/business-news/188093-boom-time-for-qatars-real-estate-sector-report.html).

[173] Committee on the Elimination of Racial Discrimination, Eightieth session, 13 February–9 March 2012. CERD/C/QAT/CO/13-16. 9 March 2012. Para 21.

[174] Amnesty International interview, Doha, 15 March 2013.

[175] ILO Convention 29 concerning Forced or Compulsory Labour (1930), Article 2(1).

[176] International Labour Office, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and rights at Work,* 2005, p6 and par14, modified.

[177] International Labour Conference, 1979 General Survey of the Reports relating to the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1975, (No. 105), Report of the Committee of Experts on the Application of Conventions and Recommendations, 65th Session, Geneva, 1979, Report III, Para 21.

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[179] Undated document seen by Amnesty International in April 2013.

[180] ILO, Forced Labour and Human Trafficking: A handbook for Labour Inspectors, p. 4.

[181] Email to Amnesty International, 30 September 2013.

[182] Article 40 of the Sponsorship Law: "The expatriate who has been ordered to leave or deport from the State may not be able to return to the State unless by an order of the Minister".

[183] Amnesty International interview, Doha's Industrial Area, 4 October 2012.

[184] National Human Rights Committee Annual Report 2010 (http://www.nhrc-

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[185] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[186] Amnesty International interview, Doha's Industrial Area, 6 October 2012.

[187] Amnesty International interview, Doha, 12 October 2012.

[188] Labour complaint dated 23 September 2012, seen by Amnesty International.

[189] Information provided to Amnesty International by members of the Nepalese community.

[190] No Salary for 8 months, No Electricity water in camp too, *Qatar Living website*, 10 February 2013. Last accessed on 10 September 2013 (http://www.qatarliving.com/answers/salary/no-salary-for-8-months-no-electricity-water-in-camp-too#ixzz2MyfAkZAk).

[191] Indian Trading and Contracting Group website: http://itcgrp.net/drupal/ITC/?q=node/28

[192] The allegations by the men sponsored by the companies other than ITC were, unless the company is stated specifically, the same as the allegations made by ITC employees.

[193] Amnesty International interviews on 10, 15 and 22 March, Doha's Industrial Area 2013.

[194] Amnesty International has seen a letter from ITC to the Ministry of Labour dated 21 November 2012 which states that the workers would all be paid their delayed salaries for August, September and October 2012 by 2 December 2012. Another document, attributed to the Ministry of Labour and dated 4 December 2012, confirms that the company did not meet this commitment. These documents were provided by the Ministry of Labour to workers who submitted labour complaints. Two men - one sponsored by ITC and one sponsored by Bestway Qatar - showed Amnesty International time sheets covering different months between July and December 2012 which had each been signed off by a "time-keeper". Amnesty International has seen nothing to suggest that ITC paid any workers salaries after December 2012.

[195] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[196] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[197] Amnesty International phone interview, 29 April 2013.

[198] ARCON wrote to Amnesty International in a letter dated 21 October 2013, stating: "Related to more about ITC Company and any information, you can directly call to the concerned authorities of the State of Qatar."

[199] Amnesty International phone interview, 30 April 2013.

[200] Amnesty International interview, Doha's Industrial area, 22 March 2013.

[201] Amnesty International phone interview, 26 March 2013.

[202] Mobile text message received by Amnesty International, 25 October 2013.

[203] Timesheets seen by Amnesty International, 12 and 22 March 2013.

[204] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[205] A common method of providing running water in labour camps, which are often not connected to the mains water system.

[206] Amnesty International phone interview, 30 April 2013.

[207] Information provided to Amnesty International by the National Human Rights Committee, 15 March 2013.

[208] Amnesty International phone interviews, 29 and 30 April 2013.

[209] Workers showed researchers copies of permits which had expired in 2011. Researchers were told that one man had never been issued with a residence permit even though he had been working for 18 months. The ITC majority shareholder confirmed that he had paid off large fines on residence permits which had expired in order that workers could leave the country. Amnesty International has seen a list of fines against ITC workers' names.

[210] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[211] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[212] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[213] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[214] Amnesty International interview, Doha's Industrial Area, 22 March 2013.

[215] Documents viewed by Amnesty International researchers, Doha, 19 March 2013.

[216] When Amnesty International visited the workers' accommodation on 22 March 2013, 43 ITC Nepalese employees had apparently made a group decision to sign in order to leave, as they had seen that this appeared to work for their colleagues. Later the same day, workers informed researchers that 34 of the men had been issued with tickets to travel on 27 and 28 March. By the middle of April almost all the ITC employees had left. Those who remained said that none of their colleagues had received salaries on departure.

[217] Amnesty International interview, Doha, 24 March 2013.

[218] Avoiding the Inflation Bubble: Qatar Construction Inflation Forecast, EC Harris, 2013 (http://www.echarris.com/pdf/8503_Qatar_Inflation_Report_FINAL.pdf).

[219] Amnesty International interview, Doha, 8 October 2012.

[220] Interviews with management staff at construction companies between October 2012 and September 2013.

[221] Qatar's biggest projects: The top 20 megaprojects, *Middle East Economic Digest*, 14 February 2013 (http://www.meed.com/3163937.article).

[222] Ambitious Qatar megaprojects surge ahead, *Middle East Economic Digest*, 13 February 2013 (http://www.meed.com/3163937.article).

[223] Operating establishments by sector and main economic activity, 2010 Census (http://www.qsa.gov.qa/QatarCensus/Establishments/PDF/10.04.pdf).

[224] Article 2 of Law no. 13 of 2000 regarding Regulation of the Investment of Non-Qatari Capital in the Economic Activity. The law provides for some exceptions, but construction companies tend not to fall within these.

[225] Amnesty International interview, Doha, 20 March 2013.

[226] Amnesty International interview, Doha, October 2012.

[227] Will architects give Doha the red card?, *Building Design*, 4 January 2013 (http://www.bdonline.co.uk/news/analysis/will-architects-give-doha-the-red-card?/5048193.article).

[228] Amnesty International phone interview, 27 June 2013.

[229] Amnesty International interview, Doha, 17 March 2013.

[230] Amnesty International interview, Doha, 24 March 2013.

[231] Amnesty International interview, Doha, 18 March 2013.

[232] Amnesty International attended a meeting at the National Human Rights Committee on 19 March 2013.

[233] Amnesty International phone interview, 6 June 2013.

[234] Amnesty International phone interview, 6 June 2013.

[235] Amnesty International interview, October 2012.

[236] Letter from the Qatar Foundation to Amnesty International dated 9 October 2013.

[237] UN Guiding Principles on Business and Human Rights (http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf), Principle 11.

[238] UN Guiding Principles on Business and Human Rights (http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf), Principle 13.b.

[239] UN Guiding Principles on Business and Human Rights (http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf), Principle 15.b.

[240] OECD Guidelines for Multinational Enterprises 2011 Edition, Commentary on General Policies, Para 18, page 24.

[241] For example, see: Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022, Human Rights Watch, 12 June 2012 (http://www.hrw.org/reports/2012/06/12/building-better-world-cup).

[242] Amnesty International interview, Doha, 24 March 2013.

[243] Amnesty International interview, Doha, 18 October 2012.

[244] Amnesty International interview, Doha, 12 October 2012.

[245] Amnesty International interview, Doha, 8 October 2012.

[246] PCSI Specialties Qatar LinkedIn company page, accessed on 31 July 2013 (http://www.linkedin.com/company/pcsi-specialties-qatar).

[247] Amnesty International interview, Doha, 8 October 2012.

[248] Document dated 7 February 2012 seen by Amnesty International.

[249] Amnesty International interview, Doha, 8 October 2012.

[250] Amnesty International interview, Doha, 12 October 2012.

[251] Amnesty International interviews, by phone and in person, Doha, 8 October 2012.

[252] Amnesty International interview, Doha, 12 October 2012.

[253] Documents seen by Amnesty International, 5 October 2012.

[254] Amnesty International interview, Doha, 8 October 2012.

[255] Letter from PCSI Specialties Qatar to Amnesty International, 22 October 2013.

[256] Amnesty International interview, Doha, 12 October 2012.

[257] Amnesty International interview, Doha, 12 October 2012.

[258] Amnesty International interview, Doha, 8 October 2012.

[259] Letter from PCSI Specialties Qatar to Amnesty International, 22 October 2013.

[260] Labour complaints dated 27 September 2012 and attached signatures seen by Amnesty International.

[261] Amnesty International interview, Doha, 12 October 2012.
[262] Email received by Amnesty International, 8 October 2012.

[263] Information provided by the National Human Rights Committee to Amnesty International, 20 December 2012.

[264] Amnesty International interview, Doha's Industrial Area, 6 October 2012.

[265] Hyundai E&C to build cutting edge medical center in Qatar, 24 December 2010, Hyundai E&C website (http://en.hdec.kr/cyberpr/companynews_view.asp?intPage=13&strSearch=&strSearchText=&intIDX=366)

[266] Hyundai E&C to build cutting edge medical center in Qatar, 24 December 2010, Hyundai E&C website (http://en.hdec.kr/cyberpr/companynews_view.asp?intPage=13&strSearch=&strSearchText=&intIDX=366)

[267] Phone conversation with Amnesty International on 11 October 2012.

[268] Letter from Amnesty International to Hyundai E&C, 28 February 2013.

[269] Letters from Hyundai E&C to Amnesty International, 14 March and 22 October 2013.

[270] Letter from Amnesty International to Hyundai E&C, 25 May 2013.

[271] Contrack contact page: http://www.contrack.com/?page_id=460. Contrack have informed Amnesty International that Contrack Cyprus Limited (CCL) is an entirely separate entity from Contrack International, Inc. (CII).

[272] Sidra website (http://www.sidra.org/en/Pages/index/70/about/construction).

[273] Contrack website (http://www.contrack.com/?p=3290).

[274] Sidra website (http://www.sidra.org/en/Pages/index/70/about/construction).

[275] Letter from OHL Construction to Amnesty International, 24 May 2013.

[276] Letter from OHL Construction to Amnesty International, 13 June 2013.

[277] Letter from Amnesty International to OHL Construction, 4 September 2013.

[278] Letter from OHL Construction to Amnesty International, 19 September 2013.

[279] Letter from OHL Construction to Amnesty International, 19 October 2013.

[280] Letter from Contrack to Amnesty International, 29 May 2013.

[281] Letter from Amnesty International to the Qatar Foundation, 18 July 2013.

[282] This presumably refers to OHL and Contrack.

[283] Email from the Qatar Foundation to Amnesty International, 9 October 2013.

[284] Letter from the Qatar 2022 Supreme Committee to Amnesty International dated 19 August 2013.

[285] Interview with Amnesty International, Doha, 11 October 2012.

[286] Qatar Diar Vinci Construction website (http://www.qdvc.com/en/projects.php?action=view&id=16).

[287] 2022 FIFA World Cup Bid Evaluation Report: Qatar, (http://www.fifa.com/mm/document/tournament/competition/01/33/74/56/b9qate.pdf), page 19

[288] Article 75 of the Labour Law.

[289] Amnesty International interview, Doha, 11 October 2012.

[290] Letter from Amnesty International to QDVC and Vinci Construction Grands Projets, 15 May 2013

[291] Letter from QDVC to Amnesty International, 24 October 2013 and email from QDVC to Amnesty International, 29 October 2013.

[292] Letter from Amnesty International to Qatar 2022 Supreme Committee, 18 July 2013.

[293] Qatar's biggest projects: The top 20 megaprojects, *Middle East Economic Digest*, 14 February 2013 (http://www.meed.com/3163937.article).

[294] See for example: Qatar hires managers for first World Cup stadium, *Reuters*, 30 May 2013 (http://www.reuters.com/article/2013/05/30/stadium-qatar-idUSL5N0EB1LU20130530).

[295] Letter from the Qatar 2022 Supreme Committee to Amnesty International dated 19 August 2013.

[296] In early 2013, Human Rights Watch (HRW) and the International Trade Union Confederation (ITUC) jointly proposed, following meetings with Q22, sample contractual terms for Q22 contractors. At the time of publication Q22 has not, to Amnesty International's knowledge, formally responded on the terms proposed by HRW and the ITUC. In his August 2013 response to Amnesty International, the Q22 Secretary-General stated that, "We are currently reviewing [the terms] with our stakeholders, including [the Qatar Foundation], to ensure that we adopt provisions that are implementable."

[297] Letter from the Qatar 2022 Supreme Committee to Amnesty International dated 19 August 2013.

[298] Press release: *Qatar Foundation implements welfare standards to guarantee workers rights*, 23 April 2013 (http://www.qf.org.qa/news/news?item=128).

[299] Qatar Foundation Mandatory Standards Rev.0 20.04.2013, (http://www.qf.org.qa/app/media/2379), page 6, Para 5.2.

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[302] "There are quite a few unsafe construction sites in West Bay... I am half expecting bodies to land next to me every time I go past." *Dohanews website*, 28 April 2013: http://dohanews.co/post/49086928215/there-are-quite-a-few-unsafe-construction-sites.

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[307] Statement from Jérôme Valcke on labour rights in Qatar, *FIFA web-site*, 17 November 2011 (http://www.fifa.com/worldcup/qatar2022/news/newsid=1544426/index.html).

[308] World Cup 2022: football cannot ignore Qatar worker deaths, says Sepp Blatter, *The Guardian*, 4 October 2013.(http://www.theguardian.com/football/2013/oct/04/world-cup-2022-fifa-sepp-blatter-qatar-worker-deaths).

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[312] Letter from FIFA to Amnesty International, dated 9 October 2013.

[313] Amnesty International interview, Doha's Industrial Area, 15 March 2013.

[314] Amnesty International interview, Doha, 9 October 2012.

[315] Article 18 of the Sponsorship Law.

[316] Concluding observations of the Committee on the Elimination of Racial Discrimination, Qatar, CERD/C/QAT/CO/13-16, 9 March 2012 (http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.QAT.CO.13-16.pdf).

[317] The six GCC states are: Bahrain; Kuwait; Oman; Qatar; Saudi Arabia; and the United Arab Emirates. Though some GCC states, including Bahrain, Kuwait and the UAE, have announced various reforms to the sponsorship system in operation, in recent years, the basic working principles are similar across the region.

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[319] Article 24.1 of the Sponsorship Law .

[320] Qatar reinstates sponsor's approval rule for driving lessons, *Gulf News*, 7 December 2011 (http://gulfnews.com/news/gulf/qatar/qatar-reinstates-sponsor-s-approval-rule-for-driving-lessons-1.946286).

[321] Further outlined in pages 93 -95.

[322] Hélène Harroff-Tavel and Alix Nasri, *Tricked and Trapped: Human Trafficking in the Middle East* (International Labour Office: 2013), (http://www.ilo.org/beirut/publications/WCMS_211214/lang--en/index.htm),page 12.

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بيان احصائي بالدعاوى العمالية الكلية الواردة و المتداولة وما تم بشأنها خلال العام الملادي 2011م

and

بيان احصائي بالدعاوى العمالية الجزئية الواردة و المتداولة وما تم بشأنها خلال العام الملادي 2011م

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[328] Amnesty International interview, Doha, 20 March 2013.

[329] National Human Rights Committee Annual Report 2007 (http://www.nhrc-qa.org/resources/userfiles/NHRC%20Annual%20Report%20-%20E%20-%202007.pdf).

[330] National Human Rights Committee Annual Report 2009 (http://www.nhrc-qa.org/resources/userfiles/2009%20E%20Report.pdf).

[331] Concluding observations of the Committee on the Elimination of Racial Discrimination: Qatar, CERD/C/QAT/CO/13-16 (http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.QAT.CO.13-16.pdf) Para 15.

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[337] Article 6, International Covenant on Economic, Social and Cultural Rights.

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[343] Amnesty International interview, Doha, 21 March 2013.

[344] Amnesty International interview, Doha, 4 October 2012.

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[355] Amnesty International phone interview, 5 December 2012.

[356] Amnesty International phone interview, 19 September, 2013.

[357] Letter from the Ministry of Foreign Affairs to Amnesty International dated 8 October 2013. The letter refers specifically to breaches of Article 9 of the Sponsorship Law.

[358] Information provided to Amnesty International by Supreme Council of Health officials, Doha, 17 March 2013.

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[369] Concluding observations on the second periodic report of Qatar, adopted by the Committee at its forty-ninth session (29 October–23 November 2012) CAT/C/QAT/CO/2, 25 January 2013. Para 18 (b), (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/405/71/PDF/G1340571.pdf?OpenElement).

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[371] Amnesty International interview, 14 October 2012.

[372] Cabinet forms panel to study sponsorship, *Peninsula*, 4 October 2012, (http://www.thepeninsulaqatar.com/wheel/209872-special-edition-phantom-coupe-arrives-in-doha.html).

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[374] Embassy of Nepal in Doha website (http://www.nembdoha.com/pages.php?cid=2).

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[384] Qatar to draft law on domestic workers, *Gulf News*, 23 November 2010 (http://gulfnews.com/news/gulf/qatar/qatar-to-draft-law-on-domestic-workers-1.716731).

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[386] Panel to protect rights of workers soon, *Peninsula*, 18 March 2013 (http://thepeninsulaqatar.com/qatar/229470-panel-to-protect-rights-of-workers-soon.html).

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[388] Meeting with Amnesty International, Doha, 13 March 2013.

[389] *Qatar National Development Strategy 2011-2016: Towards Qatar National Vision 2030*, page 169. (http://www.gsdp.gov.qa/gsdp_vision/docs/NDS_EN.pdf).

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[407] Meeting with Amnesty International, Doha, 15 October 2012.

[408] National Human Rights Committee Annual Report 2012 (http://www.nhrc-qa.org/resources/userfiles/NHRC-Annual-Report-2012.pdf)

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[413] Convention concerning Forced or Compulsory Labour (Entry into force: 01 May 1932), Article 25 (http://www1.umn.edu/humanrts/instree/n0ilo29.htm).

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[417] Amnesty International interview, Doha's Industrial Area, 9 October 2012.

[418] Amnesty International interview, Doha, 18 March 2013.

[419] Many migrant workers and employers refer to the Labour Relations Department as the "Labour Court" and refer to the Labour Court as the "High Court".

[420] When the Ministry of Labour Fnglish language site (at http://www.mol.gov.qa/english/Pages/default.aspx) was checked by Amnesty International in June 2013,

the "Contact" button brought up a dialogue box requesting a username and password; pressing cancel brought up a page saying "Access Denied". The organization could find no other details of the labour hotline number on the English language website.

421 Websites checked in June 2013. Even if such a facility does or did exist, it was not something that the average user (including one reading Arabic) would be easily able to find. Amnesty International has found that many migrant workers in Qatar actively research their rights by visiting internet cafes or using internet browsers on their mobile phones. The organization was alerted to one serious case of labour exploitation by workers who had posted a desperate message on an online message board. So providing clear, accessible information on the Ministry of Labour's web-site would be an important first step to ensuring access to the complaints process.

422 Low-income migrant workers generally take blocks of leave and return to their home countries.

423 Meeting with Amnesty International, Doha, 15 October 2012.

424 Document seen by Amnesty International in Doha, 12 October 2012.

425 Original tweet in Arabic accessed at https://twitter.com/MOL_QATAR/status/300475275685281792 on 12 February 2013.

426 Workers showed Amnesty International a range of documents issued by the Labour Relations Department including invitations to companies to attend sessions to reach a settlement, and correspondence with the Labour Court, noting companies' failure to attend sessions.

427 Labour Relations Directorate statistics, 2011, quoted in Qatar Today magazine, page 41, September 2012.

428 At a meeting in Doha on 15 October 2012 Ministry of Labour officials told Amnesty International that labour cases referred to court which involve a claim of more than QR 100,000 are heard in a separate 'Full' branch of the court from cases at a lower value which are in a 'Partial' branch of the court.

429 This figure represents the total number of cases dealt with in 2011 minus the number of cases adjourned in 2010.

430 Source for all figures relating to the Labour Court: Supreme Judicial Council documents downloaded on 11 February 2013
(http://www.sjc.gov.qa/arabic/courts_and_judiciary/court_statistics/index2011.html)

بيان احصائي بالدعاوى العمالية الكلية الواردة و المتداولة وما تم بشأنها خلال العام الملادي 2011م

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431 Denial of air tickets, wages top workers' complaints, *Peninsula*, 15 January 2013
(http://thepeninsulaqatar.com/qatar/221917-denial-of-air-tickets-wages-top-workers%E2%80%99-complaints.html).

432 Qatari Ministry handles over 31,000 labour recruitment requests, *Gulf Times* - 16 November 2012
(http://www.gulfinthemedia.com/index.php?m=politics&id=622442&lim=&lang=en&tblpost=2012_11).

433 Labour Relations Directorate statistics, 2011, quoted in *Qatar Today* magazine, page 41, September 2012. This suggests, consistent with labour complaints papers seen by Amnesty International, that most

workers complain simultaneously about several different abuses.

[434] Amnesty International has seen several workers' receipts to show the payment of this charge. Researchers have also seen a copy of one such report produced by an independent financial expert.

[435] Meeting with Amnesty International, Doha, 19 March 2013.

[436] Meeting with Amnesty International, Doha, 19 March 2013.

[437] Migrant community residents of Qatar who assist workers in distress told Amnesty International that four months was the longest period they knew for a worker to be given a first court session.

[438] Amnesty International has followed cases of migrant workers with cases against their employers at the Labour Court. Researchers have examined documents issued by the Labour Court to dozens of workers showing the number and dates of different sessions they needed to attend with respect to their case. Researchers also attended the Labour Court in March 2013 and observed the court in session.

[439] Amnesty International interview, Doha, 17 March 2013.

[440] Amnesty International interview, Doha, 17 March 2013.

[441] Meeting with Amnesty International, Doha, 15 October 2012.

[442] Amnesty International interview, 9 October 2012.

[443] Meeting with Amnesty International, Doha, 15 October 2012.

[444] Information provided to Amnesty International by the Ministry of Interior, 20 March 2013.

[445] Denial of air tickets, wages top workers' complaints, *Pensinsula*, 15 January 2013 (http://thepeninsularqatar.com/Qatar/221917-denial-of-air-tickets-wages-top-workers%E2%80%99-compliants.html).

[446] Amnesty International interview, Doha, 12 October 2012.

[447] Amnesty International interview, Doha, 3 October 2012.

[448] Amnesty International interview, Doha, 20 March 2013

[449] *Qatar National Development Strategy 2011-2016: Towards Qatar National Vision 2030*, page 154.

[450] Articles 109 and 110 of the Labour Law.

[451] Court documents examined by Amnesty International researchers.

[452] Amnesty International interviews in Umm Salal, Qatar (9 October 2012, 16 and 21 March 2013) and in Kathmandu and Dhading District, Nepal (29 July and 3 August 2013).

[453] Qatar National Vision 2030, General Secretariat For Development Planning (http://www.gsdp.gov.qa/portal/page/portal/gsdp_en/qatar_national_vision/qnv_2030_document/QNV2030_English_v2.pdf) page 14.

[454] Relevant ILO Conventions may include:
C001 - Hours of Work (Industry) Convention, 1919 (No. 1)
C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)
C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
C047 - Forty-Hour Week Convention, 1935 (No. 47)

C094 - Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
C095 - Protection of Wages Convention, 1949 (No. 95)
C096 - Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)
C097 - Migration for Employment Convention (Revised), 1949 (No. 97)
C131 - Minimum Wage Fixing Convention, 1970 (No. 131)
C132 - Holidays with Pay Convention (Revised), 1970 (No. 132)
C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
C155 - Occupational Safety and Health Convention, 1981 (No. 155)
C158 - Termination of Employment Convention, 1982 (No. 158)
C181 - Private Employment Agencies Convention, 1997 (No. 181)
C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

ANNEXES

ANNEX 1: LETTER FROM QATAR MINISTRY OF FOREIGN AFFAIRS TO AMNESTY INTERNATIONAL, 7 OCTOBER 2013 AND OFFICIAL TRANSLATION

Ministry of Foreign Affairs

وزارة الخارجية

الرقم:

التاريخ: ٢٠١٣/١٠/٠٧م

السيد/ فليب لوثر المحترم،،،
المدير المؤقت لبرنامج الشرق الأوسط وشمال أفريقيا
منظمة العفو الدولية
لندن

تحية طيبة وبعد،،،

أشكركم على كتابكم بتاريخ ٢٠١٣/٧/١٦ والمتضمن مذكرتكم حول النتائج التفصيلية ومسودة التوصيات حول أوضاع العمالة الوافدة لدولة قطر.

واسمحوا لي أن اشكركم على تثمينكم تعاون حكومة دولة قطر خلال الزيارتين التي قامت بهما منظمتكم في شهري اكتوبر ٢٠١٢ ومارس ٢٠١٣.

واود أن أؤكد لكم اهتمامنا بما ورد في مذكرتكم المشار إليها وبترحيبنا باستمرار التعاون والحوار مع منظمة العفو الدولية حول هذا الموضوع وأي موضوعات أخرى تقع في إطار اهتمامنا المشترك في سبيل كفالة حقوق الإنسان واحترامها.

وبعد مخاطبتنا للجهات المعنية في الدولة بشأن المعلومات التفصيلية والادعاءات والتوصيات المضمنة في مذكرتكم حول أوضاع العمالة الوافدة للدولة، نود أن نتقدم بالردود والملاحظات التالية.

- **خداع واستبدال العقود حول شروط وظروف العمل:**

– تسعى دولة قطر إلى إبرام اتفاقيات عمالية مع العديد من الدول المصدرة للعمالة بهدف حماية تلك العمالة وبيان حقوقها والتزاماتها، وتنص تلك الاتفاقيات على ضرورة تصديق العقود التي توقع في الدول المصدرة من وزارات العمل فيها، ثم من سفارة دولة قطر، بغرض توثيق البيانات الواردة بالعقد، وفي حال اكتشاف وزارة العمل عدم التزام صاحب العمل بالعقد المبرم بينه وبين العامل أو ورود شكوى بهذا الشأن فإنها تتخذ كافة التدابير والإجراءات القانونية ضد صاحب العمل بهذا الشأن.

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- كما تقوم وزارة العمل حالياً بالبدء في تنفيذ برنامج للربط الإلكتروني مع الدول المرسلة للعمالة، بحيث يتم التعاون مع وزارات العمل في هذه الدول لإنشاء قاعدة بيانات إلكترونية بالباحثين عن فرصة عمل في قطر، ووضعها في موقع خاص يتيح لأصحاب العمل في قطر الدخول عليه واختيار احتياجاتهم من العمالة المتاحة فيه.
- ومن شأن هذا المشروع أن يقضي على ظاهرة عرض العمل الموقع عليه العامل في دولته عن عقد العمل الذي يبرم في دولة قطر، حيث أن جميع الوثائق التي سيتم إدراجها بقاعدة البيانات، بما فيها عرض العمل المقدم من صاحب العمل سوف تكون موثقة ومسجلة، بحيث يتم الرجوع إليها مستقبلاً عند وقوع أي خلاف بين الطرفين.
- أما بشان تبصير العامل بحقوقه والتزاماته، فإن الاتفاقيات المبرمة مع تلك الدول تنص على أن تقوم الدولة التي ينتمي لها العامل بتزويده بمعلومات عن طبيعة العمل بدولة قطر.
- وفي هذا الإطار، فقد قامت وزارة العمل بإصدار دليل العامل الوافد باللغتين العربية والانجليزية وارسلته لسفارات الدول المرسلة للعمالة لترجمته للغات العمال الوطنية.

- **<u>عدم وجود تصاريح الإقامة مع العمال أو عدم تجديدها:</u>**

- إن القانون رقم ٤ لسنة ٢٠٠٩ بتنظيم دخول وخروج الوافدين وإقاماتهم وكفالتهم، في المادة (٩) منه، قد ألزم صاحب العمل بالانتهاء من إجراءات الإقامة أوتجديدها وتسليم العامل جوازه أو وثيقة سفره عقب ذلك، وقد افرد القانون المذكور في المادة (٥٢) منه عقوبة على صاحب العمل الذي يخالف هذا النص بالغرامة التي لا تزيد على عشرة الاف ريال.
- ولضمان منح سمة الإقامة للعامل خلال اسبوع فإن القانون رقم ٤ لسنة ٢٠٠٩ المذكور في المادة (٥) منه، قد الزم الكفيل والوافد مراجعة الجهات المختصة خلال سبعة أيام عمل من تاريخ دخول الوافد إلى البلاد لاستكمال إجراءات الإقامة، لذا فإن العامل (الوافد) يقوم بمراجعة الجهات المختصة خلال الأسبوع المذكور لإجراء الفحص الطبي وعمل البصمة، ويتم منحه رخصة الإقامة فور الانتهاء من هذه الإجراءات، والتي لا تتجاوز الأسبوع ما لم توجد قيود قانونية أو نواقص تحول دون ذلك.

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- **منع العمال من مغادرة البلاد:**

إن القانون رقم ٤ لسنة ٢٠٠٩ بتنظيم دخول وخروج الوافدين، قد اشترط في المادة (١٨) منه ابتداء حصول العامل على اذن من صاحب العمل بالسفر خارج البلاد، واستثنى من شرط الحصول على الاذن النساء اللواتي على كفالة العامل رب الاسرة .. القصر والزوار الذين لا تجاوز مدة زيارتهم للدولة ثلاثين يوماً. ولكن القانون لم يغفل حماية العامل من تعسف بعض الكفلاء، بحيث يمكن للعامل السفر بدون موافقة صاحب العمل إذا امتنع صاحب العمل عن منحه الإذن بدون سبب معقول أو غياب صاحب العمل أو وفاته.

- **مشاكل دفع الأجور:**

يلاحظ بوضوح تباين أصحاب الأعمال في الوفاء بالتزاماتهم المالية تجاه العمال، وذلك مع حرص وزارة العمل على إلزامهم بالحد الأدنى الذي قرره قانون العمل والقرارات الوزارية في هذا الصدد، حيث تقوم الوزارة بالتفتيش الدوري على كل الشركات والمؤسسات ومراجعة الحسابات للتأكد من استلام العمال لأجورهم، وفرض عقوبات إدارية على الشركات تصل إلى الإيقاف التلقائي لكل معاملات الشركة التي لم تسدد أجور العاملين بها في المواعيد المحددة، إضافة إلى إحالتها للقضاء.

أما بالنسبة للأساس التشريعي الذي يحمي حقوق العامل المالية، فقد نصت الفقرة الأولى من المادة (٦٦) من قانون العمل رقم (١٤) لسنة ٢٠٠٤، على ما يلي: "تؤدي الأجور وغيرها من المبالغ المستحقة للعامل بالعملة القطرية، وتؤدي أجور العمال المعينين بأجر سنوي أو شهري مرة في الشهر على الأقل، وتؤدي أجور جميع العمال الآخرين مرة في كل اسبوعين على الأقل".

- **ساعات العمل المفرطة، والعمل في الصيف، ووقت محدد للراحة:**

– إن دولة قطر تلتزم في هذا الشأن بالمعايير الدولية من خلال التشريعات والقرارات ذات العلاقة، فتنص المادة (٧٣) على ان يكون الحد الأقصى لساعات العمل العادية ثمان واربعين ساعة في الاسبوع وبواقع ثماني ساعات يومياً في جميع أشهر السنة عدا شهر رمضان، فيكون ستاً وثلاثين ساعة في الأسبوع بواقع ست ساعات يومياً.

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وتنص المادة (٧٤) على أن "يجوز تشغيل العمال ساعات اضافية، وزيادة على ساعات العمل المحددة في المادة السابقة، على ألا يزيد مجموع ساعات العمل الفعلية في اليوم الواحد على عشر ساعات، وعلى صاحب العمل أن يدفع للعمال عن الساعات الاضافية ما لا يقل عن الأجر الأساسي المستحق عن ساعات العمل العادية، مضافا إليه زيادة لا تقل عن (٢٥%) من هذا الأجر.

كما يدفع للعمال الذين يعملون بين الساعة التاسعة مساء والثالثة صباحا الأجر الأساسي المستحق عن ساعات العمل العادية مضافاً إليه زيادة لا تقل عن (٥٠%) من ذلك الأجر وذلك فيما عدا عمال المناوبة.

كما تنص المادة (٧٥) على أن يمنح العامل راحة اسبوعية مدفوعة الاجر، لا تقل عن اربع وعشرين ساعة متتالية، ويوم الجمعة هو يوم الراحة الأسبوعية العادي لجميع العمال فيما عدا عمال المناوبة، واذا استدعت ظروف العمل تشغيل العامل في يوم الراحة الأسبوعية وجب أن يعوض عنه بيوم اخر للراحة وأن يدفع له عن عمله في هذا اليوم ما يدفع له عن يوم الراحة الأسبوعية العادي أو يدفع له أجره الأساسي المستحق له مضافاً اليه زيادة تعادل (١٥٠%) من اجره على الأقل.

وفيما عدا عمال المناوبة لا يجوز تشغيل العامل أكثر من يومي جمعة متتاليين.

- وتنص المادة (٧٧) على انه: علي صاحب العمل ان يضع على الابواب الرئيسية التي يستعملها العمال في الدخول، وكذلك في موضع ظاهر من مكان العمل جدولاً ببيان يوم الغلق او يوم الراحة الاسبوعي، وساعات العمل، وفترات الراحة بالنسبة لجميع فئات العمال، وان يخطر الوزارة بصورة من هذا الجدول.

- **العمل اثناء الصيف:**

- تجدر الاشارة هنا الى صدر قرار وزير شؤون الخدمة المدنية والاسكان رقم(١٦) لسنة ٢٠٠٧ بتحديد ساعات العمل، للأعمال التي تؤدى تحت الشمس او في اماكن العمل المكشوفة، خلال المدة من ١٥ يونيو وحتى ٣١ اغسطس من كل عام، بحيث لا تزيد على خمس ساعات في الفترة الصباحية، ولا تجاوز الساعة الحادية عشرة والنصف صباحا، على ألا يبدأ العمل في الفترة المسائية قبل الساعة الثالثة مساءً.

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- **احوال سكن العمال:**

– في اطار الجهود المبذولة للارتقاء بالظروف الصحية والمعيشية للعمال في اماكن السكن، فقد صدر القرار الوزاري رقم (١٧) لسنة ٢٠٠٥، بشأن تحديد اشتراطات ومواصفات السكن المناسب للعمال، وقد حدد هذا القرار الحد الادنى للمتطلبات الضرورية والصحية لسكن العمال ويخضع للتفتيش الدوري والمفاجئ من قبل ادارة تفتيش العمل بالوزارة.

– كما تم التنسيق بشان اصدار دليل اشتراطات السكن الملائم للمنشآت بين وزارة العمل، وكل من وزارة الداخلية، ووزارة البيئة، واللجنة الوطنية لحقوق الانسان، وغرفة تجارة وصناعة قطر، ووزارة الصحة، ووزارة البلدية والتخطيط العمراني.

وتفضلوا بقبول فائق الاحترام والتقدير ،،،

خالد بن جاسم آل ثاني
مدير مكتب حقوق الإنسان

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Mr. Philip Luther
Interim Director,
Middle East and North Africa Programme
Amnesty International
London

Dear Mr. Luther,

Thank you for your letter of 16th July 2013 and the report on the detailed results and draft recommendations on the situation of the foreign workforce in Qatar.

Thank you also for your appreciation of the Qatari government's cooperation during the visits made by your organisation in October 2012 and March 2013.
I would like to assure you of our keen interest in your comments and welcome the continuation of the cooperation and dialogue with Amnesty International on this matter, as well as other matters that fall within the framework of our shared interest, in order to guarantee and respect human rights.

Having spoken to the parties concerned in Qatar on the information, accusations, and recommendations in your report on the situation of foreign workers in Qatar, we would like to present you with the following replies and notes:

- **Misleading workers and changing contracts with regards to work conditions and circumstances:**

Qatar seeks to sign agreements with many countries that export labour, that protect the workforce and clarify rights and obligations. These agreements state clearly that the Ministry of Labour in their countries, as well as the Embassy of Qatar in that state should certify contracts, in order to certify the information noted in the contract. In the event that the Ministry of Labour becomes aware that the employer has not adhered to the contract with the employee, or a complaint is received, then it will take all legal means and measures against the employer.
The Ministry of Labour in Qatar is in the process of implementing a programme for electronic connection with labour-exporting countries. Cooperation between the Ministries of labour will be in the form of establishing an electronic information base for those seeking jobs in Qatar. The website will allow employers in Qatar to choose their workforce from the available applications.
This project will ensure that there will no longer be any discrepancy between the job the worker has signed up for in his country, from that signed in Qatar, as all documents listed on the information base, including the work offer by the

employer, will be registered. In case of any disagreement between the two sides in the future the information can be checked and verified.
As for ensuring workers are aware of their rights and obligations, agreements signed with labour-exporting countries state that the country of nationality should provide workers with information on working conditions in Qatar.
Accordingly, the Ministry of Labour has issued the workers guide in Arabic and English and sent it to embassies of labour-exporting countries to be translated into the national languages.

- **Not providing workers with work permits and non-renewal:**

the Law nr 4 for 2009 regulating the entry and exit of workers and their permits and sponsorship, states in article 9 that the responsibility lies with the employer to process or renew residency and hand over the passport or travel document to the worker thereafter. The said law states in article 52 that a fine of no more than 10,000 Riyals is levied against the employer who contravenes.
To ensure that workers get their residency with a week, law nr 4 of 2009, article 5, states that the sponsor and worker should present themselves to the concerned authorities within seven working days of the date of entry to the country, in order to finalise residency procedures. Therefore, the employee should approach the concerned parties during that week to undergo the medical examination and fingerprints. The residency permit is issued upon completion of procedures, which should not take more than a week, provided there are no legal reasons not to, or there is any missing documentation that delay the issuance.

- **Prohibiting employees from leaving the country**

Law nr 4 of 2009 on regulating the entry and departure of foreign employees, states in article 18 that the employee needs to obtain permission from the employer to travel abroad. Those exempted from obtaining permission are females who are residing in the country on the head of the family's permit, as well as children, and visitors of less than 30 days. Yet the law did not forget about protecting employees from some bad examples of sponsors, thus the employee can travel without permission if the objection of the sponsor was unreasonable, when the sponsor is absent or upon his death.

- **Problems with wage payments**:

It is clear that employers differ in their fulfilment of financial obligations towards the workers, though the Ministry of Labour holds them to the minimum wage decided by labour law and ministerial decisions in this regard. The ministry carries out regular inspections on all companies and organisations and invigilates accounts to ensure employees receive their dues. Administrative punitive measures are enforced which may lead to the automatic closure of all company activities that have not paid employee wages on time. Companies may be taken to court.

Concerning the legislative base that protects the financial rights of employees, item 1 of article 66 of the Labour Law Nr 14 of the year 2004, states: "That all wages and remunerations are paid in Qatari currency. Wages of employees on annual or monthly contracts must be paid once a month at least, other employees must be paid once a fortnight at least".

- **Excessive working hours, working during the summer, and allocated rest periods:**

The State of Qatar adheres to international criteria in this concern, through legislations and decisions of concern. Article 73 states that the maximum normal hours of work are 48 hours a week, at 8 hours per day, during all months of the year, apart from the month of Ramadan when working hours will be 36 per week, at 6 hours per day.

Article 74 dictates that: "It is permissible for the workers to work extra hours, in addition to the work hours specified in the previous article as long as total actual work hours do not exceed 10 hours per day. The employer must pay for the additional hours at no less than the minimum wage for normal hours, in addition to an increment no less than 25% of the wage.

Workers between the hours of 9.00pm and 3.00am are to be paid the basic normal wages plus an increment of no less than 50% of the wages, except for workers on rota shifts.

Article 75 states that the workers are granted a paid weekly rest, which is no less than 24 continuous hours. Friday is the normal weekly day of rest for all workers apart from rota shift workers. If circumstances call for the worker to work on his day of rest then he should be compensated by another day off and he should be paid the regular wage for the rest day or his basic salary plus an extra no less than 150% of his wages.

Apart from rota shift workers, other workers must not be made to work two Fridays in a row.

Article 77 states that the employer must up lists on the main doors of entry for workers at the place of work, as well as a clear place in the workplace, a list of days of closure or weekly rest , work hours, rest periods for all workers, and must send a copy of said list to the ministry

- **Work during Summer:**

It is worth mentioning that the Minister for Civil Service and Housing issued a decision nr 16 for 2007 that specifies work hours for operations carried out in the sun or uncovered work places. That period is 15th June to 31st August every year. Work must not exceed 5 hours in the morning period, should not go beyond 11.30am, and evening work must not start before 3.00pm

- **Workers Living Areas:**

In order to improve health and living conditions for workers in their living areas, decision nr 17 for the year 2005 was issued which sets out the conditions and specifications of suitable living quarters. This decision states the minimum necessary and health requirements for workers living quarters. The living areas go through routine and unscheduled inspection by the Inspection Department at the Ministry.

The Ministries of Labour, Internal Affairs and Environment, Health, Municipal Affairs and Urban Planning, as well as the National Committee of Human Rights, the Qatar Chamber of Commerce and Industry, have coordinated efforts to publish a list of conditions for suitable accommodation for companies.

Kindly accept assurances of our highest esteem and consideration

Khalid bin Jassim Al Thani
Director of Human Rights Department

ANNEX 2: LETTER FROM QATAR 2022 SUPREME COMMITTEE TO AMNESTY INTERNATIONAL, 19 AUGUST 2013

19 August 2013

Ref: Q2022/SG/AL/1908763

Ms. Audrey Gaughran
Global Thematics Director
Amnesty International
Peter Benenson House, 1 Easton Street
London QC1X ODW, United Kingdom

Dear Ms. Gaughran,

On behalf of the Qatar 2022 Supreme Committee (*Q22*), I would like to thank you for your letter dated July 18, 2013, concerning your recent research on workers' welfare in Qatar.

As you are aware, Q22 has committed to being a catalyst for improving workers' welfare in Qatar. We at Q22 firmly believe that all workers engaged on our projects, and those of the other infrastructure developers in Qatar, have a right to be treated in a manner that ensures at all times their wellbeing, safety, security, and dignity. This is personally, and for the whole of Q22, a top priority as we begin to deliver on the promises made in our bid to host the 2022 FIFA World Cup Qatar™.

We have recently set up an internal workers' welfare working group, with representatives from relevant departments, not only to formulate our overall strategy, but also to push forward the development of our workers welfare standards and programs. Therefore, we welcome the opportunity for constructive dialogue and exchanging ideas with you on these matters as we move forward. Our discussions will complement the work already underway within Q22 and in coordination with the State of Qatar on workers' welfare, which are outlined as follows:

1. Please find attached the final version of the Qatar 2022 Supreme Committee Workers' Charter (*Q22 Workers' Charter*) which is Q22's first step in its overall strategy for improving workers' welfare in Qatar. I can assure you that Qatar's Human Rights Coordination Committee (*QHRCC*) which consists of representatives from Q22, the Ministry of Foreign Affairs, the Ministry of Labor, Qatar Foundation for Human Trafficking, Qatar Foundation for Child and Women Protection, the Follow up and Search Unit of the Ministry of Interior, and the National Human Rights Committee, is aware of Q22's Workers' Charter.

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2. Q22's workers standards (Q22's second step in its overall strategy for improving workers' welfare in Qatar), will be enshrined in our contracts and will supplement all relevant Qatari laws by taking additional steps that Q22 has identified as enhancing the welfare of our workers. We are driven by transparency in setting up our standards, which will include a robust enforcement and monitoring mechanism. Please find below the process we are currently undertaking in developing our standards:

- Stage 1: review and assess current best practice standards in conjunction with proposed standards from early works' contractors to develop Q22 standards;
- Stage 2: review of proposed Q22 standards by external counsel;
- Stage 3: review by and collaborate with International NGOs, Ministry of Labor, and the QHRCC of the proposed Q22 standards;
- Stage 4: finalise and enshrine Q22 standards in all Q22 contracts.
- Stage 5: monitor and enforce implementation of Q22 standards by appointed third party auditor.

3. We have received the proposed contractual terms from international organizations and we are currently reviewing them with our stakeholders, including QF, to ensure that we adopt provisions that are implementable. We look forward to further discussion on this with you and Human Rights Watch (HRW) on your next visit.

4. We applaud Qatar Foundation's standards and encourage our other stakeholders to take the same steps. For projects not under our control, we are working diligently through the QHRCC and technical meetings with our stakeholders to influence and encourage them to adopt best practice in the area of workers' welfare.

5. As for the statements made by CH2M Hill, I think it is important to provide context: many large infrastructure projects will use Heinrich's Law and local data to predict accident and incident figures. This practice has been used in the HSE profession to examine data and illustrate the statistical potential for accidents. CH2M Hill used both historical regional statistics and Heinrich's Law to project the unmitigated potential for accidents and deaths on a programme of this magnitude.

Based on the predicted accident and incident figures, Q22 has committed itself to take the steps necessary to ensure that the historical trend is not allowed to prevail. Q22 efforts to mitigate the potential for accidents and deaths include the "Goal Zero" behavioural safety programme, the development of construction health and safety standards and practices that are linked to key performance indicators which are embedded in its contracts, an improved worker welfare programme focusing on ethical recruiting, and employment practices and recognition of the need for a skilled and qualified workforce.

We recognise that 2022 FIFA World Cup Qatar™ is an opportunity for all of us to create positive change and we are fully committed to ensuring that the success of the workers' welfare program be one of the main objectives of 2022 FIFA World Cup Qatar™. We look forward to a continued constructive dialogue with you, and forming a coordinated partnership with Human Rights Watch (HRW) and other international organizations. We believe together we can ensure that the 2022 FIFA World Cup Qatar™ leaves behind a positive human and social legacy for our nation and the region.

Sincerely

Hassan Al-Thawadi
Secretary General

Qatar 2022 Supreme Committee Al Bidda Tower, Corniche Street, 32nd Floo
PO Box 62222, Doha, Qatar T +974 4476 2022 F +974 4475 2252

اللجنة العليا لقطر ٢٠٢٢ برج البدع - شارع الكورنيش - الدور ٣٢
صندوق بريد ٦٢٢٢٢ الدوحة - قطر هـ: ٢٠٢٢ ٤٤٧٥ ٩٧٤+ فـ: ٢٢٥٢ ٤٤٧٥ ٩٧٤+

اللجنة العليا قطر 2022
QATAR 2022 SUPREME COMMITTEE

Qatar 2022 Supreme Committee
Workers' Charter

Qatar 2022 Supreme Committee (Q22)'s vision is the successful delivery of a historic FIFA World Cup ™ in alignment with national plans and with a lasting impact on the country and the world.

Q22 firmly believes that all workers engaged on its projects, and those of the other infrastructure developers in Qatar, have a right to be treated in a manner that ensures at all times their wellbeing, health, safety and security.

Q22 affirms that all contractors and sub-contractors engaged in the delivery of its projects will comply with the principles set out in this Charter as well as all relevant Qatari laws. These principles will be enshrined in Q22's contracts and will be robustly and effectively monitored and enforced by Q22 for the benefit of all workers.

Compliance with this Charter and all relevant Qatari laws will be a pre-requisite to the selection and retention by Q22 of its contractors and sub-contractors. Q22 is **committed**, and shall **require** its contractors and sub-contractors, to **adhere** to the following principles in their treatment of all workers:

- **Health and Safety** – foster and actively encourage a world-class health and safety culture;
- **Employment Standards** – comply with Q22's required employment standards and all relevant Qatari laws;
- **Equality** – treat all workers equally and fairly, irrespective of their origin, nationality, ethnicity, gender or religion;
- **Dignity** – ensure that workers' dignity is protected and preserved throughout their employment and repatriation;
- **Unlawful Practices** – prohibit child labour, forced labour, and human trafficking practices;
- **Working and Living Conditions** – create and maintain safe and healthy working and living conditions;
- **Wages** – ensure that wages are paid to workers on time;
- **Grievances** – prohibit retaliation against workers who exercise any rights deriving from Q22's required employment standards or relevant Qatari laws;
- **Access to Information** – provide access to accurate information in the appropriate language regarding workers' rights deriving from the Q22's required employment standards or relevant Qatari laws; and
- **Training** – provide workers with training on skills necessary to carry out their tasks, including areas related to their health and safety.

This Workers' Charter is our pledge to ensuring a lasting positive legacy on the wellbeing of workers in Qatar.

Hassan Abdullah H R Al Thawadi
Secretary General

March 2013

ANNEX 3: LETTER FROM FIFA TO AMNESTY INTERNATIONAL, 9 OCTOBER 2013

FIFA
For the Game. For the World.

Audrey Gaughran
Director Global Thematic Issues
Amnesty International
Peter Benenson House, 1 Easton Street
London WC1X ODW
United Kingdom

(via e-mail: amnestyis@amnesty.org)

Zurich, 9 October 2013

Your letter to FIFA regarding Qatar 2022

Dear Ms Gaughran,

I acknowledge receipt of your letter of 2 October regarding human rights and labour conditions in Qatar, the host country of the 2022 FIFA World Cup. I would like to thank you for having shared with us Amnesty International's analysis of the situation of migrant workers in Qatar as well as the summary of your findings in connection with workplace abuses.

As you may have read in the media and through information released by FIFA, the topic of labour rights and working conditions in Qatar was included by our President in the agenda of the recent FIFA Executive Committee meeting held in Zurich on 3/4 October. As a result, Mr Blatter will once again bring this matter to the attention of Qatar's highest authorities.

In previous official statements and in communication with human rights organisations in the past, FIFA has made very clear that we uphold the respect for human rights and the application of international norms of behaviour as a principle and part of all our activities. FIFA understands and shares Amnesty International's efforts towards social justice and respect for human rights and dignity, which are very much enchored in the statutes and purpose of our organisation.

We firmly believe in the positive power that the FIFA World Cup can have in Qatar and in the Middle East as a great opportunity for the region to discover football as a platform for positive social change, including an improvement of labour rights and conditions for migrant workers.

Despite the current main focus of our work being the 2014 and 2018 FIFA World Cups in Brazil and Russia, we will strengthen our exchanges with the Qatar 2022 Local Organising Committee and will continue to promote dialogue between them, the Qatari Ministry of Labour, ILO and civil society organisations. It is FIFA's aim that the host countries of our flagship event ensure healthy, safe and dignified working conditions for all – nationals and foreigners, including construction workers – involved in the preparation of the event.

We thank you very much for your cooperation.

Yours sincerely,
FIFA

Jérôme Valcke
Secretary General

Cc: Qatar 2022 Supreme Committee

Fédération Internationale de Football Association
FIFA-Strasse 20 P.O. Box 8044 Zurich Switzerland Tel.: +41-(0)43-222 7777 Fax: +41-(0)43-222 7878 www.FIFA.com

I WANT TO HELP

WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

WHAT CAN YOU DO?

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate.

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.
- Make a donation to support Amnesty International's work.

Together we can make our voices heard.

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amount

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number

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For Amnesty International offices worldwide: www.amnesty.org/en/worldwide-sites
If there is not an Amnesty International office in your country, please return this form to:

Amnesty International, International Secretariat, Peter Benenson House,
1 Easton Street, London WC1X 0DW, United Kingdom

amnesty.org

THE DARK SIDE OF MIGRATION

SPOTLIGHT ON QATAR'S CONSTRUCTION SECTOR AHEAD OF THE WORLD CUP

Qatar's population is increasing by 20 people every hour. Most of those arriving in the country are low-income construction workers from Asia. They have been recruited to help build massive projects worth up to US$220 billion, as part of Qatar's drive to create a regional and global hub. Many of these projects will contribute, directly or indirectly, to the staging of the 2022 World Cup.

Migrant workers will build the state-of-the-art stadiums, training grounds, hotels and road and rail networks that must be ready before the first ball is kicked. However, for the men themselves, migration to Qatar can be a dark period in their lives. From harsh and unsafe working conditions, to unpaid salaries, to being blocked from leaving the country, they risk serious exploitation and, in some cases, abuses amounting to forced labour.

Drawing on interviews with migrant workers, government officials and company representatives, this Amnesty International report looks at how a permissive legal framework in Qatar allows unscrupulous employers to exploit and abuse migrant workers. It ends with recommendations to the Qatari government and to companies on how to prevent abuses and ensure the human rights of migrant workers ahead of the World Cup and beyond.

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