HUMAN RIGHTS WATCH

Building a Better World Cup

Protecting Migrant Workers in Qatar Ahead of FIFA 2022

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Summary

In December 2010, the small Gulf state of Qatar won its bid to host the 2022 World Cup—a first for an Arab country.

Over the next decade the country will undertake massive new construction to support the quadrennial world championship soccer games: its winning bid included commitments to build nine state-of-the-art stadiums equipped with cooling technology to beat temperatures that reach an average high of 40 degrees Celsius (104 degrees Fahrenheit) during the summer months, a new airport complete with a sail-shaped terminal, public transport infrastructure, $20 billion worth of new roads, a bridge to neighboring Bahrain (the longest in the world), 54 team camps, and sleek new hotels for spectators. As of mid-2012, a limited number of World Cup-related projects were under construction and new tenders began to be issued for contracts tied to construction of venues for the 2022 games.

Underpinning this push is a vast army of migrant workers, who comprise a staggering 94 percent of Qatar's workforce—1.2 million of its1.7 million residents—the highest percentage of migrants to citizens in the world. Qatar's World Cup selection means that worker recruitment will reach new heights: media have reported that over a million additional workers may be needed to carry out World Cup-related construction.

Yet the deeply problematic working conditions of migrant workers throughout the country mean that realizing Qatar's World Cup vision may depend on their abuse and exploitation unless adequate measures are taken to address the human rights problems widespread in the construction industry in Qatar.

This report documents pervasive employer exploitation and abuse of workers in Qatar's construction industry, made possible by an inadequate legal and regulatory framework that grants employers extensive control over workers and prohibits migrant workers from exercising their rights to free association and collective bargaining. It also addresses the government's failure to enforce those laws that at least on paper are designed to protect worker rights. It examines why violations of workers' rights go largely undetected, and looks at the barriers that workers face in reporting complaints or seeking redress.

Based on interviews with 73 migrant construction workers in Qatar, industry employers, government officials, diplomats, and labor attachés from major labor-sending countries, journalists, academics, and worker advocates, as well as correspondence with both government officials and companies, it examines key factors that trap workers in exploitative jobs, including exorbitant recruitment fees, and the restrictive *kafala* (sponsorship) system that prevents them from changing jobs or leaving the country without a sponsor's permission. In the worst cases, workers described conditions that amounted to forced labor. At the request of the workers we spoke to, this report does not name their employers.

While we did not focus on World Cup-related projects, which by-and-large had not yet commenced when we undertook our research, we did speak to ten migrant laborers working on locations linked to the World Cup. All reported paying hefty recruitment fees to get their jobs, while some also said that employers abuse their rights by withholding wages or forcing them to work by denying them permission to return home unless they pay sums they cannot afford. Their stories, along with others collected in this report, help illustrate the risk that the building spree ahead of the 2022 World Cup in Qatar could contribute to abuses unless preventive measures are taken by the government and private actors alike, in keeping with their human rights responsibilities.

Flawed Recruitment

Hundreds of thousands of male workers—primarily from India, Nepal, Sri Lanka, Pakistan, and Bangladesh—migrate to Qatar to work as low-wage laborers on construction projects. Often from impoverished backgrounds, they hope to support families, gain stable employment and higher wages, and in some cases escape violence or instability at home.

Yet their recruitment process is rife with flaws. Migrant workers interviewed for this report said they paid fees of up to $3,651 to get their jobs, a huge sum in their home countries. They took out loans at high interest rates and mortgaged family property to finance their journeys, which often took them months or years of working in Qatar to pay back.

While workers generally paid these fees to recruiting agencies in their countries of origin, a World Bank study suggests that Qatari recruiting agents receive a substantial portion of these fees in hidden money transfers designed to circumvent Qatari law, which prohibits Qatari agencies from charging fees. In other cases where employers paid the recruiting

fees, workers said that some employers then deducted the paid amounts from workers' wages. Past Human Rights Watch reports in the Gulf found that these fees trap workers in jobs even when employers abuse their rights, leading to forced labor as defined by international law.

Many workers said that recruitment agents told them they would earn higher wages or have more desirable jobs than they found when they arrived in Qatar. After traveling thousands of miles, they said they had little choice but to accept work they had not agreed to perform, and unsatisfactory conditions and practices that included employers withholding wages (typically as security to prevent them from quitting), illegal wage deductions, or salaries far below those promised. Some said they signed contracts under coercive circumstances, while others never saw an employment contract at all.

Worker Complaints

Workers' top complaints focused on wages, which typically ranged from $8 to $11 for between nine and eleven hours of grueling outdoor work each day, and were sometimes as low as $6.75 per day. In many cases this amount was less than what recruitment agents had promised workers in their home countries, and workers said it did not cover adequately their food costs and recruitment loan fees. In other cases, workers said they did not receive payment for months. In a letter to Human Rights Watch detailing these issues, officials from the Qatari Ministry of Labor stated that a labor contract may be signed inside Qatar after the worker's arrival, or in the worker's home country, and that in either case representatives of both Qatar and the labor-sending country must approve the contract. They added that all contracts must include the minimum requirements of a model contract. However, the model contract does not include a minimum wage guideline, and in cases where workers sign their contracts in Qatar, those we interviewed said they had little choice but to do so, having already incurred recruitment and migration-related debts.

Workers also reported illegal and arbitrary wage deductions for things like visa costs, bedding, food, or health care, even though Qatar's labor regulations and model employment contract do not specifically permit these deductions and specifically prohibit some. They also reported denial of free movement and lack of access to medical care.

Local regulations set high standards for workers' housing, allowing companies to house no more than four workers in the same room, banning the use of bunk beds, and requiring

employers to ensure potable water, air conditioning, and proper ventilation in all worker accommodations. Yet each of the six labor camps Human Rights Watch visited housed between eight and eighteen workers per room, all workers slept in bunk beds, and some workers said they did not have drinkable water in their own camp. Some said their air-conditioning had been broken for weeks or months without repair despite the high temperatures, and some lived in windowless rooms that stank of mold.

Some workers also told Human Rights Watch they worked under unhealthy and often dangerous conditions, doing construction work on roofs or high scaffolding without safety ropes, or working in deep trenches or enclosed pipes where they risked suffocation. Qatar does not publish data on worker injuries or fatalities, and only some embassies shared this information with Human Rights Watch, making it difficult to estimate the extent to which workers risk their health or safety while carrying out construction. However, according to analysis from the Qatar National Health Strategy, a government healthcare initiative, "Workplace injuries are the third highest cause of accidental deaths in Qatar." The Ministry of Labor informed Human Rights Watch that only six workers had died in work-related accidents during the last three years, and that all deaths had been caused by falls. However, this contrasts sharply with information received from sending country embassies, which indicate a much higher death rate; for example, the Nepali embassy reported to local media that of the 191 Nepali workers who died in Qatar in 2010, 19 died as a result of work site accidents. A further 103 died after suffering cardiac arrest, though workers do not fall into the typical age group at risk of cardiac failure.

Meanwhile Qatar's restrictive immigration Sponsorship Law, Law No.14 of 2004 (the Sponsorship Law), leaves workers under the nearly unchecked control of their sponsoring employers. Employers hold the power to cancel workers' visas, register them as "absconders" subject to detention and deportation, or deny them the exit visas required to leave the country. Coupled with the near universally reported practice of passport confiscation, primarily designed to further discourage workers from quitting jobs without permission, many workers said they did not feel free to quit, even when they said employers had not paid them for months. These controls also left workers fearful of exercising their rights and reporting employer violations.

While the Sponsorship Law requires sponsors to secure work permits for workers in their employ, many workers said that their employers had not completed procedures and

secured their residence ID cards. Employers' failure to complete necessary paperwork or unwillingness to pay related fees left migrant workers at risk of arrest and deportation as unauthorized residents in the country.

Inadequate Redress

Inadequate monitoring and reporting mechanisms allow violations of the labor and Sponsorship Laws to continue. Qatar employs only 150 labor inspectors to monitor the conditions of 1.2 million workers. According to labor ministry officials, none of these inspectors speak languages commonly spoken by workers in the country and inspections do not include worker interviews. Officials told Human Rights Watch that while inspectors monitor housing conditions, payment problems, employment contracts, and working hours, they do so only by visiting sites and reviewing company records.

Without worker interviews, inspectors cannot accurately assess whether workers have possession of their contracts or passports, whether they have paid unlawful recruiting fees, whether they receive the wages or work the hours recorded by their employer, or whether they have faced deception, threats, or conditions of forced labor. While Qatar maintains a labor complaints hotline, it can only receive complaints in Arabic and English, rendering this reporting mechanism effectively inaccessible to most low-wage workers.

Workers who we interviewed said that their fear of losing their jobs and deportation prevented them from using many of the current mechanisms by which workers may enforce their rights in Qatar. Workers could seek assistance at the Labor Complaints Department, part of the Labor Ministry, where government employees conducted dispute resolution between workers and their sponsoring employers. Worker advocates told Human Rights Watch that the Complaints Department effectively resolved many complaints, but that workers who sought help had to be prepared to end their employment relationship and support themselves while awaiting resolution. Workers who turned to the Complaints Department stopped receiving salaries and could no longer stay in company camps after their employers received notice of their complaint, they said.

While the head of the Labor Complaints Department told Human Rights Watch that it resolved 80 percent of workers' complaints, the department does not publish data on complaint resolution outcomes, nor does it publish the decisions in individual cases. This means it remains unclear whether workers receive full restitution or fair remedies, or

whether they forfeit their rights in the dispute-resolution process. In response to a request from Human Rights Watch, Labor Ministry officials provided the precise number of complaints received and the number referred to civil courts, but did not provide information on the types of resolutions achieved or the number of cases in which employees received compensation.

Embassy officials and worker advocates reported that workers in distress who failed to resolve their complaints through the Complaints Department or through embassy-mediated attempts at resolution typically chose to forfeit their rights rather than pursuing cases against their employers that could take months or years to resolve. Without their original job or permission to transfer sponsorship to a new employer, many workers had no source of income and could ill-afford to pursue court claims.

According to data provided by the Ministry of Labor to Human Rights Watch, while their complaints department referred 1,279 cases to Qatari courts in the last three years, only 100 cases, less than eight percent of the total, received sponsorship transfer, though Qatar's Sponsorship Law requires it whenever a legal case is pending between an employer and a worker. This means that in 92% of cases, workers who had filed complaints had no choice but to continue working for their employer during the course of the proceedings against their employer, or to forfeit their rights and leave the country.

While the Sponsorship Law also allows sponsorship transfer in cases of abuse, the Qatar National Human Rights Committee (NHRC), which handles hundreds of worker complaints, reported that the ministry had denied 80 percent of the NHRC's requests to transfer workers' sponsors, though the group had reviewed workers' cases and in each case determined they had strong reasons for transfer.

Qatar Law

Qatar's current Labor Law, passed in 2004, provides some strong protections by setting maximum work hours per week, requiring paid annual leave and end-of-service bonuses, and making provisions for workers' health and safety. It requires employers to pay workers' salary on time each month and bans recruitment agents licensed in Qatar from charging workers fees. It also bans employers from confiscating passports; sets strict requirements for workers' accommodations; and bans midday work during the hot summer months.

An International Labour Organization (ILO) member since 1972, the government has ratified conventions protecting workers against forced labor, discrimination in employment and occupation, and prohibiting child labor. In 2009, the government ratified the UN Trafficking Protocol, and in October 2011, passed domestic legislation criminalizing human trafficking and sanctioning managers of corporations whose businesses involve human trafficking.

However, inadequate implementation and oversight of current legal provisions mean they rarely translate to worker protections in practice and that employers can pick and choose what protections to offer, with relative impunity. In a letter to Human Rights Watch, officials from Qatar's Labor Ministry state that "the Ministry has received no complaint of forced labor and it is inconceivable that such a thing exists in Qatar, as the worker may break his contract and return to his country whenever he wishes and the employer cannot force him to remain in the country against his will." However, conditions of forced labor are not obviated by the right of a worker to break his contract and return home. When workers owe onerous recruiting fees, are not free to find new employers, and do not have custody of their passports, they are, in fact, very likely to be in conditions of forced labor, as defined by international law.

In other instances, Qatar's laws themselves facilitate abuse and prevent workers from effectively advocating for their interests. Qatar has not signed key international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic, Social and Cultural Rights (ICESCR). Qatar has no minimum wage, and while the Labor Law allows Qatari workers to unionize, it prohibits migrant workers from joining unions. In making this distinction, the law discriminates against migrant workers in violation of international law. Local law makes it impossible for workers involved in World Cup construction to engage in collective bargaining and push for better protections, as workers in South Africa and Brazil—hosts of the 2010 and 2014 World Cup—did, gaining wage increases and improved health and safety provisions.

The Labor Law also does not require public reporting on workplace injuries and fatalities or specify that employers should be responsible for workers' recruitment fees, while the immigration Sponsorship Law prevents workers from changing employers at will, allowing only workers who have filed abuse claims to seek permission to do so.

Necessary Steps

Qatar's Government

Without immediate and significant reforms, the migrant workers upon whose labor the World Cup 2022 depends remain at high risk. The local organizing committee for the World Cup, the Supreme Committee for Qatar 2022, which has oversight and coordination responsibilities with regard to World Cup-related construction, "aims to achieve the best conditions to organize and accomplish World Cup 2022," according to the Emiri decree that established this body. According to Decree No. 27 of 2011, the Supreme Committee's tasks, among others, include working to create "an enabling environment to organise and accomplish the World Cup 2022 in all legal, regulatory, physical, social and economic development aspects." The committee's Secretary General Hassan Al Thawadi, during a January 17 2012, address at Carnegie Mellon University in Qatar, stated that "there are labor issues here in the country, but Qatar is committed to reform. We will require that contractors impose a clause to ensure that international labor standards are met."

Obtaining contractual guarantees for workers' rights could be a critical and significant first step towards ensuring better protections, if the clauses are comprehensive, enforceable, and fully uphold internationally recognized fundamental labor rights. For example, any such clause should clearly address the serious problems associated with recruitment fees and retention of workers' passports or other identity documents. However, for the government to adequately protect migrant workers' rights, further legal and policy reforms are needed. In May 2012 Qatari media quoted Labor Undersecretary Hussein Al Mulla as saying that the government was considering the establishment of a Qatari-led labor committee to advocate for workers' rights, and that the government would replace the sponsorship system with "a contract between the employer and the worker." However Al Mulla specified that the composition of the board (and decision-making entity) of any workers' committee would be restricted to Qatari citizens, and that foreign workers could only vote to elect board members. While the comments regarding the government's willingness to reform sponsorship are a welcome indication, there does not appear to be a clear timetable for such reforms, and it is not clear whether they would be implemented before major construction on World Cup-related projects is commenced. Furthermore, the proposal for an elected body to advocate for workers' rights falls far short of international labor law requirements for free association, which includes the right of workers to freely

organize without interference from or discrimination imposed by the government, as well as the right to strike.

If the Qatari government wishes to avoid human rights abuses while building world-class stadiums, ambitious transportation links, and luxury hotels in the tight timeframe ahead, it should take steps to meaningfully enforce the laws protecting workers' rights it currently has on the books, and should amend laws to meet international labor and human rights standards, in particular by allowing migrant workers to exercise their rights to free association and collective bargaining.

The government should take steps to ensure that workers have full and accurate information about their jobs and salaries before they leave their home countries. It should amend the Labor Law to specify that employers, not workers, pay all recruitment and work-related visa fees and must provide evidence that they have done so.

Qatar should also stringently enforce its ban on passport confiscation, repeal the exit visa requirement, and allow workers to change jobs without sponsor consent. It should monitor employment sites, including by interviewing workers, to ensure that existing Labor Laws are enforced, and should publish data on worker injuries and deaths. Employers found to have violated worker rights should receive penalties commensurate with the seriousness of the abuse, and designed to discourage abuses from taking place, including reimbursement of recruiting fees paid by workers.

If Qatar ensures that there is effective investigation and prosecution for offenses under the Labor Law, it will provide significantly stronger protections for the country's migrant workers. But by retaining other laws and practices, such as the Sponsorship Law, and not addressing the wide-scale practices of recruiting fees and passport confiscation, Qatar continues to facilitate abusive work conditions in the country that in some cases amount to forced labor.

FIFA

In response to pressure from international workers' unions, the Fédération Internationale de Football Association (FIFA)–the governing body of association football—has made a public commitment to workers' rights, including the rights of the migrant workers who will build the stadiums and accommodations for the Qatar 2022 games. In November 2011, after a meeting with the International Trade Union Confederation (ITUC), Jerome Valcke,

secretary-general of FIFA, stated that "FIFA upholds the respect for human rights and the application of international norms of behaviour as a principle and part of all our activities." FIFA and ITUC would, he said, "work jointly over the next few months to address labour issues with the Qatari authorities." Valcke also noted that FIFA had "agreed to add labour-related criteria to the bidding process of future FIFA World Cups." In addition, FIFA's corporate social responsibility commitments include the aim to use its influence to help make "positive impacts" through football.

Human Rights Watch wrote to FIFA on May 10, 2012, to inquire about steps FIFA has taken or plans to take in keeping with its human rights commitments. We also encouraged the football body to use its influence to help ensure positive impacts of the 2022 World Cup in Qatar in ways that address workers' rights, such as by monitoring to ensure that international labor standards are followed in connection with World Cup-related contracts. FIFA had not provided a response by the time this report was finalized for publication.

Companies

At time of writing, few of the US $100 billion in new projects were underway.
Some government infrastructure improvements tied to Qatar's World Cup preparations, including a high-speed railway system and metro system, a Qatar-Bahrain causeway, and the completion of the New Doha International Airport, were in progress. In addition, in the first half of 2012 the local organizing committee for the World Cup, the Supreme Committee for Qatar 2022, began to issue tenders for contracts tied to World Cup competition and training venues. This Supreme Committee, which has oversight and coordination responsibilities with regard to World Cup-related construction, awarded the World Cup 2022 program management contract to a US firm, CH2M HILL, to help it oversee construction of World Cup 2022 facilities.

Human Rights Watch sent letters to the Supreme Committee and CH2M HILL on May 15, 2012, to inquire how they will ensure that all public and private entities involved in construction related to the 2022 World Cup fully uphold human rights, including labor rights, in keeping with the obligation of the government of Qatar to protect human rights and the widely recognized principle that businesses also have a responsibility to respect human rights. CH2M HILL's corporate policies, and a public statement by the secretary-general of the Supreme Committee, address labor protections. Human Rights Watch sought details on how those commitments would be carried out, including in contractual

requirements for World Cup-related construction, and clear and public pledges to undertake certain concrete measures to prevent, mitigate, and address abuses of worker rights that are prevalent in Qatar and could otherwise arise in World Cup construction projects. In response, the Supreme Committee informed us that that it aims to ensure working conditions that meet or exceed international standards and that under its three-year strategic plan it had pledged to improve conditions for construction workers generally as well as to establish minimum standards for workers involved with the World Cup, in relation to such issues as pay, health, and safety. The Supreme Committee added that it had already begun the process of drafting both employee rights' policies and determining the workers' rights commitments it will require from companies hired to carry out World Cup contracts, and said that it hoped the initiative would serve as a catalyst for positive change. While this is a welcome response, the Supreme Committee did not address the recommendation that it make specific, concrete, and public commitments to address the problems of migrant workers as outlined in this report.

CH2M HILL, for its part, responded by stressing its strong commitment to respect and protect workers' human rights, as reflected in company ethics and business principles, which include a "zero-tolerance policy for the use of forced labor or other human trafficking practices." The company noted that they were working with the Supreme Committee to develop "mandatory contract language and assurance protocols" to address standards for workers at Qatar 2022 World Cup sites. The company emphasized, however, that the construction projects its client directly oversees are for competition venues and other sports-related facilities which are not yet under construction, and that its commitments to establish labor standards relate to such sites. CH2M HILL's reply did not make clear what measures, if any, the Supreme Committee might apply in relation to World Cup-related construction projects for which it plays a coordinating role, although Human Rights Watch's letter included specific queries about this and other issues. Nor did the company address the recommendation that it publicly pledge to address the various workers' rights problems raised in our research.

In addition, Human Rights Watch contacted companies who have construction management responsibilities for the World Cup-related locations where workers alleged abuses as described in this report: the Aspire Zone and the new Doha International Airport. Human Rights Watch shared information on the alleged abuses, reported by workers who said they were hired by contractors operating on those sites or by employment agencies,

rather than directly by the companies themselves. We invited the companies' responses as well and sought pledges regarding worker protections.

Aspire Logistics, which manages the Aspire Zone, explained that it includes clauses protecting workers' rights in contracts, that it employs a third-party project manager to monitor compliance of contractors and subcontractors with such provisions, and that any violations by contractors are subject to penalty or legal sanction. The company, however, said that it did not have legal control over the actions of subcontractors, who it acknowledged may abuse workers' rights. To address such situations, Aspire Logistics pledged to prepare a list of approved subcontractors following a review to determine which ones adhere to Qatari law as well as the Aspire Zone's own requirements.

While such vetting may prove useful to avoid rehiring subcontracting firms with poor track records, it fails to provide accountability for current or past abuses. To provide full accountability, Aspire should penalize any contractors found to have hired subcontractors who abuse workers and terminate contracts with those found to have done so repeatedly. Regarding the wider set of problems documented by Human Rights Watch for this report, Aspire Logistics said it would take the issues and recommendations into consideration. It also committed to offer seminars to educate workers on their rights under Qatar's Labor Law. The company, which stressed that it strictly follows Qatari law, said that it complies with the requirement to reimburse fees in the case of employees hired locally but acknowledged that this requirement did not cover migrant workers hired overseas.

Bechtel replied by describing its role as project manager at the New Doha Airport, which includes a responsibility to manage contractors and subcontractors, including by establishing labor standards and following up on contractual requirements that address working conditions, accommodations, and health and safety, among other issues. Citing the two labor disputes it said had arisen since its contract began in 2004, Bechtel said it used a "proactive approach" that entailed mediating a resolution in both cases. The company stressed the matter of worker safety and said that its training had helped ensure a low accident rate at the airport site. Regarding the allegations of passport confiscation, illegal salary deductions, or deception in recruitment raised by construction workers at the airport employed by labor contracting companies, Bechtel said that "we do not claim to have all the answers, but we continue to strive to make a difference in those areas where we believe we can have the most impact," leaving unclear whether it felt the issues raised

by those workers—including payment of recruitment fees and retention of their passports—fell into that category. Although the company said that it felt the airport project "should be credited for its efforts to achieve positive labor conditions," it did not address Human Rights Watch's recommendation that it publicly pledge to adopt various measures to address workers' rights, including arranging for independent monitoring of workers' conditions on projects under their supervision and issuing public reports on the findings.

Human Rights Watch contacted those companies and entities whose work is specifically addressed in this report, but the issues raised are relevant to a wide set of public and private actors. In light of our research documenting the prevalence of abusive conditions for workers in Qatar's construction industry, Human Rights Watch strongly encourages all companies in that industry to publicly pledge to respect the rights of all workers associated with their projects and to undertake concrete measures to prevent, mitigate, and address abuses of worker rights. The specific measures we recommend include action by companies involved in construction in Qatar, including contractors and subcontractors involved in the construction of World Cup-related facilities, to abide by Qatari law and international labor standards. Specifically, they should agree to: take all possible steps to ensure no workers have paid fees associated with their recruitment and commit to reimbursing workers who have paid any such fees in contravention of local law, including if the fees were paid to labor agencies or other intermediaries; strictly prohibit the retention of workers' passports or other identity documents, including by subcontractors or intermediaries, and ensure that safe storage facilities where they can access such documents are made available; and ensure that all workers receive and sign enforceable employment contracts in a language that they understand prior to their migration.

They should also agree to ensure on-time payment in full of workers' wages from the first month of their employment, to be paid into bank accounts on a no-less-than monthly basis; ensure adequate housing facilities for all workers in accordance with domestic and international standards; and provide guarantees that they will respect workers' rights to freedom of association and collective bargaining and include provisions to this effect in workers' employment contracts. Finally, they should arrange for independent monitoring of workers' conditions on their projects or projects under their supervision, and issue public reports on workers' conditions, including worker injuries and deaths, so as to effectively monitor conditions at World Cup-related sites and ensure that the games do not rest upon worker abuse and exploitation.

(above) Massive construction projects are underway at The Pearl, a man-made chain of islands standing on 985 acres of reclaimed land off the coast of northern Doha. The development will include five-star hotels, high-end shops and restaurants, luxury apartments, and residential villas.

(right) Migrant construction workers pose for a picture outside of their work site at The Pearl.

All photographs © 2011 Sam Tarling

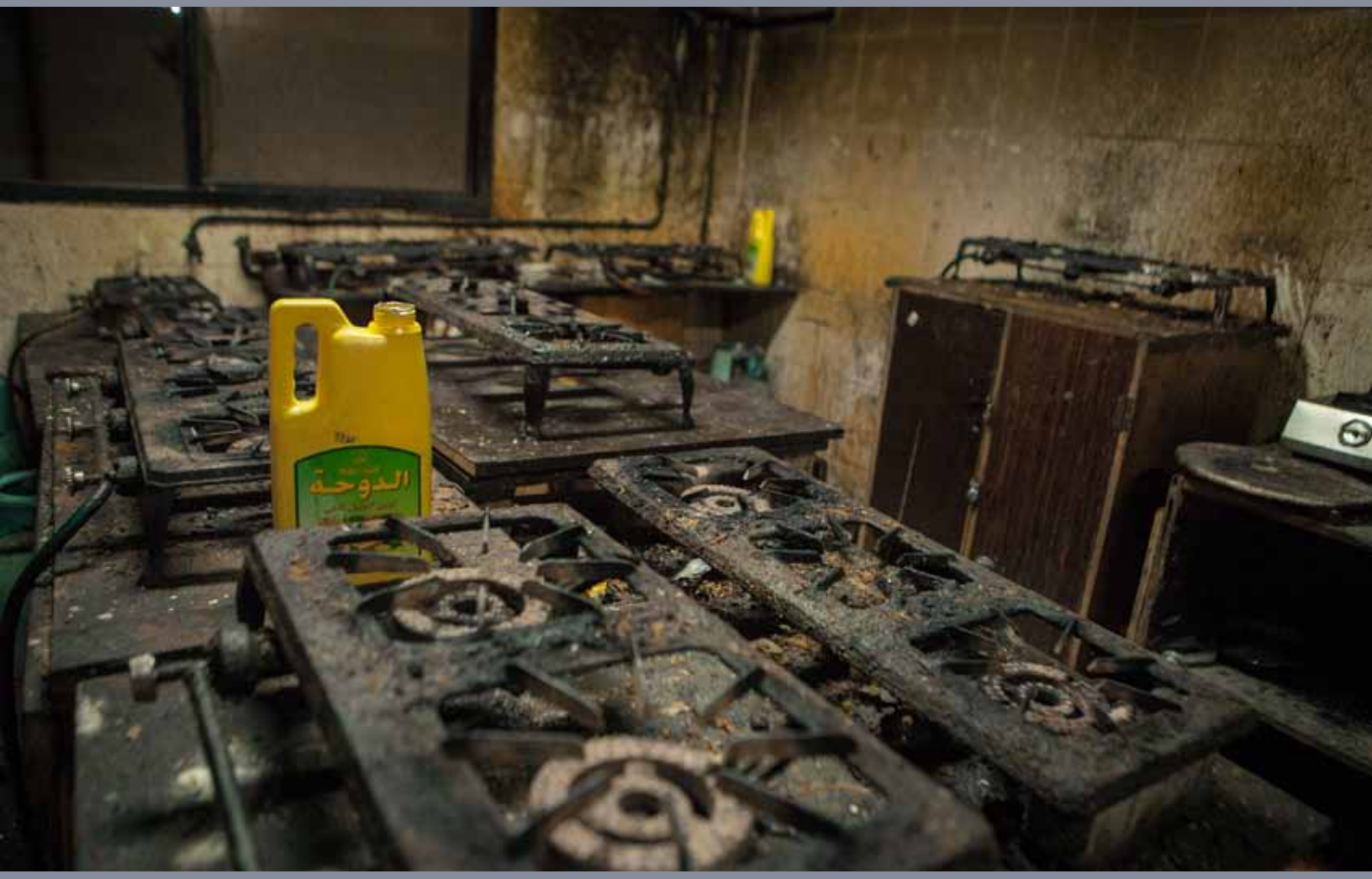
خطر أعمال إنشاءات تحت التنفيذ
DANGER
Construction works in progress
Reduce Spe

(above) A migrant construction worker from Sri Lanka uses a cooking pot to bathe in the scorching summer heat at a workers' camp in al-Khor.

(opposite page, top) A Nepali migrant worker hangs laundry to dry on a fence outside of his shared bedroom at a workers' camp in al-Khor.

(opposite page, bottom) Makeshift construction materials litter the perimeter of a migrant workers' camp near al-Khor, Qatar.

Hallway lights illuminate a worker's dormitory at night in Doha's Industrial Area, just minutes from the luxurious villas that define areas of Doha in which Qatari citizens and Western expatriate workers primarily live.



(above) Cooking grease and grime covers the stovetops and walls of the kitchen in this Doha Industrial Area living complex, despite occasional cleanings by the facility's management, and efforts by the workers themselves to keep their quarters as clean as possible.

(opposite page, top) A corridor inside a workers' dormitory in Doha's Industrial Area.

(opposite page, bottom) A migrant worker in a labor camp dormitory in Doha's Industrial Area cooks bread and *dal*.

This Bangladeshi migrant worker told Human Rights Watch that he has not had a proper mattress to sleep on for over five years. He was told he would have to pay for a mattress, he said, but it was money he chose not to spend as he pays off recruitment fees and attempts to build up his meager savings. He said that he sleeps on this piece of plywood, or, when the air conditioning breaks in the summer, on the roof of this Doha "Industrial Area" building, along with some of the 11 other Bangladeshi workers in his room.

Nepali migrant workers rest after a day of work on foam mattresses, between 1 and 8 centimeters thick. These workers told Human Rights Watch that they pooled savings money to purchase an old television set, which they use to watch Nepali videos at night.

Migrant workers housed in Doha's Industrial Area shop at food markets in the neighborhood.

Migrant workers gather in front of downtown Doha's Corniche. Workers told Human Rights Watch that police officers often deny them access to the Corniche on Fridays, their one day off per week . Many malls and parks consider Friday a "family day," and prohibit "bachelors," or men unaccompanied by women or children, from these gathering places. Both Asian and Western residents of Doha told Human Rights Watch that "family day" restrictions are not enforced with Western male visitors and businesspeople.

الكورنيش
Al Corniche

(above) A couple enjoys a view of the hazy sunset behind Doha's massive downtown from the Corniche. Migrant construction workers are often prohibited from entering the Corniche and nearby parks on Fridays, their only day off, by "family day" restrictions.

(left) Migrant workers in downtown Doha on a Friday. They are frequently denied access to the Corniche or downtown malls – some of the only areas for social engagement in Doha – on Fridays as "bachelors," or single men. These restrictions are rarely enforced for Westerners and businesspeople.

Methodology

Human Rights Watch conducted the research for this report in May and June 2011. We held detailed interviews with 73 migrant construction workers, whose conditions are the focus of this report, and 11 other low-wage workers for purposes of comparison. We also conducted three group interviews with construction workers. Workers described their migration processes to Qatar, including the information they had before migrating and the conditions they found on arrival. They gave accounts of any problems they faced in their current employment, as well as any attempts to seek redress.

We met interviewees at random in public spaces where workers tended to congregate, at work sites, in labor camps, and in front of the government Labor Complaints Department. Human Rights Watch sought interviews in public spaces where workers tend to congregate in the Doha Industrial area, in downtown Doha, and in al-Khor. We visited six labor camps in the Doha Industrial Area (which houses the largest concentration of labor camps in the country) and in al-Khor (a town approximately 50 km north of Doha where many labor camps are located). Because workers live, work, and congregate in crowded conditions with no private space, Human Rights Watch could not conduct one-on-one interviews in completely private settings. However, we interviewed individual workers we met in a wide variety of locations, at various times of day, and employed by diverse employers. Despite these variances, workers reported strikingly similar forms of abuse. Human Rights Watch interviewed workers in Hindi, Nepali, Tamil, or Urdu, with the assistance of translators who spoke these languages.

Most of the workers we interviewed expressed fear for their jobs and their immigration status if their employers found out they had spoken publicly about their working conditions. We interviewed them on the condition that we would not use their names, and many requested that we not mention the name of the company that employed them. Their requests reflected the degree of control employers hold over workers, and workers' fear of retaliation and abuse should they attempt to exercise their rights.

Human Rights Watch also interviewed three employers, one recruiting agent, and two camp supervisors. In addition, we interviewed members of local community organizations and charity groups who work to provide migrants in need with food, lodging, assistance filing

complaints, and air tickets home. We also spoke with several representatives of the Qatar National Human Rights Committee, a government-funded human rights organization in Doha, and interviewed a legal counselor who provides pro bono legal counsel to migrants seeking assistance.

In addition, Human Rights Watch met with representatives from the Labor Ministry in Doha, and spoke with the acting Minister for Labor and Social Affairs in Geneva. We met with diplomatic staff and labor attachés at four embassies of labor-sending countries in Qatar. While some embassy officials spoke openly, others agreed to be interviewed only on the condition that Human Rights Watch not identify their names or their country's embassy in this report. We have not named any of the embassies we visited in our report, to preserve the anonymity of those who requested it.

We interviewed four professors and academic researchers who have researched the situation of migrant workers in Qatar, and two journalists who have covered this topic, as well as reviewing relevant academic literature, news articles, and reports published by NGOs and international institutions. In total, we conducted 114 interviews for this report.

Lastly, we sent letters summarizing our findings, requesting an official response, and providing a detailed set of queries to the Qatari government, to FIFA, and to companies mentioned in our report. We have affixed this correspondence as an appendix to our report, and directly incorporated relevant sections into the report.

I. Background

Qatar, a Gulf country bordering Saudi Arabia, is the richest country per capita in the world.[1] It ranks third globally in proven natural gas reserves and 12th in proven oil reserves.[2] It covers 11,600 square kilometers (7,208 square miles) and has a population of 1.7 million, with an estimated 225,000 citizens.[3]

A constitutional monarchy, the country has been ruled by the al Thani family since the mid-1800s, first under British protectorship and after 1971 as an independent state.[4] The current emir, Sheikh Hamad bin Khalifa al Thani, has ruled since 1995 when he overthrew the former emir.[5] The emir is the chief executive of the state; an advisory council consisting of 35 appointed members performs legislative functions.[6] While the constitution provides for a 45-member Advisory Council with 30 elected representatives, the Emir postponed elections scheduled for 2010 until 2013.[7] The government has not held national government elections since 1970.[8] Currently, Qatari citizens can only vote in municipal elections, and local government representatives have limited power.[9]

With abundant natural resources and a small Qatari population, the state provides nearly unparalleled benefits to its nationals. Citizens receive free education at all levels, free health care, virtually guaranteed employment, and numerous other state-sponsored benefits.[10]

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[1] Based on GDP per capita. According to the International Monetary Fund (IMF), Qatar had a per capita GDP of $88,222 in 2010. International Monetary Fund, World Economic Outlook Database, September 2011. Available at: http://www.imf.org/external/pubs/ft/weo/2011/02/weodata/index.aspx (accessed September 14, 2011).
[2] "Qatar," CIA: The World Factbook 2011, available at https://www.cia.gov/library/publications/the-world-factbook/geos/qa.html (accessed August 18, 2011).
[3] Ibid.
[4] Ibid.
[5] Ibid.
[6] Ibid.
[7] Constitution, State of Qatar, official English translation available at: http://english.mofa.gov.qa/details.cfm?id=80 (accessed September 12, 2011).
[8] "Qatar: Government" CIA: The World Factbook 2011.
[9] "Qatar (2011)", Freedom House, Freedom in the World 2011 report. Available at: http://www.freedomhouse.org/template.cfm?page=22&country=8117&year=2011 (accessed September 14, 2011).
[10] US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2010: Qatar," April 8, 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154471.htm (accessed September 19, 2011).

Qatar's Migrant Population and the Construction Industry

Qatar has the highest ratio of migrants to citizens worldwide.[11] Among the 1.2 million migrants who make up 94% of Qatar's workforce, workers predominantly come from India, Nepal, Bangladesh, Sri Lanka, and the Philippines and are employed primarily in construction, services, and domestic work.[12]

Migrant workers come to Qatar because they lack stable job opportunities in their home countries, or because they believe they can earn more money working abroad. Many of them leave behind families who depend on their support. Mohammad K., a 27-year-old worker from Bangladesh, told Human Rights Watch that he took a job in Qatar to support his family. "We are a very poor family; we needed money."[13] Bhanu K. said, "There are no jobs in Nepal, it is a poor country. We have to work in other countries."[14] Some workers migrated because they saw relatives or acquaintances who saved money by working in the Middle East. "Every friend [of mine] is going abroad [and] making money," said Rishi S., "so I thought to come."[15] Others left to flee unrest in their home countries. "The main [reason I left] is that I wanted to escape," said Pradeep R., a Sri Lankan worker from Jaffna. "In Sri Lanka, there was a war, so I couldn't go back."

Workers' remittances make up an essential source of income for their home countries. Of the countries that send significant numbers of migrant workers to Qatar, remittances from workers abroad made up 23.8 percent of Nepal's gross domestic product (GDP) in 2010, 12.3 percent in the Philippines, 11.8 percent in Bangladesh, 8 percent in Sri Lanka, and 3.6 percent in India.[16]

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[11] "Migration and Remittances, Top Countries," World Bank, available at: http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Top10.pdf (accessed August 25, 2011).
[12] Qatar's 2010 census figures reported 74,087 economically active Qataris over the age of 15, and 1,201,884 economically active non-Qataris. Qatar's census data does not disaggregate population by national origin. Human Rights Watch interviews with four labor-sending country embassies in Qatar found that the majority of the country's 1.2 million expatriate workers came from the countries listed above. Census 2010, pp.12-13, 19, Qatar Statistics Authority, available at qsa.gov.qa; Human Rights Watch interviews with four labor-sending country embassies, Doha, May and June 2011.
[13] Human Rights Watch interview with Mohammad K., Doha Industrial Area, Qatar, May 26, 2011.
[14] Human Rights Watch interview with Bhanu K., labor camp near al-Khor,Qatar, June 17, 2011.
[15] Human Rights Watch interview with Rishi S., labor camp near al-Khor, June 17, 2011.
[16] The World Bank, Migration and Remittances Factbook 2011, Remittances Data: Inflows, available at: http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:22759429~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html (accessed August 29, 2011).

Meanwhile, migrant workers' labor has fueled a construction boom in the country. According to 2010 census data, 47 percent of all male migrant workers in Qatar work in construction, making it the largest employment sector in the country.[17] In 2009 Qatar's construction industry had one of the highest growth rates in the region, with ambitious projects planned around the country.[18] "All the focus in Qatar right now is on the construction industry," said N.K., a Doha-born expatriate journalist who reports on migrant labor in the country.[19]

The Winning Bid: World Cup 2022

On December 2, 2010, the Fédération Internationale de Football Association (FIFA) voted by secret ballot to hold the 2022 Football World Cup in Qatar, making it the first Arab nation to host the event.[20] Qatar's winning bid spells even greater growth for the country's construction sector. But few in the international media have noted the potential for widespread human rights abuses among workers constructing the buildings and infrastructure needed to host the games in just over a decade. According to some estimates, Qatar will spend US$ 100 billion over the next five years on infrastructure projects to support the World Cup.[21]

Planned projects include a US$ 3 billion investment for the construction of nine new state-of-the-art stadiums and the renovation of three existing stadiums, US$ 20 billion for road improvements and freeway expansion, US$ 4 billion for a causeway connecting Qatar to Bahrain, and US$ 24 billion for a high-speed rail network.[22] Finally, World Cup planning includes the construction of 55,000 new hotel rooms to accommodate visiting fans.[23]

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[17] Ibid, p.19.
[18] Pratap John, "Qatar Construction Sector Among the Top in the Middle East," The Gulf Times, October 8, 2009, available at: http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=319077&version=1&template_id=48&parent_id=28 (last accessed August 29, 2011).
[19] Human Rights Watch interview with N.K., Villagio Mall, Doha, June 18, 2011.
[20] "2022 FIFA World Cup Qatar," FIFA.com, December 2, 2010, available at http://www.fifa.com/worldcup/qatar2022/index.html (accessed August 7, 2011).
[21] "Factbox: Qatar's Construction Plan for the World Cup," Reuters.com, available at: http://www.reuters.com/article/2010/12/06/us-qatar-construction-idUSTRE6B533D20101206 (accessed August 29, 2011).
[22] 2022 World Cup, Bid Evaluation Report: Qatar, p. 10, 19, available at: http://www.fifa.com/mm/document/tournament/competition/01/33/74/56/b9qate.pdf (last accessed May 25, 2012).
[23] Ibid, p. 17.

The World Cup and Workers' Rights

Though Qatar's anticipated slate of projects are expected to require the recruitment and hiring of hundreds of thousands of new migrants in a short time frame, the government has offered unclear indications on how it plans to improve human rights conditions for workers. In January 2012 Qatar's Supreme Committee 2022 Secretary-General Hassan Al Thawadi stated that "there are labor issues here in the country, but Qatar is committed to reform. We will require that contractors impose a clause to ensure that international labor standards are met."[24] In May 2012 Qatari media quoted Labor Undersecretary Hussein Al Mulla as saying that the government was considering the establishment of a labor committee to advocate for workers' rights. However Al Mulla specified that migrant workers could not be elected to the committee. "[The] draft for the committee … stipulated that it be made up of Qatari members. Foreigners have the right to vote, but they cannot be members of the board."[25] Thus, foreign workers would only have the right to elect their advocates from an eligible pool of Qatari citizens. Such a proposal falls far short of international labor law requirements for free association, which requires that workers be allowed to organize and choose their representatives without government interference or discrimination. Al Mulla added that "the sponsorship system will be replaced with a contract signed by the two parties," and that "the contract will stipulate the rights and duties of each party and will impose specific matters that the foreigner has to respect."[26] However, it remains unclear how such a contractual system can replace the immigration regulations that currently make up the sponsorship system and tie workers' residency in the country to a specific employer. Furthermore, there is no information about the specific timetable for abolishing the sponsorship system.

Other government officials have dismissed the impact planned projects will have on the labor sector. "Our plan is that we will not have any large number of workers at any given time. It will be staggered," Nasser al-Hemedi, Qatar's minister of social affairs and acting labor minister, told Human Rights Watch in June 2011.[27] "I would like to stress that the

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[24] "Qatar promises labour reform before 2022," Al Jazeera English, January 18, 2012, http://www.aljazeera.com/news/middleeast/2012/01/201211818295956572.html (accessed May 21, 2012).

[25] Ibid.

[26] "Qatar may allow trade unions, scrap 'sponsorships' for foreign workers," Habib Toumi, May 1, 2012 http://gulfnews.com/news/gulf/qatar/qatar-may-allow-trade-unions-scrap-sponsorships-for-foreign-workers-1.1016594 (accessed May 21, 2012)

[27] Human Rights Watch interview with Nasser Abdullah Saleh Al-Hemedi, Minister of Social Affairs and acting Minister of Labor, Palais des Nations, Geneva, Switzerland, June 16, 2011.

labor is temporary. Once their job is finished, they leave the country," he added.[28]

"There is not going to be a huge inflow [of workers] all at once," Mohammed al-Obeidly, head of the Labor Ministry's Legal Affairs Department, reiterated at a meeting with Human Rights Watch.[29] "The workers [will] come for specific projects, for a limited time. So when they finish, they will return [to their countries]."[30] Yet estimates for the number of additional workers needed to complete World Cup and related infrastructure projects range from 500,000 to over one million.[31]

Past World Cup games have proven an opportunity for labor unions to seek progress on workers' rights in host countries. In October 2007, in preparation for the 2010 World Cup, construction trade unions in South Africa launched a campaign calling for "decent work" and stronger labor rights protections.[32] They achieved some progress on issues including worker recruitment, negotiated new agreements and wage increases with employers, and increased union membership. Workers gained promises enforcing subcontractors' duty to pay the local minimum wage, and won the right to elect health and safety representatives. In response to the campaign, FIFA President Joseph Blatter committed to raising workers' rights with the South African government and with the FIFA Local Organizing Committee.[33]

In May 2010 union representatives in Brazil took over the Decent Work World Cup campaign, and in August 2011, construction workers renovating Brazil's Maracana Stadium, one of the World Cup 2014 venues, struck for four days after an explosion severely injured one of the workers at the site.[34] They won an improved health plan, among other benefits.[35]

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[28] Ibid.
[29] Human Rights Watch meeting with Nasser al-Mannai, Director of Recruitment Department, Mohamed al-Obeidly, Director of Legal Affairs Department, and Salih al-Shawi, Director of Labor Relations Department, Ministry of Labor, Doha, Qatar, June 22, 2011.
[30] Ibid.
[31] Paul Kelso, "Qatar will use World Cup as a catalyst to improve conditions for migrant workforce," The Telegraph, January 12, 2011, available at: http://www.telegraph.co.uk/sport/football/international/8253092/Qatar-will-use-World-Cup-as-a-catalyst-to-improve-conditions-for-migrant-workforce.html (accessed August 30, 2011).
[32] 2010 World Cup & the Construction Sector, Building and Wood Workers International, p.20, available at: http://www.lrs.org.za/docs/BWI_2010%20World%20Cup%20Booklet.pdf (accessed August 27, 2011).
[33] Ibid., p.22.
[34] "South Africa Hands Over Decent Work Campaign to Brazil," March 10, 2011, available at: http://brazil.bwint.org/?p=1 (accessed August 29, 2011).
[35] "Construction workers renovating Maracana Stadium for 2014 World Cup end strike after 4 days," Associated Press, August 22, 2011; "Explosion at World Cup 2014 stadium leaves one worker seriously burnt and the rest on strike," Daily Mail, August 18, 2011, available at: http://www.dailymail.co.uk/sport/football/article-2027364/World-Cup-2014-hit-building-chaos-staff-strike-Maracana-stadium-explosion.html#ixzz1WXM6iN9g (accessed August 29, 2011).

But Qatar's laws deny migrant construction workers' core labor rights to freedom of association and collective bargaining, foreclosing this option. This makes it all the more important for FIFA and all public and private entities involved in the World Cup preparations in Qatar to take adequate steps to ensure that workers' rights will be protected, particularly given Qatar's failure to enforce bans on unlawful practices, such as passport confiscation and worker payment of recruiting fees, lack of a minimum wage, ban on migrants' participation in unions and strikes, and restrictive Sponsorship Laws that leave workers in conditions often described as modern-day slavery.[36] The government of Qatar has the primary obligation to protect human rights, including labor rights, but business actors also have a responsibility to respect human rights and avoid complicity in abuses.

Human Rights Watch, in letters sent in early May 2012 to FIFA, the Supreme Committee for Qatar 2022, and CH2M HILL, the company contracted to help it oversee construction, summarized the findings of this report and asked for information on steps planned to address workers' rights, particularly in view of explicit labor rights commitments by each of these entities.

In response, the Supreme Committee informed us that that it aims to ensure working conditions that meet or exceed international standards and that under its three-year strategic plan it had pledged to improve conditions for construction workers generally, as well as to establish minimum standards for workers involved with the World Cup, in relation to such issues as pay, health, and safety. The Supreme Committee added that it had already begun the process of drafting both employee rights' policies and determining the workers' rights commitments it will require from companies hired to carry out World Cup contracts, and said that it hoped the initiative would serve as a catalyst for positive change.[37]

CH2M HILL responded by stressing its strong commitment to respect and protect workers' human rights, as reflected in company ethics and business principles, which include a "zero-tolerance policy for the use of forced labor or other human trafficking practices." The company noted that they were working with the Supreme Committee to develop

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[36] United States Department of State, Trafficking in Persons Report 2008 - Qatar, 4 June 2008, available at: http://www.unhcr.org/refworld/docid/484f9a3732.html (accessed August 31, 2011).
[37] Letter from Hassan Al Thawadi, Secretary General, Supreme Committee for Qatar 2022, to Human Rights Watch, May 29, 2011.

"mandatory contract language and assurance protocols" to address standards for workers at Qatar 2022 World Cup sites. The company emphasized, however, that the construction projects its client directly oversees are for competition venues and other sports-related facilities which are not yet under construction, and that its commitments to establish labor standards relate to such sites.[38]

These responses are welcome, but they fail to include the specific, concrete, and public commitments that Human Rights Watch has sought to ensure respect for the rights of workers and an avoidance of the abusive conditions so many have faced in Qatar. Moreover, the responses largely focused on the role of the Supreme Committee in relation to contracts for World Cup competition venues and other sports-related facilities which are under its direct authority, without clarifying whether it would also seek to incorporate measures into contracts for World Cup-related construction projects for which it plays a coordinating role, such as for public infrastructure and hotels.

[38] Letter from Margaret B. McLean, Senior VP and Chief Ethics and Legal Officer, CH2M HILL, to Human Rights Watch, May 29, 2011.

II. Qatari Law and International Legal Obligations

National Law

Law No. 4 of 2009 Regulating the Entry and Exit of Expatriates, their Residency and Sponsorship (the Sponsorship Law)and Law No.14 of 2004 Regulating Labor in the Private Sector (the Labor Law), along with regulations passed to implement their provisions, govern most matters pertaining to migrant workers in Qatar. Qatar's Labor Law provides, on its face, many strong protections for workers in the country but also has significant gaps and weaknesses, including no minimum wage, a ban on migrant workers unionizing or engaging in collective bargaining, and the complete exclusion of domestic workers.[39] The Sponsorship Law, as in other Gulf Cooperation Council (GCC) countries, prohibits workers from changing jobs without their sponsoring employer's consent; in addition, it requires workers to secure exit visas from their sponsors before they can leave the country.[40] Deprived of the rights to freely choose jobs and legally end their employment when employers do not respect their rights, as well as the right to unionize and strike, migrant workers lack essential means for protecting themselves.

On October 24, 2011, Qatar passed Law No. 15 of 2011 for combating human trafficking—a move that could mean substantial advances in the conditions of migrant workers if implemented and enforced according to international standards.[41] The new law sets a maximum prison term of up to 15 years, plus a financial penalty of up to 300,000 Qatari riyals (US$82,384) for transnational trafficking-related offenses.[42] It uses the internationally accepted definition of human trafficking, as articulated in the UN Trafficking Protocol (Palermo Protocol), and thus criminalizes the extraction of forced labor or servitude, slavery or slavery-like conditions, through the use of force, threats, or deception.[43] Previous sanctions against forced labor under Qatar's Penal Code Law No. 11

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[39] There are approximately 500,000 migrant domestic workers in Qatar. Previous Human Rights Watch reporting has documented the array of abuses faced by migrant domestic workers in the Gulf. See Human Rights Watch, Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East, April 2010, http://hrw.org/reports/2010/04/28/slow-reform-0.

[40] Law No.4 of 2009 Regulating the Entry and Exit of Expatriates in Qatar and their Residence and Sponsorship, art.26.

[41] Habib Toumi, "Qatar imposes new anti-human trafficking law," Gulf News, October 25, 2011, available at: http://gulfnews.com/news/gulf/qatar/qatar-imposes-new-anti-human-trafficking-law-1.918390 (accessed October 25, 2011).

[42] Law No.15 of 2011 for combating trafficking in persons, art. 15. On file with Human Rights Watch.

[43] Ibid., art.2.

of 2004 set a maximum prison term of six months and a maximum fine of 3000 riyals (US$824) for offenders.[44] These penalties failed to adequately reflect the seriousness of the offense; the Penal Code sets the same penalty for public drinking and for "say[ing] … Immoral things … in a public place."[45] Thus, the new anti-trafficking law could mean substantial progress for workers' legal rights, but only if the government vigorously implements and enforces its provisions. If poorly enforced, as Human Rights Watch found to be the case with current labor and Sponsorship Law protections, the law will do little to improve their situation.

Labor Law

Law No. 14 of 2004, the Labor Law of Qatar, sets forth minimum entitlements for employees working in the private sector, though it excludes domestic workers.[46] The law sets maximum work hours at 48 hours per week (after which workers should receive overtime pay), requires one month of annual paid leave, and sets end-of-service payments.[47] It provided the first major overhaul of labor regulation since 1962.[48]

The Labor Law sets forth conditions workers and employers must meet in order to obtain valid work permits. According to the law, non-Qatari workers must hold work permits issued by the Department of Labor, valid for a maximum of five years. [49] Workers must pass a government-administered medical exam and receive security clearance from the Ministry of Interior before they receive work permits.[50] The Ministry of Labor cancels work permits in cases where workers take jobs with employers other than their sponsoring employer, or if they quit their jobs for a reason other than those approved under the law.[51] Section VII of this report describes the effects of these regulations on workers' freedom of movement and ability to seek redress.

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[44] Article 322 of Law No. 11 of 2004 (Penal Code) states that "One is convicted to no more than six months in prison and to a fine of no more than three thousand riyals, or to one of these two penalties, in case of forcing a person to work with or without a salary." Law No. 11 of 2004, art.322.
[45] Ibid., art. 290.
[46] Law No. 14 of the year 2004 promulgating the Labor Law. Article 3 states that "the provisions of this law shall not apply to the following categories….4) the persons employed in domestic employment such as nurses, cooks, nannies, gardeners, and similar workers."
[47] Ibid., art.23.
[48] Ibid., preamble.
[49] Ibid., art. 23.
[50] Ibid.
[51] Law No.14 of 2004, art.25.

The Labor Law also lays out conditions for recruiting workers. It stipulates that employers must recruit workers through a licensed recruitment agent, unless they have approval from the Department of Labor directly.[52] In practice, while some of the workers interviewed by Human Rights Watch said they had migrated through recruiting agencies, many others said they had obtained their jobs and completed paperwork through personal contacts in Qatar, and had had no contact with recruiting agencies in Qatar. Article 33 prohibits recruitment agents from charging workers fees or costs associated with their recruitment, stating that "a person who is licensed to recruit workers from abroad for others shall be prohibited from the following: 1) to receive from the worker any sums representing recruitment fees or expenses or any other costs."[53] Violators may be penalized with a fine ranging from 2,000 to 6,000 Qatari riyals (US$549 to $1,648), by a jail term of up to one month, or both.[54] In addition, a violation can lead to court-ordered closure of the Qatari recruitment agency and cancellation of its business license.[55] However the law does little to protect workers from the exorbitant recruitment fees the vast majority of them pay in practice. It fails to specify that sponsoring employers should be responsible for recruitment-related fees and costs, and does not address the problem of Qatari employers or recruiters who work with foreign agents to charge workers fees.

In response to a request for further information sent to Qatari ministries and government officials, the Ministry of Labor stated that "The Labor Law (14/2004) and ministerial decrees issued pursuant to it strictly prohibit any employer or labor recruitment office from receiving any fee or commission for recruiting labor for Qatar. The Ministry of Labor strictly enforces these provisions, as these acts are considered human trafficking, which is prohibited by laws. The administration has received no complaint from any worker that his employer has asked him to cover recruitment costs and fees."[56] They added that "whenever the Ministry receives a complaint that the worker has paid these fees, it revokes the license and requires the offender to reimburse the worker, whether it was an employer or the recruitment office."[57]

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[52] Law No.4 of 2004, art.28.
[53] Law No.24 of 2004, art.33.1.
[54] Ibid., art.145.
[55] Ibid.
[56] Letter from Qatar Ministry of Labor to Human Rights Watch, November 1, 2011.
[57] Ibid.

However, the lack of official complaints provides no evidence that workers are not paying such fees, given the significant barriers and deterrents they face to filing complaints. In fact, nearly all workers interviewed reported that they had paid recruitment fees to recruiting agents in their home countries in order to obtain their jobs in Qatar, whether they then migrated through Qatari recruitment agencies or through acquaintances in the country. The government should not rely on worker complaints to enforce laws banning the charging of recruiting fees, or any other laws designed to protect worker rights. Migrant construction workers are in a particularly weak position to seek legal protection, in light of language and knowledge barriers and the fact that they face potential reprisals from their employers, who control their ability to remain in the country. As noted by the government, 92% of workers who have filed complaints have been forced to continue their employment with the same employer during the pending review of their complaints. The government should proactively investigate the extent to which employers are abiding by laws and enforce penalties against those who are not.

Ministry of Labor officials further added, in a letter to Human Rights Watch, that "regarding the levying of fees by some manpower firms in labor-exporting states, this may indeed happen because it is outside the control of the Qatari Ministry of Labor, although the Ministry does work to limit this by asking the governments of these countries to supply it with the names of licensed, authorized recruitment firms, in order to direct employers to deal with them, through meetings of the joint committees with these countries or via their embassies in Doha." While such efforts are commendable, they are inadequate. Instead, the government should require employers to seek formal statements from recruiting agents abroad, as well as workers before they leave their home country, attesting to whether they have charged or paid such fees, as the case may be. It should also require employers to reimburse workers who have paid such recruiting fees. Finally, it should proactively investigate the role of Qatari agencies and their relationship with sending country recruiting agents, including the extent to which they may be surreptitiously seeking payment from workers, as some studies have indicated.[58]

Section VII discusses problems in the recruitment process in greater detail.

[58] The World Bank, The Qatar-Nepal Remittance Corridor: Enhancing the Impact and Integrity of Remittance Flows by Reducing Inefficiencies in the Migration Process, (Washington DC: World Bank, 2011), p.9.

Provisions on health and safety require employers to provide workers with safety equipment and inform them of occupational hazards, provide first aid equipment, and provide a full-time nurse for companies with more than 100 employees, or a clinic with a nurse and doctor for companies with more than 500 employees.[59] The law also requires employers to report workplace injuries or deaths to the police and the Labor Department.[60] However, Qatar does not publicly report data on workplace injuries and deaths. In a letter dated September 27, Human Rights Watch requested government data on the number of injuries and fatalities reported on construction sites over the past three years. In its reply, the Ministry of Labor stated that "over the last three years, there have been no more than 6 cases of worker deaths. The causes are falls." This number falls significantly below the annual number or worker deaths reported by just one labor-sending country's embassy in Doha. While the reply added that officials had provided information on worker injuries in an attachment, the letter included no such attachment, and Human Rights Watch requests for the data yielded no additional information.[61] Section VII of this report discusses health and safety issues in further detail. Human Rights Watch has urged the government to make public all data and information on worker deaths and injuries, including the causes and places of death.

The Labor Law and accompanying regulations provide some strong, specific protections for workers. The law exempts workers pursuing labor claims from all judicial fees. It includes requirements on access to medical care, end-of-service payments, and annual leave, and limits the amount employers can deduct from workers' salaries.[62] The law provides workers the right to terminate employment, but only for a limited set of reasons, and they must follow administrative procedures to provide notice or secure government approval before doing so; it grants workers full end-of-service bonus if the employer breaks his obligations under the employment contract, endangers the worker's health, assaults the worker, or misrepresents contract terms.[63] However, many workers fail to benefit from these provisions because of inadequate oversight and implementation. Section VII of this report further addresses these problems.

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[59] Ibid., art.104.
[60] Ibid., art.108.
[61] Email from Human Rights Watch to Ghanem al-Merri and Mohammed Hassan al-Obaidli, November 18, 2011; Email from Ghanem al-Merri to Human Rights Watch, December 1, 2011.
[62] Ibid., art.s 54, 60, 78, 79, 104.
[63] Ibid., art. 51.

Even on its face, the Labor Law lacks key protections. Neither Qatar's Labor Law nor any supplementary regulation sets a minimum wage for workers in the country.[64] Low wages and inaccurate information about wages ranked near the top of complaints reported by workers interviewed for this report, and Section VII describes these issues in depth. Many workers reported that their wages did not correspond to the wages promised to them by agents in their home countries, and said that their salaries did not cover even their basic living costs and the installments on loans they had taken in order to pay recruitment fees. While international law does not require a minimum wage, this measure would provide workers with clear information about the minimum required payment they can expect to receive from employers before migrating. Minimum wage legislation would tackle some of the worst cases of deception and exploitation leading to cases of human trafficking. Among Qatar's neighbors, while the UAE and Bahrain also lack minimum wage legislation, Kuwait implemented a minimum monthly wage of for all private sector workers in 2010.[65]

Qatar's Labor Law also fails to protect migrant workers' core international labor rights as identified by the ILO, namely freedom of association and the right to collective bargaining. Part Twelve of the law, covering "Workers' Organizations," bans migrant workers from joining workers' committees or the national union (collectively described as "Workers' Organizations"), stating that "membership … shall be confined to Qatari workers."[66]

The law also places prohibitively burdensome conditions upon Qatari workers' right to organize.[67] Workers who wish to strike may do so only after "amicable settlement between

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[64] United States Department of State, Human Rights Report 2010, available at: http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154471.htm (last accessed August 19, 2011).

[65] Kuwait introduced a minimum wage of 60 Kuwaiti Dinars (US$208) per month. The minimum did not apply to domestic workers. Habib Toumi, Gulf News, "Kuwait Introduces Minimum Wage for Private Sector Workers," April 16, 2010, available at: http://gulfnews.com/business/economy/kuwait-introduces-minimum-wage-for-private-sector-workers-1.613097 (accessed August 30, 2010).

[66] Ibid, art.116.

[67] Ibid., art. 120. Article 120 states that "workers may go on strike if amicable settlement of the dispute between them and the employer becomes impossible in accordance with the following measures:-

1. Approval of three fourths of the General Committee of the workers of the trade or industry
2. Giving the employer a period of not less than two weeks before commencing the strike and securing approval of the [Labor] Ministry after coordination with the Minister of Interior Affairs in respect of the time and place of the strike.
3. Provided there is no detriment to the property of the State and of the individual and their security and safety.
4. Prohibition of the strike in vital public utilities such as petroleum and gas related industries, electricity, water, seaports, airports, hospitals, and transportation.
5. Non-resort to strike before the amicable settlement between the workers and employer by conciliation or arbitration in accordance with the provisions of this law becomes impossible."

the workers and employer by conciliation or arbitration ... becomes impossible."[68] Workers must obtain prior permission from the Labor and Interior Ministries, and must provide the employer with two weeks' notice.[69] Workers must also obtain approval from three-fourths of the workers' committee in their trade or industry.[70] Again, the law prohibits migrant workers from striking, since workers must be committee members in order to secure permission to strike. In 2009 Qatari authorities jailed and deported 90 Nepali migrant construction workers who went on strike after their employer cut their wages from 1000 riyals ($275) to 650 riyals ($180).[71] Those who had worked for the company for less than two years had to pay for their tickets home.[72]

In addition to the undue burdens the Labor Law places upon rights to free association, collective bargaining, and striking, the law discriminates against migrant workers, in violation of international law, by restricting what provisions do exist to Qatari workers.

Sponsorship Law

Workers' migration to Qatar and their legal residence in the country are subject to the conditions set forth in Law No. 4 of 2009, Regulating the Entry and Exit of Expatriates in Qatar and their Residence and Sponsorship (the Sponsorship Law). The law requires any expatriate residing in Qatar to have a "sponsor" who assumes legal responsibility for his stay in the country.[73] The sponsor undertakes to employ the worker, and may be called to account by a court should the worker commit any crime while under his sponsorship. The sponsor bears responsibility for the worker's legal entry and exit into the country, and must provide sponsored workers with an exit visa before they can leave the country. Sponsors must notify the Ministry of Interior of any changes in the worker's status, and report a worker as "absconding" if he leaves his job without the sponsor's permission.[74]

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[68] Ibid.
[69] Ibid.
[70] Ibid.
[71] "90 Nepalis Jailed in Qatar," eKantipur.com, September 16, 2009, available at: http://www.ekantipur.com/2010/09/16/top-story/90-nepalis-jailed-in-qatar/322316/ (accessed September 26, 2011); 2010 Human Rights Report: Qatar, U.S. Department of State, available at: http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154471.htm (accessed September 26, 2011).
[72] Ibid.
[73] Law No.4 of 2004, art.18 states: "every expatriate granted a visa to enter the state shall have a sponsor."
[74] Ibid., arts. 11, 23, 24.

The Sponsorship Law requires residence permit procedures to be completed within three months of a worker's arrival in Qatar, and requires the sponsoring employer to return a worker's passport after obtaining his residence permit.[75] The requirement that employers return passports to workers marks a positive—albeit largely unenforced—feature of Qatar's Labor Law, and is absent in the Labor Laws of neighboring countries such as the United Arab Emirates and Saudi Arabia.

While other GCC countries such as Kuwait have amended labor legislation to allow migrant workers to transfer sponsorship to a new employer after a set period of time without having to seek an employer's consent (in Kuwait, three years and in Bahrain, one year), in Qatar workers have no right to transfer sponsorship without their sponsoring employer's consent regardless of how long they have worked for a particular employer. The law grants the Interior Ministry authority to temporarily transfer sponsorship when there are lawsuits pending between a sponsor and his employees.[76] The Ministry can grant workers permanent transfer of sponsorship "in the event of abuse by the employer or as required by the public interest."[77] However, Human Rights Watch found that workers have only a remote chance of taking advantage of these provisions, making it virtually impossible for workers to change employers, and leaving employers with nearly unchecked control over workers in their employ. According to data provided by the Ministry of Labor, between 2009 and 2011, "there have been 89 cases in which a migrant worker has permanently changed sponsors … [and] permission was granted to change sponsors due to arbitrary behavior, pursuant to the application of Law 4/2009." Section VII describes problems workers face under the sponsorship system in greater detail.

Qatar's International Legal Obligations

International Labor Law

International law protecting workers' rights, including the rights of migrant workers, has developed considerably since the establishment of the International Labour Organization (ILO) in 1919.[78] When a government agrees to be bound by international labor standards,

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[75] Ibid., art.9.

[76] "The Minister or his nominee shall transfer the sponsorship of any expatriate worker on a temporary basis if there are any suits filed between the sponsor and the Expatriate worker. " Ibid., art.12.

[77] Ibid.

[78] "ILO: Origins and History," available at: http://www.ilo.org/global/about-the-ilo/history/lang--en/index.htm (last accessed August 26, 2011).

its obligation is to ensure that employers respect the rights of workers by passing appropriate laws and regulations, by monitoring and investigating potential labor rights abuses, and by prosecuting abuses as required.

Qatar became a member of the ILO in 1972, and has ratified five of the eight ILO conventions setting forth core labor standards.[79] Conventions ratified cover the elimination of forced and compulsory labor, elimination of discrimination in employment and occupation, and abolition of child labor.[80]

According to the ILO Convention on Forced Labor (No. 29), forced or compulsory labor "shall mean 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."[81] According to the ILO, "menace of penalty" can include: "…financial penalties, denunciation to authorities—including police and immigration—and deportation, dismissal from current employment, exclusion from future employment, and the removal of rights and privileges."[82] Examples provided by the ILO of the involuntary nature of work include: physical confinement in the work location, psychological compulsion (order to work backed up by a credible threat of a penalty), induced indebtedness (by falsification of accounts, excessive interest charges, etc.), deception about types and terms of work, withholding and non-payment of wages, and retention of identity documents or other valuable personal possessions.[83]

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[79] In the Declaration on Fundamental Principles and Rights at Work, the ILO set forth four core labor standards, which aim to: (1) eliminate all forms of forced or compulsory labor; (2) effectively abolish child labor; (3) eliminate discrimination in respect of employment and occupation; and (4) ensure the freedom of association and the right to collective bargaining. International Labour Organization, Declaration of Fundamental Principles and Rights at Work, available at: http://www.ilo.org/dyn/declaris/DECLARATIONWEB.static_jump?var_language=EN&var_pagename=DECLARATIONTEXT (accessed August 29, 2011).

[80] ILO Convention No. 29 concerning Forced or Compulsory Labor (Forced Labor Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by Qatar on March 12, 1998. ILO Convention No. 105 concerning Abolition of Forced Labor (Abolition of Forced Labor Convention), adopted June 25, 1957, 320 U.N.T.S. 291, entered into force January 17, 1959, ratified by Qatar on February 2, 2007. ILO Convention No. 111 concerning Discrimination in Respect to Employment and Occupation, adopted June 25, 1958, 362 U.N.T.S. 31, entered into force June 15, 1960, ratified by Qatar on August 18, 1976. ILO Convention No. 138 concerning the Minimum Age for Admission to Employment (Minimum Age Convention), adopted June 26, 1973, 1015 U.N.T.S. 297, entered into force June 19, 1976, ratified by Qatar on January 3, 2006; ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Worst Forms of Child Labor Convention), adopted June 17, 1999, 38 I.L.M. 1207, entered into force November 19, 2000, ratified by Qatar on May 30, 2000.

[81] ILO Convention No. 29 concerning Forced or Compulsory Labor, adopted June 28, 1930, entered into force May 1, 1932, art. 2.

[82] ILO, A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights of Work (Geneva: ILO, 2005), p. 6.

[83] Ibid.

Qatar has not ratified conventions on freedom of association or the right to organize and collective bargaining. However, in its 1998 Declaration of Fundamental Principles and Rights at Work, the ILO stressed that:

> "… all members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote, and to realize, in good faith and in accordance with the [ILO] constitution, the principles concerning the fundamental rights which are the subject of those conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining…."[84]

As an ILO member, Qatar has an obligation "to respect, to promote, and to realize" core labor rights, including freedom of association and the right to collective bargaining.

Failure to Ratify Key International Standards

In May 2010 Qatar won election to a second term as a member of the United Nations Human Rights Council in Geneva. Members of the Council are expected to "uphold the highest standards in the promotion and protection of human rights."[85]

However Qatar's commitments to human rights fall below even an average standard. To date, Qatar has not ratified key international treaties protecting human rights, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These conventions, as part of the "international bill of human rights," reflect international best practice in protecting human rights.

Qatar has acceded to the International Convention on the Elimination of all forms of Racial Discrimination (CERD), the Convention Against Torture (CAT), and the Convention on the

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[84] ILO Declaration of Fundamental Principles and Rights at Work, available at: http://www.ilo.org/declaration/lang--en/index.htm (accessed August 20, 2011).
[85] UN General Assembly,Resolution 60/251 (2006), A/60/L.48 (2006), para 9, available at: http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf (last accessed October 7, 2011).

Elimination of all Forms of Discrimination Against Women (CEDAW).[86] In addition, the government acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (known as the Palermo Protocol) in 2009.[87] The Palermo Protocol defines human trafficking as "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."[88] The government passed legislation criminalizing human trafficking, using the Palermo Protocol definition of trafficking, in 2011.[89]

Business and Human Rights Responsibilities

The longstanding concept that businesses have human rights responsibilities, reflected for example in the Universal Declaration of Human Rights in relation to the responsibilities of "every organ of society," has gained additional support and further articulation as a result of work during the tenure of a UN Special Representative on Business and Human Rights from 2005 to 2011. In 2008, the UN Human Rights Council endorsed the "Protect, Respect and Remedy" framework, which explicitly recognized a corporate responsibility to respect all human rights, and in 2011 it approved the "Guiding Principles on Business and Human Rights," which offered guidelines specifying some of the steps businesses should follow in order to implement their responsibilities. As laid out in those documents, businesses should respect all human rights, avoid complicity in abuses, and adequately remedy them

[86] International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969, acceded to by Qatar on July 22, 1976; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, acceded to by Qatar on January 11, 2000; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, acceded to by Qatar on April 29, 2009.

[87] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ("Palermo Protocol"), A/RES/55/25, adopted November 15, 2000, entry into force December 25, 2003, acceded to by Qatar on May 29, 2009, available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&lang=en (accessed August 29, 2011).

[88] Ibid.

[89] Law No.15 of 2011 for combating trafficking in persons, on file with Human Rights Watch.

if they occur.[90] Former UN Special Representative John Ruggie has explicitly noted that "[t]he corporate responsibility to respect human rights … applies across an enterprise's activities and through its relationships with other parties, such as business partners, entities in its value chain, other non-state actors and state agents.[91]

In particular, the Guiding Principles call upon businesses to undertake adequate due diligence that encompasses risk assessments and monitoring, in order to identify and prevent human rights violations, including forced labor and human trafficking.[92] More generally, companies should have policies and procedures in place to ensure human rights are respected and not abused, to undertake adequate due diligence to identify and effectively mitigate human rights problems, and to adequately respond in cases where problems arise.

These principles and guidelines apply to all relevant actors engaged in construction-related activities in Qatar or linked to preparations for the 2022 World Cup. Additionally, a number of public and private entities have undertaken specific commitments on labor rights. For example, as noted, FIFA Secretary General Jerome Valcke has stated that "FIFA upholds the respect for human rights and the application of international norms of behaviour as a principle and part of all our activities" and would "work jointly [with ITUC] over the next few months to address labour issues with the Qatari authorities." It was also announced that FIFA had "agreed to add labour related criteria to the bidding process of future FIFA World Cups."

Human Rights Watch also requested information from the Supreme Committee for Qatar 2022 (the FIFA local organizing committee responsible for providing facilities for the World

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[90] See United Nations Human Rights Council (HRC), Resolution 8/7, "Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises," June 18, 2008; and HRC, Resolution A/HRC/17/L.17/Rev.1, "Human rights and transnational corporations and other business enterprises," June 16,2011.

[91] Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, "The Corporate Responsibility to Respect Human Rights in Supply Chains," Discussion Paper for the 10th OECD Roundtable on Corporate Responsibility, June 30, 2010, http://www.oecd.org/dataoecd/17/50/45535896.pdf.

[92] Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, "Protect, Respect and Remedy: a Framework for Business and Human Rights," UN document A/HRC/8/5, April 7, 2008; and Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework," UN document A/HRC/17/31, March 21, 2011.

Cup and managing the tournament), and from CH2M HILL, a private company awarded the construction management contract for World Cup 2022 facilities.

In a written response, Hassan al-Thawadi, secretary-general of the Supreme Committee, said that the body aims to ensure working conditions that meet or exceed international standards and cited the following goals from the Supreme Committee's legacy framework and three-year strategic plan:

> Improved construction worker standards: improved monitoring and enforcement of appropriate living and working conditions for construction workers. Increase in the level of skills and training provided to construction workers to enable delivery of high quality facilities and leave a lasting personal legacy.
>
> Establish minimum standards and commitments for all workers involved with Qatar 2022 (for example on living conditions, working hours, pay, training, health and safety) and provide information on these commitments in multiple languages.[93]

Al Thawadi's response added that the Supreme Committee was currently "in the process of determining the requirements that companies competing for contracts relating to the work of the Qatar 2022 Supreme Committee must adhere to concerning living and working conditions for migrant workers."[94] He added that he hoped the initiative would serve as a catalyst for positive change in Qatar.

CH2M HILL stressed, in a separate response to Human Rights Watch, its strong commitment to respect and protect workers' human rights, as reflected in company ethics and business principles, which provide that: "As part of our commitment to the global community, we respect and protect the rights of those who work on our projects. We provide reasonable working conditions and fair wages. CH2M HILL has a zero-tolerance policy for forced labor or other human trafficking practices, and will not knowingly do

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[93] Letter from Hassan Al Thawadi, Secretary General, Supreme Committee for Qatar 2022, to Human Rights Watch, May 29, 2012.

[94] Ibid.

business with subcontractors, suppliers, or other business partners who do not have similar standards."[95] The letter adds that "as we begin our planning, we are exploring, with full endorsement from our client, the Qatar 2022 Supreme Committee, new ways to use innovative processes and tools, including mandatory contract language and assurance protocols to address workers' deployment and utilization standards at Qatar 2022 World Cup sites."[96] It also referenced the planned use of strategic procurement and performance monitoring as additional means to address labor standards issues.

These responses provide a welcome early elaboration of how the Supreme Committee and its project manager intend to proceed but do not offer enough detail to evaluate fully. As noted above, it remains unclear if the Supreme Committee will apply contractual requirements and assurance mechanisms only in relation to the World Cup competition venues and other sports-related facilities that it oversees or if it will seek to extend them to cover World Cup-related construction projects for which it plays a coordinating role, such as for public infrastructure and hotels.

Moreover, neither the Supreme Committee nor CH2M HILL followed up in their initial replies on Human Rights Watch's recommendation that they make specific, concrete, and public commitments to address the problems of migrant workers, as outlined in this report. The other companies Human Rights Watch contacted also declined to undertake such a pledge, even though they are mentioned in the report in relation to allegations of abuse at the sites where they manage construction. Those allegations, and the companies' responses, are elaborated elsewhere in this report.

[95] Letter from Margaret B. McLean, Senior VP and Chief Legal and Ethics Officer, CH2M HILL, to Human Rights Watch, May 29, 2012.
[96] Ibid.

III. Abuse of Migrant Workers

Like most migrant workers throughout the Gulf region, migrant construction workers in Qatar face a host of systemic policies and practices that impede their basic labor rights. Workers pay exorbitant recruitment fees in their home countries, taking on debts that leave them desperate to keep their jobs in Qatar regardless of the working conditions. Recruiting agents often provide inadequate information or deceive workers about the jobs they will perform or the salary they will earn. Many workers see no written agreement until they arrive in Qatar, while some never see one at all. Between workers' recruitment debts and shoddy contracting requirements that fail to guard against deception, workers risk being subjected to forced labor, or conditions of human trafficking. Qatari law does little to address the abuse that prevails throughout workers' recruitment processes.

While neighboring countries such as Kuwait and Bahrain have begun the process of sponsorship reform, Qatar's Sponsorship Law remains one of the most restrictive in the Gulf region, leaving workers at the mercy of their sponsoring employers. Workers cannot change jobs or leave the country without their sponsor's written permission. While the law does allow transfer in cases of abuse, government authorities rarely granted such transfers in practice. Redress mechanisms provide some relief, but remain time-consuming and difficult to access. Coupled with the wide-scale reports of passport confiscation, workers are effectively trapped in their jobs. With little proactive enforcement by the government of protective laws on the books, workers have few options to seek redress for abuses.

Protection Gaps in the Recruitment Process

Migrant workers obtain jobs in Qatar through two main routes. Some workers approach recruitment agencies in their home countries, which work either with Qatar-based recruitment agencies or contract directly with employers in Qatar to provide requested manpower.[97] Other workers find jobs through personal contacts—a friend, family member, or acquaintance already in Qatar whose employer has asked them to recruit others for jobs,

[97] Human Rights Watch interview with Setu R., Doha Industrial Area, May 26, 2011; interview with Rohit T., Doha Industrial Area, May 28, 2011; interview with Akshay R., downtown Doha, June 17, 2011.

or who have learned of job opportunities through contacts at other companies and help workers migrate, generally in exchange for compensation.[98]

Recruitment Fees

Of the 73 workers interviewed for this report, 69 said they paid recruitment fees ranging between US$726 and $3,651 in order to obtain their jobs in Qatar, borrowing from private moneylenders at interest rates that ranged from three to five percent interest per month to 100 percent interest on their debt per year. Even workers who migrated through personal contacts said they paid recruitment fees, as their contact either arranged their migration through a recruitment agency that charged fees, or asked for money in exchange for facilitating the worker's placement.

ILO Convention 181 concerning Private Employment Agencies states that "private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers."[99] The convention does not restrict this ban to licensed agencies, but defines a private employment agency as "any natural or legal person, independent of the public authorities, which provides … services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom."[100] Thus, the convention prohibits informal labor brokers and middlemen, as well as government-licensed agencies, from charging workers recruitment fees. It places an affirmative obligation upon governments to regulate these practices by investigating informal recruitment, and penalizing offenders where necessary.

Though Qatar has not ratified the Private Employment Agencies Convention, it represents best practice under international law. Because recruitment fees trap thousands of workers in jobs they may not have agreed to before migrating, in abusive conditions, or conditions otherwise unsatisfactory to the worker, the Qatari government has an obligation to regulate these fees, and to prohibit practices which could lead to workers' exploitation. Construction companies also have human rights obligations to avoid exploitative practices that keep their workers in situations of forced labor. Yet Qatar has not taken adequate

98 Human Rights Watch interview with Dilan K., Doha Industrial Area, June 15, 2011; interview with Arif J., Doha Industrial Area, June 16, 2011; interview with Omar H., al-Khor, June 24, 2011.

99 ILO Convention No. 181 concerning Private Recruitment Agencies, adopted June 19, 1997, entered into force May 5, 2000, art. 7.1.

100 Ibid., art.1.

steps to protect workers from these fees. While the Labor Law prohibits recruitment agents licensed in Qatar from charging workers fees or expenses associated with their recruitment, it does nothing to restrict Qatar-based recruiting agents or employers from working with recruiting agencies abroad that charge such fees.

"It is not against the law that the worker pay any extra fees before coming to Qatar," Mohammed al-Obeidly, director of the Labor Ministry's Legal Affairs Department, told Human Rights Watch.[101] "The problem is from the sending countries. If there is any fee in Qatar, there are procedures against the agencies."[102] A letter from the Labor Ministry responding to additional queries from Human Rights Watch added that "regarding the levying of fees by some manpower firms in labor-exporting states, this may indeed happen because it is outside the control of the Qatari Ministry of Labor, although the Ministry does work to limit this by asking the governments of these countries to supply it with the names of licensed, authorized recruitment firms, in order to direct employers to deal with them, through meetings of the joint committees with these countries or via their embassies in Doha."[103]

The letter added that "Qatar has concluded bilateral agreements with all countries that export labor to Qatar. These agreements have been concluded between the government of Qatar and the governments of other countries, and are ratified by royal edict. In turn, they have the force of law and are obligatory for employers. Article 8 paragraph (a) states that the employer bears all costs of the worker's travel from his country to the workplace in Qatar when coming for the first time and his return expenses. The employer also bears the cost of the worker's round-trip journey during the vacation specified in the labor contract."[104]

Despite these precautions, Human Rights Watch found that workers it spoke to nearly universally continue to report paying fees, or in some cases report that employers deduct the cost of recruitment fees from their salaries. Only adequate monitoring and enforcement procedures—procedures that do not rely on workers to initiate complaints—can turn these

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[101] Human Rights Watch meeting with Nasser al-Mannai, Director of Recruitment Department, Mohamed al-Obeidly, Director of Legal Affairs Department, and Salih al-Shawi, Director of Labor Relations Department, Ministry of Labor, Doha, Qatar, June 22, 2011.

[102] Human Rights Watch meeting with Nasser al-Mannai, Director of Recruitment Department, Mohamed al-Obeidly, Director of Legal Affairs Department, and Salih al-Shawi, Director of Labor Relations Department, Ministry of Labor, Doha, Qatar, June 22, 2011.

[103] Letter from Qatar Ministry of Labor to Human Rights Watch, November 1, 2011.

[104] Ibid.

written agreements into real, effective protection for workers. As a start, the government should require employers to obtain notarized statements from recruiting agents, in Qatar and abroad, verifying that they have not charged any workers they have recruited for the country with any recruiting fees.

In addition, though the Qatari government response pinned responsibility for the problem of workers' recruitment fees almost exclusively upon agencies abroad and protection gaps in labor-sending countries, a recent World Bank study indicates that, in some cases, the fees paid outside of Qatar appear to go to Qatari agencies in the end. A 2011 World Bank study on migration from Nepal to Qatar estimated that 43 percent of the fees workers paid to recruitment agencies in Nepal actually went to middlemen or recruitment agencies in Qatar, compared to the 12 percent that went to Nepali agents.[105] Qatari law also does not specifically require employers to pay all employment-related recruiting fees, regardless of where they are charged, or to reimburse workers for any such fees they may have paid before migrating.[106]

It appears that in fact some Qatari recruiting agencies deliberately hide the profits they make when workers pay recruiting fees to evade penalties under the Labor Law. The World Bank study found that Nepali recruitment agencies regularly send commissions to agencies in Qatar through informal transfers so as to avoid payment records, and to work around the law prohibiting them from receiving fees from workers. The study estimated that agents in Qatar receive between US$17 million and $34 million in commissions from Nepal each year.[107] "Legally, you can put in the agency agreement that the employer should pay [all recruitment expenses]," a recruitment agent in Qatar told Human Rights Watch, "but most [employers] say 'let the worker pay.' They want the worker to take the loan over there, pay [his] ticket, pay [the recruitment] fees to the agency."[108]

In order to pay recruitment fees in their home countries, workers we interviewed said that they sold their most valuable assets or mortgaged family property, taking loans at high interest rates from private money lenders. Ashok P., a 40-year-old worker from Sri Lanka,

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[105] The World Bank, The Qatar-Nepal Remittance Corridor: Enhancing the Impact and Integrity of Remittance Flows by Reducing Inefficiencies in the Migration Process, (Washington DC: World Bank, 2011), p.9.

[106] Law No.24 of 2004, art.33.1.

[107] Ibid, p.12

[108] Human Rights Watch interview with Ramsi G., Doha, May 30, 2011.

said he paid 120,000 Sri Lankan rupees (US$1,092) to get his job in Qatar. "I sold my motorbike and my wife's gold chain," he said. "For the balance [of the money], I took a private loan. Per 100 rupees (US$0.91) [I borrowed], I owe 5 rupees (US$.05) each month."[109] Arif J. from Bangladesh, 28, said that his family sold their farming land to pay his recruitment fee of 6000 Qatari riyals (US$1,647) to an acquaintance in Qatar.[110] Masud K. said he paid 270,000 Bangladeshi taka (US$3,651) to obtain a job as a construction worker:[111]

> I took a bank loan to pay the agent; [they charge] 100% interest yearly. After one year, if I get one *lakh* (US$ 1,333) from the bank, I owe them one *lakh* interest (US$ 1,333). It's a private bank; they are working illegally. But only they loan money.
>
> I have to pay in one year. If I don't pay, the bank will kick my family out of our house."[112]

Like Masud K., many workers face dire consequences if they do not receive their salaries on time or cannot repay the loans they took to fund their migration.

Recruitment fees constitute a major factor keeping workers in jobs where employers abuse their rights—including conditions of forced labor and human trafficking. The Ministry of Labor, in a letter to Human Rights Watch, stated that "the Ministry has received no complaint of forced labor and it is inconceivable that such a thing exists in Qatar, as the worker may break his contract and return to his country whenever he wishes and the employer cannot force him to remain in the country against his will."[113] However, conditions of forced labor are not obviated by the right of a worker to break his contract and return home. When workers owe thousands in recruiting fees, are not free to find new employers, and do not have custody of their passports, they are, in fact, in conditions of forced labor.

Under international law, forced labor is defined 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

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[109] Human Rights Watch interview with Ashok P., labor camp outside of al-Khor, June 24, 2011.
[110] Human Rights Watch interview with Arif J., Doha Industrial Area, June 16, 2011.
[111] Human Rights Watch interview with Masud K., labor camp near al-Khor, June 24, 2011.
[112] Ibid. A *lakh* is a unit of measurement commonly used in South Asia, and equals 100,000 of the relevant currency.
[113] Letter from the Qatar Ministry of Labor to Human Rights Watch, November 1, 2011, p. 4.

offered himself voluntarily."[114] According to the ILO, "menace of penalty" can include: "… financial penalties, denunciation to authorities—including police and immigration—and deportation, dismissal from current employment, exclusion from future employment, and the removal of rights and privileges."[115] Human Rights Watch spoke to workers who said they had requested their employer's permission to quit their job, and had been refused such permission unless they paid additional money. For example, Raju S., a 20-year-old worker from Nepal, said that an agent told him he would work as an office boy in Qatar, and make 1200 riyals (US$329) per month. He paid the agent 130,000 Nepali rupees (US$1,781). When he arrived, his employer gave him a contract to work as a "construction helper," making only 600 riyals (US$165) per month. When he initially refused to work, his employer said he would have to pay an additional 1000 riyals (US$275) to break his contract. He told Human Rights Watch, "I have this loan, so I'll end up staying."[116] Sharif A., a local construction company owner, said, "A lot of companies here take advantage of [the worker]. They know he's stuck here, [and that] he owes money. So they take advantage."[117]

Qatari law does not specifically require employers to pay all employment-related recruiting fees, regardless of where they are charged, or to reimburse workers for any such fees they may have paid.[118] Even in some cases where employers did pay such recruiting fees, Human Rights Watch found that employers shifted recruitment costs to workers by deducting their wages upon arrival, leaving many workers with debts on top of those incurred in their home countries. Himal K., an 18-year-old worker from Nepal who had worked in Qatar for one year, said that to cover his visa fee, his employer deducted 100 riyals (US$27) from his salary for four months, then 50 riyals (US$14) each month thereafter. He understood that 1400 riyals (US$384) would be deducted in total from his salary. Himal K. said he also paid 100,000 Nepali rupees (US$1,364) to an agent in Nepal to get his job. He questioned his company supervisor about the salary deductions, since he had paid fees already. "My company manager said, 'that's not our problem. Our agreement is [for you] to pay [the fees] here.'"[119]

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[114] ILO Convention No. 29 concerning Forced or Compulsory Labor, adopted June 28, 1930, entered into force May 1, 1932, art. 2.
[115] ILO, A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights of Work (Geneva: ILO, 2005), p. 6.
[116] Human Rights Watch interview with Raju S., Doha Industrial Area, June 20, 2011.
[117] Human Rights Watch interview with Sherif A., Doha Seef Hotel, May 30, 2011.
[118] Law No.14 of 2004, art.33 states: "[T]he person who is licensed to recruit workers from abroad for others shall be prohibited from doing the following: 1) to receive from the worker any sums representing recruitment fees or expenses or any other costs."
[119] Human Rights Watch interview with Himal K., Doha Industrial Area, May 27, 2011.

Sandesh P., another Nepali worker, said "I had to pay 1,200 riyals (US$329) to my company for my visa. I paid it within two months, directly from my salary. I [also] paid my own [air] ticket."[120] Bijay R., 23, told Human Rights Watch that he paid 80,000 Nepali rupees (US$1,045) to get his job as a carpenter on a hotel construction project, but in Qatar his employer deducted 1200 riyals (US$329) from his salary to pay for his visa.[121] Twenty-two workers said they paid fees either directly to their employers or to middlemen in Qatar of between 250 and 3000 Qatari riyals (US$69 to $824).

Deception in Recruitment and Coercive Contract Procedures

Though workers take on significant debts to fund their employment in Qatar, few of them have accurate or complete information about the jobs that await them, making the migration process a gamble in which workers risk being trapped in jobs that they never agreed to, or receiving salaries far below what they counted upon earning. Of the 73 workers interviewed by Human Rights Watch, only 19 said they had signed contracts in their home countries, and only six said those contracts accurately reflected the job and salary they had in Qatar. Most workers interviewed for this report said that they either did not sign contracts before migrating, or signed one contract before departure and a new contract upon arrival in Qatar. "Employers change the contract; they make [workers] sign a new contract," said N.L, an expatriate resident who teaches migrant workers in Qatar about their rights. "A lot of workers come here for one job, then [employers] make them do another job."[122] Workers who took on large debts in their home countries and committed to paying high interest rates on loans found that agents had lied or misled them about the salaries they would earn, or even the jobs they would have, in Qatar. Some workers said that they received as little as half the wages they had been promised before migrating, or found themselves with little choice but to accept jobs they would not have agreed to had they known the truth.

A pamphlet detailing workers' rights, published by the Ministry of Labor, states that "prior to arrival to the State of Qatar the employee must obtain a written work contract signed by him and the employer with whom he will work."[123] However, no law or regulation requires employers to obtain signed contracts from workers before they come to Qatar (rather than

[120] Human Rights Watch interview with Sandesh P., Doha Industrial Area, May 27, 2011.
[121] Human Rights Watch interview with Bijay R., Doha Industrial Area, June 16, 2011.
[122] Human Rights Watch interview with N.L., Villagio Mall, May 26, 2011.
[123] Manual of Expatriate Employees in the State of Qatar, Ministry of Labor, p.11. On file with Human Rights Watch.

after their arrival), or penalizes the practice of contract substitution. A letter from Ministry of Labor officials to Human Rights Watch states that labor agreements signed with labor-sending countries:

> "… specif[y] two types of contracts. The first are those contracts concluded inside Qatar, which require the approval of the Qatari Ministry of Labor and the Doha embassy of the labor-exporting country. The other type is that concluded in the exporting country. This must be approved by the Ministry of Labor in the exporting country and the Qatari embassy in the country."[124]

In practice, nearly all workers interviewed by Human Rights Watch said that they had signed contracts after arrival in Qatar, and had received their work permits only after doing so. Thus, employers who simply present workers with a contract upon arrival, even if that contract provides inferior terms to the agreement made or contract signed in the worker's home country, face no penalty for doing so.

Qatar's Labor Law requires employers to provide three copies of workers' employment contracts, written and attested to by the Department of Labor.[125] Of the three copies, the employer should keep one, provide one to the employee, and deposit one with the Department of Labor.[126] The Labor Ministry has also issued a model employment contract, which ministry officials said that workers should sign before migrating.[127] Officials added that Qatar has signed bilateral agreements with labor-sending countries that call for recruitment agencies abroad to use Qatar's model employment contract, and to provide the worker with a contract copy. However, these agreements are not publicly available, and employers who violate their terms face no legal penalties, nor can workers invoke these intergovernmental agreements for legal protection in their individual cases.

Qatar also fails to require employers to provide employment contracts in a language workers can understand. The Labor Law states that "all contracts and other documents and written instruments provided for in this law shall be in Arabic," and specifies that while "the employer may accompany such contracts, documents or written instruments with

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[124] Letter from Qatar Ministry of Labor to Human Rights Watch, November 1, 2011.

[125] Law No.14 of 2004, art.38.

[126] Ibid.

[127] Model Employment Contract, provided to Human Rights Watch by Ministry of Labor officials. On file with Human Rights Watch.

translations into other languages," it "does not require translation into a language that would allow the worker to understand its content…"[128] Ashok P., a Sri Lankan construction worker, told Human Rights Watch, "the agreement is [written] in the English language. [Workers from] Nepal, Bangladesh, Sri Lankans can't understand English; they don't read English. The company doesn't care about [their needs]."[129]

Many workers who signed new contracts upon arrival in Qatar appeared to have done so under coercive circumstances. Employers provided contracts in Arabic and English, they said, though many migrant construction workers either cannot read, or do not read these languages. Some workers said that employers forced them to sign contracts on the spot, sometimes at odd hours, without explaining their contents. Bhanu K., a 22-year-old migrant from Nepal, said that a recruitment agent in Kathmandu misled him about the terms of his contract in his country, telling him he would be a "civil foreman" and that he would make 1,200 riyals (US$329) as a starting salary.[130] When he arrived, he had no chance to review his new contract because his employers told him to sign at midnight, and did not give him time to read it.[131] In Qatar, he worked as a construction laborer, and made only 750 (US$206) riyals per month.[132] Raju S., a 20-year-old Nepali worker, said that prior to his arrival he signed a contract to work as an "office boy" for 1,200 riyals (US$329) per month, but after he arrived in Qatar his employers gave him another contract, which said he would work as a carpenter for 600 riyals (US$165) each month.[133] Sudeep G., from Nepal, said that while he signed an employment contract in Nepal, he realized it was a "fake contract for a fake company" when he arrived in Qatar. He said he had no choice but to sign the new contract his employer gave him.[134] Contracts workers sign in their home countries are not valid or legally enforceable in Qatar unless they have been approved and filed with Qatar's Labor Ministry.

Some workers said their employers simply signed their contracts for them. Ashok P., a 40-year-old worker from Sri Lanka, said that he did not sign a contract before leaving Sri Lanka. Though he saw a work contract in Qatar, he said, "my company signed it for me."[135]

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[128] Law No.14 of 2004, art.9.
[129] Human Rights Watch interview with Ashok P., al-Khor, Qatar, June 24, 2011.
[130] Human Rights Watch interview with Bhanu K., labor camp near al-Khor, June 17, 2011.
[131] Ibid.
[132] Ibid.
[133] Human Rights Watch interview with Raju S., Doha Industrial Area, June 20, 2011.
[134] Human Rights Watch interview with Sudeep G., labor camp near al-Khor, June 24, 2011.
[135] Human Rights Watch interview with Ashok P., labor camp near al-Khor, June 24, 2011.

The New Doha International Airport

According to FIFA's evaluation of Qatar's 2022 World Cup bid, the New Doha International Airport, which "will be the main gateway to Qatar for staging the FIFA World Cup," is being built at a total cost of US$13 billion. The airport is expected to have a processing capacity of 50 million passengers per year. In January 2004, Bechtel was awarded a contract to design and manage construction of the New Doha International Airport.

Human Rights Watch interviewed three workers who said that they worked at the new airport site and alleged that the companies for whom they worked—which did not include Bechtel—did not respect their rights. One worker alleged that his employer made illegal salary deductions, one said that a recruitment agent in his home country promised a different, and to him preferable, job than he was later assigned to in Qatar, and one said that the labor broker who arranged his migration had promised him a higher salary before he migrated; that before departing he had signed a contract written only in English; and that he did not know or understand its contents. All three said that they had paid recruitment fees in order to obtain their jobs and did not have their passports in their possession.

These workers did not claim to be in Bechtel's employ. Instead, they said that they were employed by local "manpower companies"— companies that supply additional labor to other companies seeking to supplement their workforce in the short or medium term. They asked us not to identify their employers for fear of reprisal. Construction companies and contractors in Qatar frequently hire short or medium-term labor through manpower companies.

Bechtel's Code of Conduct states that "Bechtel does not tolerate activities that support trafficking in persons or the use of child labor or forced labor in the performance of Bechtel contracts by our employees or our subcontractors" and that the company "expect[s] our partners, subcontractors, and suppliers worldwide to be guided by these principles as well." Human Rights watch sent a description of our findings to Bechtel on May 15, 2012, and invited a response to questions about its policies and procedures in relation to labor rights. Bechtel replied by explaining that its role as project manager at the New Doha Airport includes a responsibility to manage contractors and subcontractors on behalf of its client, including by establishing labor standards and following up on contractual requirements that address working conditions. Citing the two labor disputes it said had arisen since its contract began in 2004, Bechtel said it used a "proactive approach" that entailed mediating a resolution in both cases.

The company did not specifically respond to the allegations that construction workers at the airport reported to Human Rights Watch. It limited its comment to this statement: "Like many organizations, we do not claim to have all the answers, but we continue to strive to make a difference in those areas where we believe we can have the most impact."

This reply left unclear whether Bechtel felt that it could achieve impact in relation to the issues raised by those workers, although Human Rights Watch had made specific recommendations for actions the company could take in addressing the issues raised, particularly with regard to payment of recruitment fees and retention of workers' passports. The company did not endorse those recommendations in its letter, instead stating that it felt the New Doha Airport project "should be credited for its efforts to achieve positive labor conditions." The correspondence is attached as part of an appendix to this report.

By the time workers arrive in Qatar, they effectively have little choice but to sign the agreements employers place in front of them. Workers cannot switch sponsors unless they can prove that their sponsoring employer violated the terms of a valid employment agreement, and they cannot leave the country unless their sponsor secures an exit permit for them.[136] Article 53 of the Labor Law states that workers can terminate employment if they can prove that "the employer or his representative … misled the worker at the time of entering into the service contract as to the terms and conditions of the work."[137] However, this provision does not cover misrepresentations made by recruitment agents or middlemen in the recruitment process, who may not have direct relationships with employers or be considered their representatives.

Violations of the Labor Law, Terms and Conditions of Employment

Workers also reported violations of their rights, including practices that violated Qatar's Labor Law, in their work. Qatar's Labor Law and accompanying regulations provide specific standards in important areas, including workers' housing, timely payment of wages, annual leave, and end-of-service bonuses. Critical shortcomings, including the lack of a minimum wage as well as protections for free association and collective bargaining, are discussed in Section V. The law permits employers to deduct up to five-days' wages for

[136] Law No.14 of 2004,
[137] Law No.14 of 2004, art.53.3.

disciplinary purposes, and up to 50% of workers' wages per month to settle debts or loans to the employer. The law does not prohibit employers from deducting workers' wages to cover visa fees, food costs, or other expenses. However, it does require employers to pay workers every month, or every two weeks, depending on their employment contracts.[138]

Human Rights Watch found that many workers enjoyed no enforcement of even those protections provided by law. Sharif A., a construction company owner in Qatar, said, "There are a lot of laws, but nobody follows up. It's the luck of the draw; you never know what you are heading into here."[139] "Our company doesn't follow any rules," said Rajan J., a Nepali worker. "Qatar makes rules, but they don't follow."[140]

Low Wages, Underpayment, and Nonpayment of Wages

Low wages, nonpayment, and underpayment of wages topped the list of complaints reported by migrant construction workers in Qatar. One worker interviewed by Human Rights Watch said he made only 590 riyals ($US162) per month, or $6.75 per day, while the majority of unskilled construction workers interviewed said they earned between 700 and 1000 riyals (US$192 to 275) per month, or US$8 to 11 per day (including a food allowance that some companies pay workers to cover their food expenses).[141] Most worked between nine and eleven hours per day, and spent up to four additional hours in transit to and from their worksites.

Many workers interviewed by Human Rights Watch said that, though food prices and other expenses had increased dramatically over the course of their employment, their salaries had remained the same or had failed to keep up with inflation. "The basic salary at my company is 600 riyals [US$165] whether workers have been there for two years or ten years," said Rajan J., a Nepali construction worker. "All [of the] laborers are struggling … the salary is low, then we have to cover expenses. Some people get only 500 riyals [US$137]."

The average GDP per capita for Qatari nationals is $88,222 per year, or $7,352 per month, and in September, the government announced wage increases of between 60 and 120

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[138] Law No.14 of 2004, art. 66, states that "the wages of the workers employed on an annual or monthly basis shall be paid at least once in every month. The wages of all other workers shall be paid once at least every two weeks."
[139] Human Rights Watch interview with Sharif A., Doha Seif Hotel, May 30, 2011.
[140] Human Rights Watch interview with Rajan J., Doha Industrial Area, May 27, 2011.
[141] Human Rights Watch interview with Baburam G., Doha Industrial Area, May 26, 2011.

percent for Qataris working in the government sector.[142] Meanwhile, consumer price inflation rose steadily in 2010 and 2011 due primarily to rising food costs (the main monthly expenditure for most construction workers), according to Qatari government data.[143]

Even with the prevailing low salary levels, many workers reported that their employers arbitrarily deducted from their salaries, while some said that their employers had not paid them for months. A 2011 study on migrant labor by the Qatar Human Rights Committee, which surveyed 1,114 migrant workers in the country, found that 33.9 percent of workers surveyed said they were not paid on a regular basis.[144] Qatar's Labor Law requires companies to pay workers' salaries monthly, at a minimum.[145] A letter from Ministry of Labor officials to Human Rights Watch added that "the Ministry conducts monthly inspections of all companies and institutions and audits their accounts to ensure that workers receive their wages," and that "administrative sanctions—up to the automatic suspension of all the company's transactions—are imposed on those companies that do not pay their workers' wages at the specified time. They may be also referred to the judiciary, as the non-payment of wages is considered a criminal, punishable act."[146]

Despite these measures, most workers interviewed by Human Rights Watch said that their companies had policies of withholding between one and three months' wages at the outset of their employment as a "deposit salary" to prevent them from quitting jobs early.[147] Employers told them they would receive the money at the end of their contract term. Abdul M., a worker from Bangladesh, told Human Rights Watch he had worked in

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[142] GDP per capita for 2010, according to the International Monetary Fund (IMF) data. International Monetary Fund, World Economic Outlook Database, September 2011. Available at: http://www.imf.org/external/pubs/ft/weo/2011/02/weodata/index.aspx (accessed September 14, 2011); "Hefty Raise for Government Staff," The Peninsula, September 7, 2010, available at: http://www.thepeninsulaqatar.com/qatar/164254-hefty-raise-for-qatari-govt-staff.html (accessed October 26, 2011).

[143] "Annual consumer price inflation in Qatar rose to 2.2 percent in September because of a jump in food costs, reaching its highest level since at least the beginning of 2010, when the Statistics Authority began publishing year-on-year data." Martina Fuchs, "Qatar September Inflation at fresh high of 2.2 percent," Reuters, October 20, 20111, available at: http://www.reuters.com/article/2011/10/20/qatar-cpi-idUSL5E7LK2Z920111020 (last accessed October 26, 2011).

[144] Qatar National Human Rights Committee, Study on the Conditions of Unskilled Labor Force in the Construction Sector in Qatar, "Executive Summary" (Doha: National Human Rights Committee, 2011), p.13. On file with Human Rights Watch.

[145] Article 66 of the Labor Law states: "The wages of the workers employed on an annual or monthly wages shall be paid at least once in every month. The wages of all other workers shall be paid once at least every two weeks." Law No.14 of 2004, art.66.

[146] Letter from Qatar Ministry of Labor to Human Rights Watch, November 1, 2011, p.3.

[147] Human Rights Watch interview with Abdul H., Doha Industrial Area, May 25, 2011; Human Rights Watch group interview with seven Nepali workers in ASPIRE Zone, June 12, 2011; Human Rights Watch interview with Ajit T., labor camp near al-Khor, June 17, 2011; Human Rights Watch interview with Bhanu K., labor camp near al-Khor, June 17, 2011.

Qatar for three years, and that his construction company employed more than 5000 workers. "Three months [after I arrived], I got my first salary," he said.[148] Bhanu K., a Nepali worker, told Human Rights Watch that his company took two-months' salary as a "balance," or deposit that they would pay when he returned to Nepal.[149] Workers who do not receive their salary from the beginning of their employment must borrow money from friends or purchase items on credit in order to pay for food and other living expenses. Their recruitment debts mount as they cannot make payments and additional interest accrues, while their families go without vital support.

Other workers said their employers deducted wages to pay costs including visa fees, food, and medical insurance. Abdul M., a worker from Bangladesh who did road and construction work around Qatar, said that his company deducted 120 riyals (US$33) each month, 17 percent of his salary of 700 riyals (US$192), to pay for food.[150] Ajit T., who worked as an electrician, said that his company deducted 200 riyals (US$54) from his salary to pay for things like bedding, plates, and soap.[151] Rishi S., a Nepali construction worker who told Human Rights Watch that he was employed by a manpower company and working on the new Doha airport, said that his company deducted 100 riyals (US$27) yearly to pay for his health insurance card.[152]

Unlike the United Arab Emirates, which implemented the electronic Wages Payment System in 2009, Qatar does not require employers to pay workers electronically. Nearly all of the workers interviewed by Human Rights Watch received payments in cash, rather than through bank accounts, making it significantly more difficult to monitor whether employers paid wages as required by law. A letter from officials at the Ministry of Labor to Human Rights Watch, sent November 1, 2011, states that "Currently, the Ministry is working to eliminate the non-payment of wages in coordination with employers and the country's banks, via the payment of wages through banks. This idea has been well received by companies and institutions that employ a large labor force, and as this experiment is universalized, complaints of late or non-payment of wages will decrease."

[148] Human Rights Watch interview with Abdul M., Doha Industrial Area, May 26, 2011.
[149] Human Rights Watch interview with Bhanu K., labor camp near al-Khor, June 17, 2011.
[150] Human Rights Watch interview with Abdul M., Doha Industrial Area, May 26, 2011.
[151] Human Rights Watch interview with Ajit M., Doha Industrial Area, May 26, 2011.
[152] Human Rights Watch interview with Rishi S., labor camp near al-Khor, June 17, 2011.

The Labor Law currently requires employers to produce records proving payment of workers' salaries every six months.[153] The Ministry of Labor letter stated that "the Ministry conducts monthly inspections of all companies and institutions and audits their accounts to ensure that workers receive their wages." However, workers interviewed by Human Rights Watch reported that employers withheld their salaries, or did not pay them for months at a time. E.M., a longtime expatriate resident of Qatar who has spent years assisting migrant workers in distress, told Human Rights Watch that with workers she meets, "… there's always a payment problem. Big companies don't pay, then contractors don't pay, then subcontractors don't pay [their workers]."[154]

Housing Conditions

Most migrant construction workers in Qatar live in what are called "labor camps," or communal accommodations meant to house large groups of workers. Some companies maintain company camps, while others rent space for their workers in camps owned and maintained by another company. Human Rights Watch also interviewed workers who lived in villas—large houses subdivided to accommodate workers — and workers who slept at their work sites. While some workers said they lived in clean rooms with adequate space and good facilities, others lived in cramped, unsanitary, and inhumane conditions.

Qatari regulations on worker accommodation state that no more than four workers should be housed in a room, that space provided for each worker must be at least four square meters, and that employers should not provide "double beds" (bunk beds) for workers.[155] They require employers to provide workers with a mattress and bed coverings, an air-conditioning unit "sufficient and suitable" for the room, and a water cooler for every 20 workers.[156] However, all workers interviewed by Human Rights Watch for this report said they slept in bunk beds. At all six of the labor camps Human Rights Watch visited, rooms housed between eight and 18 workers, and some workers reported sleeping in rooms with as many as 25 other people. As N.K., an expatriate journalist who regularly covers migrant labor issues, observed, "Most of the laborers in Qatar are housed in what they call 'labor camps.' When you look at them, you will call them shanties or slums. Twenty to thirty

[153] Law No.14 of 2004, art.19.
[154] Human Rights Watch interview with E.M., Villagio Mall, May 26, 2011.
[155] Decree of the Minister for Civil Service and Residential Affairs No.18 of 2005, arts.2, 3.
[156] Ibid., art.3.

people [have to share] one bathroom. Six to 20 people live in one room. Maybe [there's] a problem with water. In some cases, the AC doesn't work at all."[157]

At one of the labor camps Human Rights Watch visited in Doha's Industrial Area, workers slept on wooden planks, rather than foam mattresses.[158] They said their employer told them he would deduct the cost of mattresses from their salary; one worker said he had been sleeping on his plywood bed for five years. Workers also complained of mold in their room, saying that the stench was overpowering. They added that at one point, their air-conditioning unit had broken and was not repaired for a full year. During that time, some of the workers slept on the roof of the building for relief from the heat. At another camp, near al-Khor, eight workers shared a room in which they said the air conditioning had not worked for two weeks.[159] Despite normal summer temperatures of up to 45 degrees Celsius (114 degrees Fahrenheit), their employer had yet to fix it.

Some workers said they lacked adequate potable water in their accommodations. Ajit M., an Indian worker living in Doha's Industrial Area, told Human Rights Watch, "We have to keep a bucket of water because we can't use the line water [from the pipes]. We had to buy the bucket from our salary. It's not clean."[160] Manor R., a worker from Nepal who lived in a remote camp near al-Khor, said, "Pure water is only available sometimes." We have to get water from another camp [and] store it."[161] According to a study by the Qatar National Human Rights Committee that surveyed 1,114 construction workers, 17.3 percent of those surveyed said that their employers did not provide drinking water at their accommodation.[162]

Health and Safety

Construction workers in Qatar are exposed to dangers including extreme heat and sun exposure, hazardous chemicals, equipment malfunctions, falls on building sites, and other work-related hazards. The Labor Law requires employers to inform workers of hazards before they begin work, to provide safety instruction, and to cover the cost of

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[157] Human Rights Watch interview with N.K., Villagio Mall, June 18, 2011.
[158] Human Rights Watch visit to labor camp, Doha Industrial Area, June 18, 2011; group interview with Bangladeshi workers.
[159] Human Rights Watch visit to labor camp, al-Khor, June 24, 2011; group interview with Sri Lankan workers.
[160] Human Rights Watch interview with Ajit M., Doha Industrial Area, May 26, 2011.
[161] Human Rights Watch interview with Manor R., labor camp near al-Khor, June 24, 2011.
[162] Qatar National Human Rights Committee, Study on the Conditions of Unskilled Labor Force in the Construction Sector in Qatar, "Executive Summary" (Doha: National Human Rights Committee, 2011), p.13. On file with Human Rights Watch.

treating work injuries as well as providing compensation.[163] The Ministry of Labor further informed Human Rights Watch that, "regarding occupational safety and health, there is a department in the Inspection Directorate tasked with inspecting occupational safety and health, which inspects factories and workplaces on a daily basis."

Qatar's Labor Law further requires employers to report workplace deaths and injuries to the Labor Department and the police.[164]

However, Qatar currently publishes no national data on workplace injuries or deaths, and the Labor Law does not require employers or government authorities to make this information publicly available. The website for Qatar's National Health Strategy, a government-published strategic plan to improve health care in the country, includes the following findings on occupational health:

> Workplace injuries are the third highest cause of accidental deaths in Qatar…. Although occupational health legislation exists in Qatar to safeguard the health of workers, many employers do not seem to be in full compliance with some of its provisions.[165]

A November 2011 letter from the Ministry of Labor, responding to our request for data on workplace fatalities, stated that "Over the last three years, there have been no more than 6 cases of worker deaths. The causes are falls."[166] The letter stated that data on worker injuries was provided as an attachment. However, Human Rights Watch received no such attachment, and the data was not provided in response to follow-up requests.

The Ministry of Labor's casualty report for a three-year period falls significantly below the number of worker deaths reported by a single labor-sending embassy in just one year. In January 2011, Gulf News reported that the Embassy of Nepal in Doha recorded the deaths

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[163] Law No.14 of 2004, arts. 99, 100, and 110.
[164] Law No.14 of 2004, arts. 48.4, 108. Article 48.4 states: "Qatar requires employers to maintain records showing all work injuries sustained by workers in their employ." Article 108 states that "if the worker dies while on duty or because of the work or sustains a work injury, the employer or his representative shall immediately notify the police and the [Labor] Department of the incident," while article 115 states that "the employer shall every six months provide the [Labor] Department with statistics of the work injuries and occupational diseases …."
[165] Qatar National Health Strategy, "Preventive health care: occupational health," available at: http://www.nhsq.info/strategy-goals-and-projects/preventive-healthcare/occupational-health (accessed October 6, 2011).
[166] Letter from the Qatar Ministry of Labor, November 1, 2011, p. 11.

of 191 Nepali workers from all causes in 2010, attributing 103 (51 percent) to cardiac arrest, though workers do not fall into the age group typically at risk of cardiac failure, and 19 to work site fatalities.[167]

Like many of the protections provided under the Labor Law, workers reported inconsistent protections despite Qatar's legal standards on workplace safety. While some workers said that their employers provided safety training before asking them to begin work, others said they received no training despite the dangers of their job. Hari S., a 30-year-old worker from Nepal, worked for a construction company that specialized in waterproofing and sealing. He said:

> The work is very dangerous. I have to wear about 50 to 60 kilos on my body and take it up to the work site on a building … there's absolutely no safety on the job. I haven't fallen off yet, luckily, but three or four of my friends have fallen from around two stories high. I just scratched my eye—the company doesn't provide safety goggles, so I have to buy [them] myself. I guess it was not good quality.
>
> I just want someone to make sure my company follows safety regulations; I never see any inspector.[168]

Imran N., a worker from Bangladesh, told Human Rights Watch that after fourteen years of working for a company that specialized in painting and plaster decor, he had developed an allergy to chemicals he mixed with paint, as well as chronic back pain. Scars covered his forearms, which he said he had gotten from working with toxic chemicals. Because he did not have medical coverage, he said, "I spent too much money in [the] hospital, [and] visited so many private doctors. I spent 2,600 riyals (US$714) for doctors. My company still hasn't paid one riyal."[169]

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[167] Habib Toumi, "Rise in Nepalese suicide cases in Qatar alarms officials," January 3, 2011, Gulf Times, available at: http://gulfnews.com/news/gulf/qatar/rise-in-nepalese-suicide-cases-in-qatar-alarms-officials-1.740253 (accessed June 6, 2012).

[168] Human Rights Watch interview with Hari S., Doha Industrial Area, June 19, 2011.

[169] Human Rights Watch interview with Imran N., area in front of labor complaints department, Doha Industrial Area, June 21, 2011.

Some workers reported that their employers blatantly disregarded risks to their health and safety, demanding dangerous tasks that they had little choice but to perform. Omar J., a worker from Bangladesh, said that he didn't receive any safety training before beginning his job laying cables and pipeline.[170] "Sometimes the job is very dangerous because we have to go 100 meters, 200 meters inside the pipe [we are working on]. Sometimes we can't get oxygen. We don't do this in front of safety inspectors, but as soon as they are gone, the company tells us, 'go, go!'"[171]

Construction workers in Qatar face high risk of heatstroke and dehydration, with temperatures reaching up to 50 degrees Celsius (122 degrees Fahrenheit) in the summer months.[172] In 2007 Qatar passed a ban on midday work between June 15 and August 15.[173] The decree prohibited outdoor work between the hours of 11:30 and 3, and required employers to provide workers with a shady place to rest. However, Human Rights Watch saw workers at work during these hours on several sites during our June 2011 visit, after the ban went into effect. While some of the workers interviewed for this report said their employers gave them a mid-day break, others said that they continued to work during these hours, even in hot summer months. [174]

Problems in the Sponsorship System

Migrant construction workers in Qatar are subject to a sponsorship (or *kafala*) system that gives employers inordinate control over workers in their employ, leaving them vulnerable to abuse and exploitation. Qatar maintains one of the most restrictive sponsorship systems in the Gulf region. Sponsoring employers have virtually unchecked authority to cancel a worker's residence visa (leading to detention and deportation), to deny permission to change jobs, or to refuse workers the exit visa required before they can leave the country. In May 2012 Undersecretary of Labor Hussain Al Mulla told local media that "the sponsorship system will be replaced with a contract signed by the two parties," and that "the contract will stipulate the rights and duties of each party and will impose specific

[170] Human Rights Watch interview with Omar J., labor camp near al-Khor, June 24, 2011.
[171] Ibid.
[172] Habib Toumi, "Qatar Sizzling as Temperatures Soar to 53 Degrees Celsius," Gulf News, July 14, 2010, available at: http://www.habibtoumi.com/2010/07/14/qatar-sizzling-as-temperatures-soar-to-53-degrees-celsius/ (accessed October 11, 2011).
[173] Ministerial Decree No.16 of 2007, on file with Human Right Watch.
[174] Human Rights Watch interview with Jay T., labor camp near al-Khor, June 24, 2011; Human Rights Watch interview with Chandu R., labor camp near al-Khor, June 17, 2011.

matters that the foreigner has to respect."[175] His announcement leaves unclear, however, how a commercial employment contract will replace Qatar's current system of immigration regulations that tie workers' residency in the country to a specific employer. Furthermore, there is no information about the specific timetable for abolishing the sponsorship system.

Having ratified ILO conventions 29 and 105 on forced labor and its abolition, Qatar is legally obligated to "suppress forced or compulsory labor," defined 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."[176] The ILO Committee of Experts explained that "menace of penalty" may be a penal sanction, or "loss of rights or privileges."[177] Such privileges include loss of legal residency status and the ability to work legally, as well as the loss of the right to return to one's own country.[178]

Human Rights Watch has repeatedly documented how the sponsorship system, which exists with some variations throughout the Gulf region, allows sponsoring employers to extract work from migrant workers under conditions that amount forced labor. Even when workers voluntarily migrate for work, they often have limited or incorrect information about their employment arrangements and restrictions on rights. Recruitment "on the basis of false promises" of "good wages and good working conditions" does not constitute voluntary consent, according to the ILO, meaning that even workers who willingly migrate to Qatar find themselves in situations of forced labor when recruiting agents deceive them about their salary or job.[179]

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[175] Habib Toumi, "Qatar may allow trade unions, scrap 'sponsorships' for foreign workers," Gulf News, May 1, 2012, available at: http://gulfnews.com/news/gulf/qatar/qatar-may-allow-trade-unions-scrap-sponsorships-for-foreign-workers-1.1016594 (accessed May 3, 2012).

[176] ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932., arts. 1 and 2. ILO Convention No. 105 concerning Abolition of Forced Labour (Abolition of Forced Labour Convention), adopted June 25, 1957, 320 U.N.T.S. 291, entered into force January 17, 1959, arts. 1 and 2.

[177] International Labor Conference, "1979 General Survey of the Reports relating to the Forced Labor Convention, 1930 (No. 29) and the Abolition of Forced Labor 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.

[178] ILO, "A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005," International Labour Conference, 93rd Session, 2005, p. 6, http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081882.pdf (accessed October 6, 2011).

[179] International Labour Organization, "Report of the Committee set up to examine the representation made by the Latin American Central of Workers (CLAT) under article 24 of the ILO Constitution alleging non-observance by Brazil of the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105)," GB.264/16/7, 1995, paras. 9, 22, 25, 61.

Qatar's immigration Sponsorship Law restricts migrant workers' ability to change jobs at will. Under Law No.4 of 2004, the Sponsorship Law, every worker who comes to Qatar must have a local sponsor who undertakes to provide employment and supervise the worker's legal stay in the country, and to provide their return ticket home upon completion of work.[180] The Sponsorship Law prohibits migrant workers from changing jobs without their employer's consent; even when employers fail to pay competitive wages, provide decent conditions, or meet the conditions of the employment contract, workers cannot simply change jobs.[181] The law requires employers to report workers who quit their job without permission for "absconding," an offense leading to their detention and deportation from the country.[182] Finally, it requires workers to secure exit permits from their employers before they can leave the country.[183]

Qatar's neighbors, Kuwait, the United Arab Emirates, and Bahrain, have all amended their sponsorship regulations so that workers can change employers without consent after working for a certain period of time under their original sponsor. Yet Qatar lags behind, with workers requiring their sponsor's permission to change jobs whether they have worked in their service for two years or twenty. Qatar remains one of just two Gulf countries, the other being Saudi Arabia, to maintain the burdensome requirement that workers obtain exit visas from their sponsors before they can leave the country.

Passport Confiscation, Freedom of Movement, and Forced Labor

Human Rights Watch found that employers' failure to secure work permits for their employees, as well as the practice of confiscating employees' passports upon arrival, restricted workers' freedom of movement under international law. The ILO has also identified confiscation of passports and other identity documents as a key indicator of forced labor.[184] Employers hold passports to keep workers from leaving without their permission and "protect their investment," since they have incurred costs that may include work permit and residence visa fees, bank guarantees, recruitment agency fees, and training costs, or to guard against finding themselves short-staffed.

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[180] Law No.4 of 2009, art.s 19, 20, 23, 24.
[181] Law No.4 of 2009, art.22.
[182] Ibid., art.11.
[183] Ibid., art.18.
[184] ILO, A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights of Work (Geneva: ILO, 2005), p. 6.

Aspire Zone

The Aspire Zone is the site of the Khalifa Stadium, a proposed site for World Cup matches included in Qatar's winning bid.[185] A Qatari company, Aspire Logistics, is responsible for "building, operating and managing" sport facilities at the Aspire Zone, according to the company's website.[186] Emiri Decree number 1 of 2008 designated it "the custodian company of the sports precinct."[187]

Human Rights Watch interviewed a group of seven Nepali workers at the Aspire Zone who said that their employer had not paid them for three-and-a-half months, and that they wanted to return home to Nepal. They said that their sponsoring employer demanded money in exchange for granting them permission to leave, and that because he held their passports, they were reluctant to quit and attempt to return home.[188] All of the workers said that they had paid recruitment fees and did not have their passports, though they said they had asked their employer to return these documents.

The workers did not claim to be in the employ of Aspire Logistics and asked us not to identify their employer for fear of reprisal. Human Rights Watch wrote to Aspire Logistics on May 15, 2012, to share a summary of our findings and invite a response to questions about its approach to labor rights issues. In a written response, Aspire Logistics stated that "companies involved in construction on-site DO have a contractual relationship with Aspire Logistics," and that "amongst the task and scope of work to be carried out, the contracts also clearly stipulate clauses protecting workers' rights, including conditions of employment, rates of pay, housing, health, repatriation, and contractors' responsibilities."[189] The company explained that it employs a third-party project manager to monitor the compliance of contractors and subcontractors with such provisions and that any violations by contractors are subject to penalty or legal sanction. It added, however, that it did not have legal control over the actions of subcontractors, whom it acknowledged in general terms may "frequently abuse workers' rights." To address such situations, Aspire Logistics's letter included new commitments to monitor subcontractors and to develop a list of approved subcontractors, as well as a commitment to conduct worker-education seminars to inform workers within the Aspire Zone of their rights under Qatar's Labor Law.

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[185] 2022 FIFA World Cup, Bid Evaluation Report: Qatar, FIFA.com, p.12, available at: http://www.fifa.com/mm/document/tournament/competition/01/33/74/56/b9qate.pdf (last accessed May 28, 2012).

[186] "About Us," AspireLogistics.qa, available at: http://www.aspirelogistics.qa/AboutUs.aspx (last accessed May 28, 2012).

[187] "FAQs," AspireLogistics.qa, available at: http://www.aspirelogistics.qa/FAQ.aspx (last accessed May 28, 2012).

[188] Human Rights Watch interview with seven Nepali workers, Aspire Zone, Qatar, June 18, 2011.

[189] Letter from Abdulaziz al Mahmoud, Director General, Aspire Logistics, May 29, 2012, p.1-2.

Vetting and educational outreach are worthwhile initiatives, but on their own the pledges contained in Aspire Logistics' letter fall short of what is needed to adequately deter abuses of workers' rights and ensure accountability for those responsible. The company did not, for example, address how it would tackle the key issue of recruitment fees for migrant workers, other than to acknowledge that the Qatari legal requirement that sponsoring employers reimburse such fees only applies for employees hired locally and that migrant workers hired from overseas enjoy no such protection. Aspire Logistics declined to endorse the specific recommendations Human Rights Watch provided on this and other issues, saying only that it would take the ideas into consideration. The correspondence is attached as part of an appendix to this report.

While Qatar's Sponsorship Law prohibits employers from confiscating workers' passports, Labor Ministry officials told Human Rights Watch that labor inspectors do not monitor passport confiscation, and showed little concern for curbing this widespread practice.[190] "The worker doesn't need the passport for any procedures," Mohammed al-Obeidly, head of the Labor Ministry's Legal Affairs department told Human Rights Watch.[191]

In a November 2011 response to follow-up queries from Human Rights Watch, Ministry of Labor officials stressed that while "employers previously held the passport of migrant workers … this phenomenon has ended after the issuance of the law on the entry, exit, sponsorship, and residence of foreigners (Law 4/2009), which requires the sponsor to return the passport to the worker after the conclusion of all necessary measures."[192]

However, workers interviewed for this report nearly universally reported that their employers continued to hold their passports. Ashok P., a worker from Sri Lanka, said that he had surrendered his passport against his will. "I am not giving [the passport] by myself. I am also fighting with them. But they are plucking it from my hand."[193] Bhawan T., a Nepali worker, told Human Rights Watch that his company held his passport, and that while he could get it back if he asked, the procedure was complicated and took time. "If we need

[190] Law No.4 of 2009, art.9 states 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"; Human Rights Watch meeting with Nasser al-Mannai, Director of Recruitment Department, Mohamed al-Obeidly, Director of Legal Affairs Department, and Salih al-Shawi, Director of Labor Relations Department, Ministry of Labor, Doha, Qatar, June 22, 2011.
[191] Ibid.
[192] Letter from the Qatar Ministry of Labor to Human Rights Watch, November 1, 2011, p. 4.
[193] Human Rights Watch interview with Ashok P., al-Khor, June 24, 2011.

[an] emergency exit [from the country], from Nepal they have to fax a letter explaining the reason, we have to show the manager, and he will then arrange passports and tickets. It takes a minimum of one week."[194]

Employers' failure to secure work permits for workers in their employ also restricted workers' freedom of movement and left them under constant threat of arrest and deportation. The Sponsorship Law requires sponsoring employers to complete residence visa procedures for their employees within three months of a worker's arrival in Qatar.[195] However, when employers fail to obtain employees' work permits, whether to avoid fees or because they neglect to complete the procedures, workers suffer the consequences.

Ashok P., a 40-year-old worker from Sri Lanka, told Human Rights Watch that he had worked for six months in Qatar, but had yet to receive his residence ID card, proving he had a valid work permit. "Forty people work for my company, [and] nobody has the *bataqa* [ID card]. [When] I ask the company [about it], the company says 'tomorrow.'"[196] Hanif K., a carpenter from Nepal, said that when his ID card expired, his company failed to renew it, and did not respond to his queries.[197] Rishav P. told Human Rights Watch that after a year-and-a-half in Qatar, he still did not have a residency card. "The company keeps promising, but I still do not have one … Without an ID card I cannot sent money home [through money transfer agencies], so I have to give money to friends and they send it to my family."[198] Workers who lacked ID cards feared leaving their labor camps and many said they did not leave for months while waiting for their employer to provide the card. "I can't go anywhere without the company's permission," said Chandan H., a Nepali worker whose employer had not provided him with an ID card. "If I go outside, the police will catch me."[199] Ajit T. said he had waited 11 months for his residence card. "If the police catch me, they will arrest me," he said.[200]

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[194] Human Rights Watch interview with Bhawan T., Doha Industrial Area, May 26, 2011.
[195] Law No.4 of 2009, art.9 states "any expatriate entering the state for residence shall first obtain the relevant visa from the competent authority. The sponsor shall accomplish the residence procedures and its renewal, provided that such renewal shall be done within 90 days from the expiry date of the visa.
[196] Human Rights Watch interview with Ashok P., labor camp near al-Khor, Qatar, June 24, 2011.
[197] Human Rights Watch interview with Hanif K., labor camp near al-Khor, Qatar, June 17, 2011.
[198] Human Rights Watch interview with Rishav P., labor camp near al-Khor, Qatar, June 24, 2011.
[199] Human Rights Watch interview with Chandan H., Doha Industrial Area, May 27, 2011.
[200] Human Rights Watch interview with Ajit T., Doha Industrial Area, May 26, 2011.

Absconding Charges and Exit Permits

Under Qatar's SponsorshipLlaw, employers must report workers who quit jobs without permission as "absconding."[201] Employers who fail to do so face heavy fines, and remain legally responsible for workers under their sponsorship. "If someone leaves [work] without my permission, I go to the absconding department," Sharif A., a construction company owner, told Human Rights Watch. "Otherwise, legally I am responsible for him every day he is here, if he makes a problem in the country. The law says I have to report this; otherwise there is a … fine."[202]

Workers whose employers report them as "absconders" become illegal residents in Qatar. Even workers who have not been paid or fleeing other abuse can be reported as absconders. "People say 'oh, they're runaways,' but they run away because they're not being paid, the promises made are not being met," said E.M., a longtime expatriate resident of Qatar who has spent years assisting migrant workers in distress. "Are they going to just sit there being victims? Or are they going to try to help themselves?"[203] "[Because of the absconding charge], we advise them not to leave," said the ambassador of one labor-sending country. "Even if they have unpaid salary for four or five months, if the employer reports them [as absconding] to deportation, the employer has reason not to pay the salary because they are illegal."

In response to Human Rights Watch's query about absconding charges, Ministry of Labor officials replied:

> [In cases of] workers who are reported by their sponsors for leaving their jobs, or in cases of employers violating the conditions of the labor contract or workers' rights, the state of Qatar has regulated the relationship between the sponsor (the employer) and the sponsee (the worker) by creating a balanced relationship that allows no scope for the preferential treatment of either one. This is done through a legal framework that specifies their rights and duties, as well as the penalties for breaches of legal regulations.[204]

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[201] Law No.4 of 2009, art.24.
[202] Human Rights Watch interview with Sharif A., May 29, 2011.
[203] Human Rights Watch interview with E.M, Villagio Mall, Doha, Qatar, May 26, 2011.
[204] Letter from Qatar Ministry of Labor to Human Rights Watch, November 1, 2011, p. 12-13.

While their response also states that workers who have been abused may have their sponsorship transferred to another employer, they state that a total of only 89 workers have received this type of sponsorship transfer during a three year period.[205] This number represents just a small fraction of the thousands of workers who file complaints.

Anyone who shelters or employs an absconding worker faces severe penalties. In August 2011 Nasser al-Sayed, head of the Interior Ministry's investigation department, reiterated the ministry's no-tolerance policy towards those who violate the law: "We implement the law that stipulates that a person who gives shelter to absconding workers or employs him or her is liable for imprisonment and payment of a sum ranging from QR [Qatari riyals] 20,000($5,490) to QR 100,000 riyals ($27,450) as fine.[206] While absconding charges mean serious consequences for workers who face them, some workers feel they have little choice but to take other jobs when employers fail to pay their salaries or violate contract terms. In other cases, employers use absconding charges to punish workers for seeking redress. A representative of Qatar's National Human Rights Committee, a government-funded human rights organization that regularly receives migrant worker complaints, told Human Rights Watch that "many times when the police or the Ministry of Labor go to investigate [absconding cases,] they find that escape reports are fabricated."[207]

Workers who wish to leave Qatar, whether for vacation or to depart permanently, must obtain an exit permit from their sponsoring employer. Thus, even workers who obtain their passports or travel documents and find money for their return airfare cannot leave the country without their employer's cooperation. "Even if the employee quits his job, the employer should issue him an exit visa," said M.T., a legal advisor who has assisted migrant workers free of charge for over 18 years. Some workers told Human Rights Watch that when they asked employers for permission to leave the country, employers refused or demanded money from them. Manoj R., a Nepali worker who had been in Qatar for 16 months, migrated to Qatar thinking he would work as a driver at a monthly salary of 1,000 riyals (US$274). When he arrived, he found that his employers expected him to work as a construction laborer for only 550 riyals (US$151). "I told my manager that I don't want to

[205] Ibid., p.12

[206] Habib Toumi, Gulf News, "Qatar keen on applying anti-absconding laws," August 22, 2011, available at: http://gulfnews.com/news/gulf/qatar/qatar-keen-on-applying-anti-absconding-laws-1.855480 (accessed August 27, 2011).

[207] Human Rights Watch interview with Hala al-Ali and representatives of the National Human Rights Committee, National Human Right Committee building, Doha, June 19, 2011.

stay in this job [so] don't renew my visa. But without my permission, the manager extended [my] visa," he said. "Now [my manager] says, if you want to leave, no problem, but you have to pay 3000 riyals (US$824)."[208]

"If the employer refuses the exit visa, then the employee approaches their embassy. Sometimes their wife is hospitalized, their father has died. This is a very bad situation," said R.N., an Indian resident of Qatar who has been assisting workers from his community for more than 25 years.[209]

"If the sponsor says no [to an exit visa], it's very difficult to get the exit visa," the ambassador of one labor-sending country told Human Rights Watch. "[The worker's] choice is to go to court, but court will take time."[210]

In May 2007 Qatar's prime minister spoke out against the exit permit system. "It is difficult to retain the exit permit system in its existing form. The system is being criticised. It is being likened to slavery," Sheikh Hamad was quoted as saying in the local media.[211] However, since that time, Qatar has taken no steps to eliminate the requirement.

Inadequate Monitoring and Redress Mechanisms

> "We don't complain because if we complain for anything, the company will punish us."[212]
>
> —Himal K., 18-year-old construction worker from Nepal

International human rights law requires governments that wish to protect workers' rights to take preventative measures to protect workers from abuse and exploitation. Critical elements of any protection scheme include effective monitoring of employers, work sites, and labor camps, as well as accessible mechanisms for timely redress. But Qatar's current system of labor inspection, as well as systems of complaints reporting and redress, fail to provide effective protection against abuse and exploitation in the construction industry.

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[208] Human Rights Watch interview with Manoj R., al-Khor, June 24, 2011.
[209] Human Rights Watch interview with R.N., Ramada Hotel, Doha, June 15, 2011.
[210] Human Rights Watch interview with ambassador of labor-sending country, Doha, Qatar, June 22, 2011.
[211] Barbara Bibbo, "Exit Permits Must End, Says PM," Gulf News, May 29, 2007, available at: http://gulfnews.com/news/gulf/qatar/exit-permits-must-end-says-qatar-pm-1.180301 (accessed October 4, 2011).
[212] Human Rights Watch interview with Himal K.,

Qatar's labor ministry has taken positive steps to inform migrant workers of their rights by publishing an informational booklet for migrant workers, and requesting local embassies' assistance in translating the information into workers' native languages.[213] Labor ministry officials informed Human Rights Watch that they have conducted "know your rights" seminars for workers, and conducted outreach through local media.[214] However, absent effective reporting and enforcement mechanisms, even workers aware of their rights can do little to seek protection.

Complaints Reporting and Inspections

Labor Ministry officials told Human Rights Watch that migrant workers should appeal to official agencies in case of abuse.[215] However, Human Rights Watch research in Qatar indicates that workers face significant obstacles and deterrents to registering complaints, and that workers turn to complaint registration mechanisms only as a last resort. Workers who report complaints must overcome a language barrier; at present, both the Labor Ministry hotline and the Labor Complaints Department provide services only in Arabic, a language rarely spoken by workers who migrate to Qatar for low-wage jobs in the construction sector.

Workers who report complaints risk immediate termination of their employment relationship, and expulsion from their accommodation. With no alternate source of income and no place to live should they complain, many workers tolerate exploitation and abuse rather than face the alternative. A June 2011 study from Qatar's National Human Rights Committee found that "in most cases, if not all, the workers usually do not submit any complaints to the concerned authorities (police, the Department of Labor, the National Commission for Human Rights…etc.) for fear of losing their jobs or expulsion or deportation from the Country."[216]

When asked how workers could seek assistance from the labor ministry if they faced difficulties, Mohamed al-Obeidly, head of the Labor Ministry's Legal Affairs Department, told Human Rights Watch, "If anyone has a problem, any complaints, by way of hotline, by

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[213] Manual of Expatriate Employees in the State of Qatar, Ministry of Labor, on file with Human Rights Watch.
[214] Human Rights Watch meeting with Nasser al-Mannai, Director of Recruitment Department, Mohamed al-Obeidly, Director of Legal Affairs Department, and Salih al-Shawi, Director of Labor Relations Department, Ministry of Labor, Doha, Qatar, June 22, 2011
[215] Ibid.
[216] Study on the Conditions of Unskilled Labor Force in the Construction Sector in Qatar, p.17.

way of email, workers can complain anytime. The hotline is to enlighten workers about their rights and obligations."[217] As described by ministry officials, the ministry hotline aims to receive workers' complaints in both English and Arabic.[218] However, when Human Rights Watch called the number provided, the employee who answered the English-language extension said she did not speak English, and that no other employees who could speak English were available.[219] "Workers don't use the hotline," said R.N., an Indian resident of Qatar who has been assisting workers from his community for more than 25 years. "If you call, to whom will you speak? [For workers,] the language is not there. If I am not speaking any Arabic or English, how can I complain?"[220]

Labor inspections provide, in theory, another precautionary measure against abuse of workers' rights. However, Qatar's labor inspections unit employs only 150 labor inspectors to monitor compliance with Qatar's Labor Law and accompanying regulations.[221] Obeidly, head of the Labor Ministry's Legal Affairs Unit, told Human Rights Watch that inspectors speak Arabic and sometimes English, but none speak languages commonly spoken by migrant workers in the country and that inspections do not include interviews with workers. "[The inspector] doesn't speak with workers so he doesn't need to speak another language," Obeidly said. "The inspection is an inspection of the company. They don't need to investigate the workers."[222] By contrast, a November 2011 letter replying to follow-up queries from Human Rights Watch stated that, "regarding the addition of interviews with workers to the inspection procedures, this measure is already in force. Article 11, paragraph 4 of Ministerial Decree 13/2005 on the regulation of labor inspection activities and measures states, "Question the employer or his representative or the worker, alone in the presence of witnesses, about any topic related to the application of the provisions of the Labor Law and its implementing decrees, in order to determine the extent of compliance with conditions mandated in these statutes."[223]

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[217] Human Rights Watch interview with Labor Ministry representatives, June 22, 2011.
[218] Ibid.
[219] Human Rights Watch call to labor ministry hotline, June 16, 2011. When the employee said she did not speak English, Human Rights Watch repeated questions in Arabic.
[220] Human Rights Watch interview with R.N., Ramada Hotel, Doha, June 15, 2011.
[221] Human Rights Watch meeting with Nasser al-Mannai, Director of Recruitment Department, Mohamed al-Obeidly, Director of Legal Affairs Department, and Salih al-Shawi, Director of Labor Relations Department, Ministry of Labor, Doha, Qatar, June 22, 2011.
[222] Ibid.
[223] Letter from Qatar Ministry of Labor, November 1, 2011, p. 8.

Without available translators or inspectors who speak languages commonly spoken by migrant workers in Qatar, it remains unclear how this measure is implemented. Without speaking to workers, inspectors have no means to accurately assess whether workers have possession of their contracts, whether they receive the wages or work the hours recorded, or whether they have faced deception, threats, or conditions of forced labor.

A 2011 incident demonstrated the faults of Qatar's current inspection regime. The Labor Law requires employers to provide on-site first-aid kits, and nurses, doctors, or a medical clinic, depending on the number of workers employed by the company.[224] It also requires employers to pay for medical treatment if their employees sustain workplace injuries, and to provide periodic medical check-ups for those involved in hazardous work.[225] However, a May 2011 article in *The Peninsula*, a local newspaper, stated that:

> …. a number of private companies … are accused of not providing medical care to their workers in violation of the labour law, and producing fake documents to prove their compliance with the legislation….[These companies] enter into fake deals with some private healthcare providers and submit copies of the so-called contracts with the labour department to show that they are abiding by the law.[226]

Because inspectors do not ask workers directly whether they have access to health care, companies could produce fraudulent documents to prove compliance, and escape detection. The practice came to light when public hospital employees noted that particular companies dropped off sick or injured workers nearly every day, and notified government authorities.[227]

Obeidly added that inspectors do not check whether workers have their own passports, though passport confiscation remains a well-known and widespread violation of Qatari law. "If a worker has this case [of passport confiscation], he should go and present a complaint," he said. However, Obeidly downplayed the importance of monitoring

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[224] Law No.14 of 2004, art.102.

[225] Law No.14 of 2004, arts. 105, 109.

[226] The Peninsula Qatar, "Cover blown off health care fraud," May 30, 2011, available at: http://www.thepeninsulaqatar.com/qatar/154143-cover-blown-off-healthcare-fraud-.html (accessed September 27, 2011.)

[227] Ibid.

compliance with the Labor Law requirement that workers keep their own passports, saying, "the worker doesn't need the passport for any procedures."[228]

Obstacles to Pursuing Redress

Qatar's current system for protecting workers relies heavily upon individual workers to present complaints of abuse or violation. However, workers reported reluctance to take this step, which many saw only as a last resort.

Qatar's Labor Complaints Department, a dispute-resolution center under the authority of the Labor Ministry, marks the first stop for workers who wish to pursue complaints against their employer. Once a worker registers a complaint with the Complaints Department, a department employee calls the worker's sponsor to request his participation in the dispute resolution process. Should the sponsor fail to appear at the Complaints Department for dispute resolution, the department refers the matter to the civil court system. Saleh al-Shawi, head of the Labor Ministry's Labor Relations Department (which oversees complaint resolution), said the Department receives around 300 complaints every month and resolves approximately 80 percent of them.[229] According to statistics the Department provided to Human Rights Watch, the Department received 6,217 complaints in 2009, 4,894 complaints in 2010, and 3,630 complaints between January and September 2011. In 2009, the Ministry referred 652 cases, approximately 10 percent of the total, to labor courts; in 2010, the ministry stated that they resolved 80 percent, and referred 335 cases, or approximately seven percent of the total, to labor courts; and between January and September 2011, they referred 292 cases, or approximately eight percent, to labor courts.[230] The Department does not publish data on complaint resolution outcomes, nor does it publish the decisions themselves. Human Rights Watch asked the government for information on how these cases were resolved, but the government did not provide a response to this question.

Workers told Human Rights Watch that they remained reluctant to bring complaints to the Labor Complaints Department because they expected that once they did so, their sponsor

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[228] Ibid.

[229] Human Rights Watch meeting with Nasser al-Mannai, Director of Recruitment Department, Mohamed al-Obeidly, Director of Legal Affairs Department, and Salih al-Shawi, Director of Labor Relations Department, Ministry of Labor, Doha, Qatar, June 22, 2011.

[230] US State Department, Report on Human Rights 2010: Qatar, available at: http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154471.htm (accessed October 7, 2010).

would terminate the employment relationship and they would no longer be able to work in Qatar. Omar J., who worked for a labor supply company in Qatar, told Human Rights Watch that he received 350 riyals (US$96)less per month than he had been promised when he migrated from Bangladesh, where he paid 270,000 taka (US$3,651) to a recruitment agent.[231] He lived in a room with 17 other workers where the air-conditioning unit had been broken for two weeks, in temperatures reaching 45 degrees Celsius (114 degrees Fahrenheit), and said his company provided the workers in his camp with spoiled food.[232] When asked why he did not report his conditions, he said, "We don't trust the Labor Department. It's useless. If we have any complaints [about] the company, the policemen [Labor Department officials] immediately contact our Qatari employer. Then once [the sponsor] finds out, he will say 'you people [are] complaining,' and will cancel [our visas.] A few people were already canceled [for complaining]."[233]

Expatriates who assisted workers in distress also emphasized that workers who brought complaints before the Labor Department faced serious impediments to doing so. "For the period after complaining, the worker will not get one single riyal [of his] salary, no food, no place to stay," said R.N., an expatriate who had helped members of his community for more than 25 years and observed companies' reactions to worker complaints. "Once they go to [the] Labor Department, the company won't keep them anymore. So they are ready to suffer [their problems, rather than going.]"[234] Qatar's Sponsorship Law makes it illegal for anyone to shelter workers who have left their employer without permission. "No one will accept [to shelter them] because then [you] would go to jail," R.N. added. "You see some people sleeping in the park. In some cases, I saw workers sleeping near their embassies."[235]

Workers who brought complaints before the Complaints Department said that they had difficulty both reporting their complaints and surviving while awaiting resolution of their grievances. Masud Y., a Bangladeshi construction worker who had spent 14 years with his employer, said that he asked to return home after he became allergic to chemicals he used in his work and began to suffer from chronic back pain. When he told his company he wanted to return home, he said that his company manager offered to cancel his visa, but refused to pay his end-of-service gratuity and ticket home, as required by Qatari law. He said

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[231] Human Rights Watch interview with Omar J., labor camp near al-Khor, Qatar, June 24,
[232] Ibid.
[233] Ibid.
[234] Human Rights Watch interview with R.N., Ramada Hotel, Doha, June 16, 2011.
[235] Ibid.

he also stopped receiving his monthly salary; at the time Human Right Watch interviewed him in front of the Complaints Department, he said he had not been paid for four months.[236]

Masud Y. added that the Complaints Department had no staff translators to assist him in reporting his complaint. Instead, he had to pay a local typing center to type his grievance in Arabic. When registering his complaint with department officials, he said, "I don't speak Arabic, and the Qatari guy doesn't understand me. There is one tea boy … he is making tea and sandwiches [there] … he translated for me. He knows some Arabic."[237] Two other workers reporting complaints said they had relied upon the same informal arrangements to register their complaints.[238]

Masud Y. added that he had run out of money, and did not know how he would continue to pursue his complaint. "This is the third time I've come back [to the Complaints Department]," he said. "Now my pocket is empty."[239]

Obstacles to Pursuing Court Cases

Human Rights Watch did not follow the progress of individual workers' legal cases through Qatar's judicial system, nor could we obtain data on legal outcomes in labor cases. However, in our research we identified some key obstacles that prevent workers from seeking judicial redress, and cause them to forfeit their legal rights. As with the Complaints Department, worker advocates and embassy officials stressed that the primary difficulty for workers who sought justice through the court system was their need to support themselves during the process: "Legally, if you have strength, place to say, some money, you can go to court," said R.N., a longtime Qatar resident who assists members of his expatriate community in distress.[240] But few workers have such safety nets, and Sponsorship Law restrictions make it very difficult for them to change jobs.

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[236] Human Rights Watch interview with Masud Y., in front of the Labor Complaints Department, Doha Industrial Area, June 21, 2011.
[237] Ibid.
[238] Human Rights Watch interview with two construction workers, in front of the Labor Complaints Department, Doha Industrial Area, June 21, 2011.
[239] Human Rights Watch interview with Masud Y., in front of the Labor Complaints Department, Doha Industrial Area, June 21, 2011.
[240] Human Rights Watch interview with R.N., Ramada Hotel, Doha, June 16, 2011.

Qatar's Sponsorship Law states that the Ministry of Interior can approve a worker's transfer of sponsorship if "there are any suits filed between the sponsor and the expatriate worker," or "in the event of abuse by the worker or as required by public interest."[241] However, such protections remain discretionary, and effectively out of reach for most workers. The Qatar National Human Rights Committee told Human Rights Watch that they regularly receive migrant worker complaints, and that they only handle claims in which they believe the worker has a valid complaint.[242] While the Committee forwards requests for sponsorship transfer to the Interior Ministry, a Committee representative told Human Rights Watch that the Interior Ministry granted only 20 percent of the sponsorship transfers they requested on workers' behalf, and rejected the remaining 80 percent.[243] "To be honest, we are not having so many positive replies."[244] In its June 2011 study on the conditions of construction workers, the Committee reported that in 2006-2007, the relevant Ministry of Interior department announced that of 1,294 applications to transfer sponsorship based on claims of abuse, the Ministry granted only 340 transfers, or 26 percent of the total number of requests.[245] In a letter dated November 1, Ministry of Labor officials informed Human Rights Watch that "the Interior Ministry, through its competent bodies, applies Article 12, paragraph 1 of Law 4/2009, which requires the temporary transfer of a migrant worker's sponsorship in the event of any cases pending before the courts between the sponsor and the migrant worker, until the case is settled, after which the fate of the migrant worker is decided in light of the court ruling. Over the last three years—2009, 2010, and 2011—there have been 100 cases in which sponsorship has been temporarily transferred."[246]

Thus, many workers who sought judicial redress had to wait without income or legal lodging while seeking resolution of their claim. The Labor Law requires employers to pay workers who have abandoned work without providing official notice or receiving permission for seven days after their last day of work.[247] In practice, even when workers try to continue work, employers often oust them from the company labor camp and cease paying their wages in retaliation for their complaint, worker advocates repeatedly told us, though no law permits suspension of a worker's salary in these circumstances. "Between lodging a complaint and

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[241] Law No.4 of 2009, art.12.
[242] Human Rights Watch interview with Hala al-Ali and other representatives of the National Human Rights Committee, National Human Right Committee building, Doha, June 19, 2011.
[243] Ibid.
[244] Ibid.
[245] Study on the Conditions of Unskilled Labor Force in the Construction Sector in Qatar, p.8.
[246] Letter from Qatar Ministry of Labor to Human Rights Watch, November 1, 2011.
[247] Law No.14 of 2004, art.67.

[a] court [judgment], it can take one year. Who feeds and lodges [the worker]?" E.M., an expatriate resident who assists workers in distress told Human Rights Watch.[248]

Advocates and embassy staff also identified court fees as an obstacle for workers seeking redress. Qatar's Labor Law states that all lawsuits filed by workers seeking redress under the Labor Law should be treated "with urgency" and exempted from judicial fees.[249] Labor Ministry officials insisted that courts should never charge workers fees in order to hear their claims.[250] However, two ambassadors from major labor-sending countries, as well as their labor attachés, identified a 500 riyal (US$137) deposit as a major setback for workers who had sought assistance from their embassies and tried to pursue court claims.[251] "We have the receipts," one told Human Rights Watch. "They require them to pay or the case will not proceed."[252] The Qatar National Human Rights Committee also found in a June 2011 report that "the worker must pay the fees of the expert estimated at between 300-500 riyals [US$82 to $137], although the provisions of the Labor Law require considering labor cases expeditiously and without court fees."[253]

"Most of the workers have been working without salary for five or six months, [so] where will they get 500 riyals?" another ambassador of a labor-sending country pointed out.[254] Embassy staff said they could not legally shelter workers at their embassies, which made it difficult to assist workers in distress. ""[Workers] find it very difficult to stay in Qatar for three to four months with no food, accommodation, or salary, [in order] to pursue their complaint," the ambassador of a labor-sending country told Human Rights Watch. "In most cases, workers … surrender their rights and go back home [after paying] their own tickets."[255] In the November 2011 letter to Human Rights Watch, Ministry of Labor officials included data showing that a total of 1,279 complaints were referred to the judiciary

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[248] Human Rights Watch interview with E.M., Villagio Mall, Doha, May 26, 2011.
[249] Law No. 14 of 2004, art. 10 states that "All lawsuits filed by workers or their heirs claiming the entitlements accruing under the provisions of this law or the service contract shall be dealt with urgency and shall be exempted from judicial fees." Labor Law, No. 14 of the Year 2004, State of Qatar, Ministry of Labor, Labor Department, official translation (2010).
[250] Human Rights Watch meeting with Nasser al-Mannai, Director of Recruitment Department, Mohamed al-Obeidly, Director of Legal Affairs Department, and Salih al-Shawi, Director of Labor Relations Department, Ministry of Labor, Doha, Qatar, June 22, 2011.
[251] Human Rights Watch interview with ambassador of labor-sending country, Doha, May 27, 2011; Human Rights Watch interview with ambassador of labor-sending country, Doha, June 22, 2011.
[252] Human Rights Watch interview with ambassador of labor-sending country, Doha, Qatar, June 22, 2011.
[253] Qatar National Human Rights Committee, *Study on the Conditions of Unskilled Labor Force in the Construction Sector in Qatar*, (Doha: Qatar National Human Rights Committee, 2011), on file with Human Rights Watch, p.8.
[254] Human Rights Watch interview with ambassador of labor-sending country, Doha, May 27, 2011.
[255] Human Rights Watch interview with ambassador of labor-sending country, Doha, May 27, 2011.

between January 2009 and September 2011, but stated elsewhere in the letter that the ministry had granted only 100 workers temporary sponsorship transfer, according to the provision of the law that requires such transfer when legal cases are pending between workers and employers.[256] The discrepancy reveals that in less than 8 percent of cases referred to the judiciary did workers obtain legal sponsorship transfer in order to pursue justice through the legal system.

[256] Ibid, p.12.

IV. Recommendations

To the Government of Qatar

In relation to the Labor Law and supporting regulations:

- Amend Qatar's Labor Law to guarantee workers' right to strike, including migrant workers, as detailed below;
- Amend Qatari law to guarantee all workers, including migrant and domestic workers, the right to free association and collective bargaining. Amend the current government proposal for a worker advocacy organization to eliminate discrimination between foreign and Qatari workers, and to allow election of foreign workers to any representative body. Ratify the International Labour Organization's Conventions No.87 and 98 on freedom of association and collective bargaining. The law should provide for the formation of independent unions free from employee and government interference, and remove provisions banning non-Qatari workers from union membership.

In relation to worker recruitment:

- Prohibit companies from doing business with recruitment agencies and subcontractors, in Qatar and abroad, that charge workers fees for travel, visas, employment contracts, or anything else. Require employers to obtain official statements from recruiting agents, in Qatar and abroad, verifying that they have not charged any workers they have recruited for the country with any recruiting fees;
- Pass new legislation requiring companies to engage in due diligence when recruiting and hiring migrant workers, including the responsibility to ensure that migrant workers have full and accurate information about jobs before migrating, and to protect workers from exploitative fees. Require companies to provide verification that they have paid such fees, and to reimburse workers when they have not. Prosecute and implement significant penalties for employers, recruiting agencies, and subcontractors that violate the law;
- Require all sponsoring employers to obtain copies of contracts signed and notarized by workers in their home country, in their native language, attesting to the terms of their employment and that they have not paid any recruiting fees. If workers have already held jobs in Qatar and are recruited in-country, contractors should provide signed and

notarized undertakings in workers' native languages that clearly state the terms and conditions of their employment. Investigate, prosecute, and penalize employers who fail to follow these practices;

- Take stronger measures to identify, investigate, and punish recruitment agencies and informal labor brokers who charge workers illegal fees, directly or indirectly.

In relation to Labor Law violations:

- Provide quantitative data on labor disputes, injuries, and deaths at construction sites, and on government action to address these issues. Investigate, prosecute, and sanction employers who fail to offer workers safety training and monitor safety conditions, or to meet Qatari safety regulations;
- Mandate payment of all wages into electronic banking accounts accessible in Qatar and sending countries, including India, Pakistan, Bangladesh, Sri Lanka, Nepal, and the Philippines. Initiate free and accessible financial literacy programs for migrant workers unfamiliar with formal banking.

In relation to the Sponsorship Law:

- Abolish the sponsorship system; allow workers to change jobs without requiring employer consent, regardless of how long they have worked for that employer, and repeal employers' power to cancel workers' visas;
- Immediately eliminate the exit visa requirement;
- Pending abolition of the Sponsorship Law, the Ministry of Interior should provide written reasons for rejecting workers' requests to transfer sponsorship, and allow the right of appeal;
- Begin monitoring and enforce prohibitions against confiscation of workers' passports. Issue a clear directive reminding employers that Qatari law prohibits passport confiscation and reiterating relevant penalties. Require employers to provide lockers in which workers can keep their passports and other personal documents.

In relation to labor inspections, complaints reporting, and legal claims:

- Improve the ability of inspectors to investigate violations of the Labor Law and health and safety regulations;

- Significantly increase the number of inspectors responsible for monitoring private sector labor, health, and safety practices so that there are enough qualified inspectors to ensure private sector compliance with Labor Law, health, and safety standards. Review at least on an annual basis the need to increase the number of inspectors;
- Ensure that worker interviews are part of routine inspections, and hire inspectors or interpreters who speak the languages most commonly spoken by migrant workers in Qatar;
- Increase the number of routine periodic spot inspections to ensure effective application of health, safety, and Labor Law provisions;
- Instruct inspectors to check, as part of routine inspections, whether workers hold their passports and a copy of their employment contract, as required by the Labor Law.

- Hire employees fluent in languages most commonly spoken by migrant workers in Qatar at the Labor Ministry complaints hotline, so that employees can effectively receive and register worker complaints;
- Provide professional, full-time interpreters at the Labor Complaints Department so that workers can effectively and fully communicate their complaints;
- Publish annual data on complaint resolution outcomes, and require the publication of written decisions describing the steps taken by officials mediating disputes, the outcomes, and the rationales leading to resolutions for all dispute resolution proceedings;
- When granting or denying workers' requests to transfer sponsorship, publish all decisions and the rationales behind granting or denying transfer. Allow for the right of appeal;
- Establish a shelter for workers who are seeking redress against employers. Repeal provisions of the Sponsorship Law that penalize those who shelter "absconding" workers. Ensure shelters meet internationally accepted standards regarding access to information, freedom of movement, and services;
- Expand public information campaigns and training programs to educate migrant workers and employers about Qatar's labor policies, with an emphasis on workers' rights and remedies. Provide campaign materials and sessions in the languages commonly spoken by migrant workers in Qatar;

- Ensure that courts reviewing labor disputes do not charge workers fees or require deposits before hearing their cases. Issue a directive clarifying that all labor disputes should be free of fees and deposits, and make this information known to local embassies, civil society groups, and worker advocates;
- Publish annual data on resolution of labor claims. Publish decisions in all labor cases;
- Investigate and prosecute employers who violate the Labor Law by withholding, deducting, or failing to pay workers' wages, or who endanger workers' health and safety by failing to meet Qatar's housing and worker safety standards. Penalize employers who withhold wages in violation of the Labor Law by requiring them not only to fully compensate workers for all wages owed, but to pay interest on back wages and damage penalties to deter this practice in the future.

In relation to the World Cup:

- In awarding World Cup-related as well as other public construction contracts, institute minimum requirements that companies awarded government contracts comply with existing law and require their subcontractors to do the same. Assess companies' human rights records, and carefully examine their plans to prevent human trafficking and forced labor for workers on their sites. Require companies to monitor conditions on their work sites and labor camps through independent labor monitors.

In relation to international legal standards:

- Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights;
- Pass domestic legislation implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

To Labor-Sending Countries Including Bangladesh, India, Nepal, Pakistan, the Philippines, and Sri Lanka

- Publicly disclose all worker injuries and fatalities recorded by embassies in Doha, as well as government action to address these issues, while respecting patients' privacy rights;

- Strengthen international cooperation with Qatar to establish strong bilateral and multilateral agreements and mechanisms to regulate and monitor migrant labor, including the imposition of recruitment fees, contract substitution, and handling complaints of repatriated workers unable to access complaint mechanisms while in Qatar.

To FIFA

- Call upon Qatari partners organizing the World Cup to obtain written commitments from developers, partners, contractors, subcontractors and their affiliates involved in the construction of World Cup facilities and supporting infrastructure that they will engage in socially responsible recruitment and employment practices, in accordance with the protections of international labor laws, as detailed in the recommendations to contractors, below.;
- In particular, follow up on the commitment by the Supreme Committee for Qatar 2022 to incorporate contractual provisions guaranteeing respect for international labor standards, and encourage that such provisions be comprehensive, enforceable and in line with internationally recognized labor rights;
- Consistent with FIFA's public commitment to engage with Qatari authorities on labor rights matters, formally raise with the Qatari government key workers' issues, including recruitment fees that workers pay and inadequate implementation of laws meant to prohibit workers from being charged such fees, restrictions that ban or effectively prohibit workers from free association, collective bargaining, and strikes, and Sponsorship Law provisions that keep workers from changing jobs or leaving the country without their employer's permission. Seek concrete commitments for legal reform on these issues;
- Request immediate and full disclosure of labor disputes, workplace injuries, and deaths on construction sites for venues of the 2022 World Cup;
- Seek independent verification that all workers employed to construct venues for the 2022 World Cup have not been the victims of wage exploitation and other abuses;
- Make public the guarantees and protections sought and obtained to protect the rights of workers in Qatar, to reassure the Qatari and international public that the World Cup 2022 will not be tainted by the currently prevalent practices of migrant worker abuse;

- Finance a public awareness campaign using mainstream media to raise consciousness about trafficking and labor exploitation, and to educate companies, countries, and football fans to these issues.

To Construction, Labor-Supply, and Other Companies Working in Qatar, Including Companies Awarded or that Win Bids to Build World Cup-Related Projects or Infrastructure

- Make public commitments to protect the rights of all workers associated with your project(s), including pledges to:
    - Take all possible steps to ensure no workers have paid fees associated with their recruitment, including obtaining notarized statements from workers verifying that they have not paid such fees, and from recruiting agents in Qatar and abroad that they have not charged such fees, and commit to reimbursing workers who have paid any such fees in contravention of local law, including if the fees were paid to labor agencies or other intermediaries;
    - Strictly prohibit the retention of workers' passports or other identity documents, including by subcontractors or intermediaries, and ensure that safe storage facilities where they can access such documents are made available;
    - Ensure that all workers receive and sign enforceable employment contracts in a language that they understand prior to their migration. Ensure on-time payment in full of workers' wages from the first month of their employment, paid into bank accounts on a no-less-than monthly basis;
    - Ensure, in view of the requirement under Qatari law that employers provide worker housing, adequate housing facilities for all workers in accordance with domestic and international standards.
- Penalize and terminate relationships with any contractors or subcontractors that continue to work with labor agencies or agents in Qatar or in labor-sending countries that charge workers fees and/or mislead workers regarding conditions of employment;
- Inform workers of their rights under Qatari law in languages that they understand, including rights to overtime rates, to minimum numbers of days off and to holidays, to extra compensation, to health and safety information, to medical care, and to appropriate accommodation;

- Regularly collect and make public data on the number and kinds of occupational injuries and accidents on worksites;
- Hire reputable independent monitors to monitor conditions of all workers employed by contractors and subcontractors on company projects. Publish annual independent monitoring reports that include remedial measures taken or planned. Remedial measures should include not only restitution but damage payments to workers to discourage future violations;
- Publicly pledge to respect workers' rights to freedom of association and collective bargaining. Ban employer interference in union activity and conduct designed to impede or prevent non-citizens from exercising their right to organize;
- In light of Qatari law that prohibits non-citizens from striking, establish conciliation and mediation procedures that lead, in the event of deadlock, to binding arbitration with sufficient guarantees of impartiality and rapidity to resolve labor conflicts, as recommended by the ILO Committee of Experts. Pledge not to cancel the work visas of workers who strike.

Acknowledgements

This report was researched and written by Priyanka Motaparthy, a former researcher with the Middle East and North Africa Division of Human Rights Watch and current researcher with its Children's Rights Division, with assistance from David Segall, an associate in the Middle East and North Africa Division. Nisha Varia, senior researcher in the Women's Rights Division, interviewed Nasser al-Hemedi, acting Minister of Labor and Social Affairs, in Geneva.

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Appendix: Human Rights Watch Correspondence with Relevant Parties

Human Rights Watch's Preliminary Findings (Sent as an Attachment to All Parties Below)

Research Findings

During two research trips to Qatar in May and June 2011, a Human Rights Watch research team conducted in-depth interviews with migrant construction workers in Qatar. We also interviewed local residents who help migrant workers in distress, representatives from four embassies of countries that send significant numbers of migrant construction workers to Qatar, local employers, local recruitment agents, and Qatari government officials.

Through our research, we found that key factors trap migrant workers in Qatar in exploitative jobs: the exorbitant recruitment fees that nearly all of the workers we interviewed had paid in order to obtain their jobs; and the restrictive *kafala* (sponsorship) system that prevents workers from changing jobs or leaving the country without a sponsoring employer's permission. In addition, there is an inadequate legal and regulatory framework to protect workers' rights. Most notably, Qatari law prohibits migrant workers from forming trade unions, in violation of these workers' rights to freedom of association and collective bargaining, and the government fails to enforce adequately current laws that, at least on paper, are meant to protect worker rights. In some cases, the exploitation and coercive circumstances in which workers found themselves amounted to conditions of forced labor or human trafficking, as defined under international law.

Recruitment Fees

Our findings indicate that many migrant workers in Qatar pay exorbitant recruitment fees (workers interviewed paid up to $3,651) to agents in their home countries or to labor brokers in Qatar in order to secure their jobs in the country. They then work for months or years to repay the cost of their journey to Qatar. Workers' indebtedness for these high fees, and the urgent need to repay them, leaves them vulnerable to exploitation including conditions that amount to forced labor. Qatari law prohibits recruitment agents based in

Qatar from charging workers fees, but is silent on the corresponding responsibility of employers to pay all recruiting fees of workers, including to agencies abroad, or to reimburse workers for such fees, and does not ban employers from doing business with recruiting agencies abroad that charge workers fees.

In addition, employers may also recruit workers directly with Ministry of Labor approval, and the law does not prohibit employers from charging workers fees or costs associated with their recruitment. Many workers reported that their employers deducted money from their salaries to pay for "visa fees" or other costs that the employer may have incurred in connection with the workers' recruitment.

Sponsorship Law

Qatar's *kafala* system prohibits migrant workers from changing employers or leaving the country without their original sponsoring employer's permission. While the sponsorship law says that workers can transfer sponsorship when they have suits pending against their employer, or with permission from the Ministry of Labor (granted at officials' discretion), both workers and those who tried to help workers in distress said that migrant workers had very slim chances of transferring sponsorship without their original sponsor's consent. A local human rights group told Human Rights Watch that 80 percent of their transfer requests on workers' behalf were denied. In addition, the *kafala* system requires workers to secure exit permits from their employers before leaving the country, posing a further threat to their freedom of movement.

Contract Issues

We also found that recruitment agents frequently deceive or misinform workers about the nature and conditions of their employment before migrating to Qatar. While the Qatari government has created a model employment contract, neither the model contract nor Qatari law protects workers against deception regarding their wages or job description, the two most common complaints we encountered. Many of the workers interviewed for our report saw no contract, or signed a contract that did not accurately reflect their salary or job description, before they left their home countries. Having incurred large debts to pay recruitment fees, and with only a remote chance of transferring sponsorship, most workers were forced to accept the employment and terms they found, whether or not they had agreed to them in advance. Even while in Qatar, many workers did not have copies of their

work contract and had received no explanation of contract terms in a language they could understand.

While Qatar's labor law and accompanying regulations require employers to pay wages on time, meet minimum housing standards, provide on-site medical care, and set standards for workers' health and safety, Human Rights Watch found that employers drastically varied in their compliance with these requirements. Common worker complaints included nonpayment or underpayment of wages, illegal salary deductions, lack of access to medical care, and employers' failure to secure work permits. Some workers interviewed for our report said that employers owed them months of back wages, while others said employers made illegal deductions from their monthly salary. Many workers reported that employers withheld between one and three months of their pay at the start of employment, as a "security deposit" to prevent them from quitting.

Housing, Health and Safety

Workers nearly uniformly reported housing conditions that did not meet Qatar's minimum housing standards, which require employers to house only four workers per room and to refrain from using bunk beds (double beds) in worker accommodations. Workers interviewed for our report slept in bunk beds (double beds) with up to 25 other workers in the same room. Workers also told Human Rights Watch they worked under unhealthy and often dangerous conditions, doing construction work on roofs or high scaffolding without safety ropes, or working in deep trenches or enclosed pipes where they risked suffocation. Qatar does not publish data on worker injuries or fatalities, and only some embassies shared this information with Human Rights Watch, making it difficult to estimate the extent to which workers risk their health or safety while carrying out construction. However, according to analysis from the Qatar National Health Strategy, a government healthcare initiative, "[Qatar has] a rate of about four to five fatalities per 100,000 workers, approximately double the rate in the European Union."

Passport Confiscation

The workers we interviewed reported that employers exercised additional control over them by confiscating their passports and through the exit visa system. Qatar's sponsorship law prohibits employers from holding workers' passports after they complete the procedures required to finalize their work visas. However, nearly all the workers

interviewed for this report said that their employers held their passports, and that they could only retrieve them with their employer's consent. In addition, under Qatar's sponsorship law, workers who wish to leave the country must secure an exit permit from their sponsoring employer. Denial or delay of exit visas proved another method employers used to control workers. Both passport confiscation and denial of free movement, including permission to exit the country, constitute forms of coercion that contribute to forced labor.

Forced Labor

In the worst cases we found, workers were subjected to forced labor, or situations analogous to forced labor, in which employers told workers they could not quit jobs that they had not agreed to perform and leave the country unless they paid their employer large sums of money. Work extracted under menace of penalty and for which a person has not offered himself voluntarily is forced labor and banned under international law.

Redress Mechanisms

Workers we interviewed who lodged labor complaints said they faced immediate termination of their employment and eviction from their accommodation. Thus workers who lodged complaints had to be prepared to give up their jobs, and forgo employment for months while seeking resolution. Workers faced severe obstacles to pursuing court cases, given the time it would take to pursue claims and their inability to legally work during that time.

Domestic Protection Gaps

Qatar has not signed key international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic, Social and Cultural Rights (ICESCR). Qatar has no minimum wage, and while the labor law allows Qatari workers to unionize, it prohibits migrant workers from joining unions. In making this distinction, the law discriminates against migrant workers in violation of international law. In addition, the fact that Qatari law prohibits migrant workers from forming trade unions violates these workers' right to freedom of association and collective bargaining, which is a core international labor right identified by the International Labor Organization (ILO). Qatar has been a member of the ILO since 1972.

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Human Rights Watch Letter to the Qatari Labor Ministry – September 26, 2011

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September 26, 2011

Mr. Mohammad Hassan al-Obeidly
Manager, Legal Affairs Department
Ministry of Labour
State of Qatar

Mr. Salih Saeed al-Shawi
Manager, Labor Relations Department

Mr. Nasser al-Mannai
Director, Recruitment Department

Dear Sirs,

Human Rights Watch wishes to thank you for meeting with our research team in Doha this June. As discussed during our meeting, we are currently preparing a report focused on the human rights of migrant construction workers in Qatar, in advance of the World Cup 2022.

We wish to share the main findings of our research in May and June 2011, and to seek additional information from your government. We also wish to offer you the opportunity to respond to our findings so that we can reflect the Qatari government's position in our report, which we plan to release in Doha in January 2012.

We look forward to receiving your response and can reflect all pertinent information received by October 31, 2011 in our public findings.

Findings

During two research trips to Qatar in May and June 2011, a Human Rights Watch research team conducted in-depth interviews with migrant construction workers in Qatar. We also interviewed local residents who help migrant workers in distress, representatives from four embassies of countries that send significant numbers of migrant construction workers to

Qatar, local employers and recruitment agents, in addition to our meeting with you at the Labor Ministry.

Our findings indicate that many migrant workers in Qatar pay exorbitant recruitment fees (workers interviewed paid up to $3,651) to agents in their home countries or to contacts in Qatar in order to secure their jobs in the country. They then work for months or years to repay the cost of their journey to Qatar. Workers' indebtedness for these high fees, and the urgent need to repay them, leaves them vulnerable to exploitation including conditions that amount to forced labor. Qatari law prohibits recruitment agents based in Qatar from charging workers fees, but is silent on the obligation of employers to pay all recruiting fees of workers, including to agencies abroad, or to reimburse workers for such fees, and does not ban employers from doing business with recruiting agencies abroad that charge workers fees.

In addition, employers may also recruit workers directly with Ministry of Labor approval, and the law does not prohibit employers from charging workers fees or costs associated with their recruitment. Many employers deduct money from workers' salaries to pay for "visa fees" or other costs that the employer may have incurred in connection with the worker's recruitment.

We also found that workers frequently receive inaccurate or incomplete information about the nature and conditions of their employment before migrating to Qatar.
While your government has created a model employment contract, which you provided to us during our meeting, neither the model contract nor Qatari law protects workers against deception regarding their wages or job description, the two most common complaints we encountered. Many of the workers interviewed for our report saw no contract, or signed a contract that did not accurately reflect their salary or job description, before they left their home countries. Having incurred large debts to pay recruitment fees, and with only a remote chance of transferring sponsorship, most workers were forced to accept the employment and terms they found, whether or not they had agreed to them in advance. Even while in Qatar, many workers did not have copies of their work contract and had received no explanation of contract terms in a language they could understand.

While Qatar's labor law and accompanying regulations require employers to pay wages on time, meet minimum housing standards, provide on-site medical care, and set standards for workers' health and safety, Human Rights Watch found that employers drastically varied in their compliance with these requirements. Common worker complaints included nonpayment or underpayment of wages, illegal salary deductions, lack of access to medical care, and employers' failure to secure work permits. Some workers interviewed for our report said that employers owed them months of back wages, while others said employers made illegal deductions from their monthly salary. Many workers reported that employers withheld between one and three months of their pay at the start of employment, as a "security deposit" to prevent them from quitting. Workers nearly uniformly reported housing

conditions that did not meet Qatar's minimum housing standards, which require employers to house only four workers per room and to refrain from using bunk beds (double beds) in worker accommodations. Workers interviewed for our report slept in bunk beds (double beds) with up to 25 other workers in the same room. The majority of workers interviewed said that their employers had not provided them with government-issued health cards that would allow them access to public hospitals and clinics for a nominal fee. While some workers said that some employers provided on-site care or would reimburse them for medical bills, others said that they had to pay their own medical expenses and some chose not to seek treatment because of the expense involved.

In the worst cases we found, workers were subjected to forced labor, or situations analogous to forced labor, in which employers told workers they could not quit jobs that they had not agreed to perform and leave the country unless they paid their employer large sums of money. Work extracted under menace of penalty and for which a person has not offered himself voluntarily is forced labor and banned under international law.

Workers' pressing need to pay off their recruitment loans combined with Qatar's sponsorship restrictions kept them in jobs to which they had not agreed, or where employers abused their rights. While the sponsorship law says that workers can transfer sponsorship when they have suits pending against their employer, or with permission from the Ministry of Labor (granted at officials' discretion), both workers and those who tried to help workers in distress said that migrant workers had very slim chances of transferring sponsorship without their original sponsor's consent. Legal provisions allowing sponsorship transfer thus offered workers little protection in practice.

Employers exercised additional control over workers by confiscating their passports and through the exit visa system. Qatar's sponsorship law prohibits employers from holding workers' passports after they complete the procedures required to finalize their work visas. However, nearly all the workers interviewed for this report said that their employers held their passports, and that they could only retrieve them with their employer's consent. In addition, under Qatar's sponsorship law, workers who wish to leave the country must secure an exit permit from their sponsoring employer. Denial or delay of exit visas proved another method employers used to control workers. Both passport confiscation and denial of free movement, including permission to exit the country, constitute forms of coercion that contribute to forced labor.

Workers we interviewed who lodged labor complaints said they faced immediate termination of their employment and eviction from their accommodation. Thus workers who lodged complaints had to be prepared to give up their jobs, and forgo employment for months while seeking resolution. Workers faced severe obstacles to pursuing court cases, given the time it would take to pursue claims and their inability to legally work during that time.

Request for Information

Human Rights Watch requests information regarding Qatari government policy as well as government data, on the following matters:

Worker Recruitment:

- What steps has the Qatari government taken to protect workers from paying exorbitant recruitment fees that leave them vulnerable to conditions of forced labor and human trafficking? Does any law or regulation require employers to take full responsibility for paying workers' recruitment fees? Does any law or regulation ban employers from working with recruiting agencies abroad that charge workers recruitment fees?

- What steps has your government taken to ensure that workers receive accurate and reliable information in a language that they understand prior to their migration to Qatar, in order to prevent situations of human trafficking? Do you require workers to sign contracts in local languages before departure from their home countries, and to have that contract verified by Qatari and sending-country officials?

Labor inspections:

During our meeting of June 22, 2011, you stated that the Ministry of Labor employers 150 labor inspectors to monitor companies' compliance with the labor law, including with regards to the conditions of Qatar's 1.2 million migrant workers.

- How many companies have these inspectors inspected in the past three years? Are the findings of their inspections made public and if so, can you provide data on their findings for the past three years? How many infractions were cited? How many companies were referred for prosecution?

- Does the Ministry of Labor have plans to increase the number of inspectors? Has the Ministry considered incorporating worker interviews into inspections?

- What steps do labor inspectors take when they discover violations? In particular,? What steps do inspectors take in case of housing violations, particularly when accommodations are unsafe or unfit for habitation? What follow-up actions do inspectors take for companies that violate the labor law or regulations?

- How do inspectors determine what companies to investigate? If workers report complaints to the Labor Complaints Department, does the ministry investigate to ensure that other employees of the same company do not face similar problems?

Health and Safety monitoring:

- What regulations has Qatar issued to protect workers' safety on work sites (apart from provisions in the Labor Law)? What type of safety training, if any, does Qatari law require employers to provide workers?

- Do labor inspectors monitor safety standards on worksites? If not, how does the government monitor and enforce health and safety standards?

- The labor law requires employers to report employees' workplace injuries or deaths to the police and the Labor Ministry. How many worker injuries and deaths were reported over the past three years? Can you provide data on worker injuries and deaths, with information on the types and causes of injuries and causes of deaths? Is data on worker injury and death publicly available?

Labor complaints resolution and court claims:

We understand that the Ministry of Labor arbitrates labor disputes through the Labor Complaints Department and, if necessary, refers them to the court.

- How many labor complaints did the Ministry receive in 2009, 2010, and thus far in 2011? Can you provide data on the nature and resolution of complaints filed over the past three years? What percentage of cases resulted in awards or restitution to employees? How many cases were referred to court?

- Can you provide data on the number of court cases filed against employers over the past three years, the number of cases dropped versus resolved, and the types of resolution achieved?

- How many cases resulted in the imposition of fines and/or prison sentences against construction companies for violating the labor law? Please provide us any information regarding the amounts of fines, or other penalties imposed.

- Article 10 of the labor law states that all lawsuits filed by workers under the labor law should be exempted from judicial fees. However, embassy officials and worker advocates consistently reported that workers had to deposit court fees or expert fees of up to 500 Qatari riyals (US$137) in order to pursue their claims. In how many labor cases were experts' fees or court deposits paid, over the past three years?

Sponsorship-related problems:

- Article 12 of Law No.4 of 2009 (the Sponsorship Law) states that the Ministry of Interior shall transfer the sponsorship of any expatriate worker on a temporary basis if there are suits filed between the sponsor and expatriate worker. How many such transfers did the Ministry of Interior authorize over the last three years? Are transfers automatically granted in all cases? If any transfers were denied, on what basis were they denied?

- Article 12 also states that the Ministry of Interior may approve the transfer of sponsorship for any expatriate worker in the event of abuse by the employer, or on a discretionary basis. How many such transfers were requested during the last three years, and how many were granted? What were the primary reasons for refusal, in cases of refusal? Does the ministry make public its decisions and the basis for its decisions? Is this decision subject to appeal and judicial review?

- How can workers whose employers have reported them as "absconding" regularize their status, in cases where employers have violated contract terms or abused their rights?

Please do not hesitate to include any other materials, statistics, or information about government actions regarding the conditions of migrant workers in Qatar that you think might be relevant. Thank you in advance for your time in addressing this urgent matter. You can reach us by contacting Priyanka Motaparthy at motapap@hrw.org, telephone +1-212-377-9420, or fax +1-212-736-1300. We look forward to being in touch as our work continues.

Sincerely,

Sarah Leah Whitson

Executive Director
Middle East and North Africa Division
Human Rights Watch

Cc: HE Sheikh Hamad Bin Jassim Bin Jabor Al Thani, Prime Minister and Foreign Minister
HE Nasser bin Abdullah Al-Hamidi, Minister of Social Affairs and Acting Minister of Labour
HE Sheikh Abdullah bin Nasser bin Khalifa Al Thani, Minister of State for Interior Affairs
HE Ali Bin Fahad Al-Hajri, Ambassador, Embassy of Qatar to the United States

Labor Ministry Response to Human Rights Watch – November 1, 2011

Proposed responses from the Ministry of Labor to the Human Rights Watch report

I. Findings

A. Workers' payment of recruitment fees

Comment:
The Labor law (14/2004) and ministerial decrees issued pursuant to it strictly prohibit any employer or labor recruitment office from receiving any fee or commission for recruiting labor for Qatar, as explicitly stated in the following provisions:

Article 33 of the labor law, which states:
A person licensed to recruit workers from abroad for others is prohibited from the following:
Receiving from the recruited worker any handling or recruitment fees, or any other costs.

Article 14 of Ministerial Decree 8/2005, which states:
The license may be revoked by ministerial decree in the following cases:
If the licensed party receives from the foreign worker any remuneration for job placement.

Article 19 of Ministerial Decree 8/2005, which states:
The licensed party is prohibited from the following:
1. Receipt from the recruited worker of any handling or recruitment fees, or any other costs.

According to the law, a person licensed to recruit workers from abroad may be a licensed recruitment office or an employer, under the provisions of Article 28 of the labor law, which does not permit the employer to recruit workers from abroad but through a licensed party, with the exception that the employer or his surrogate may recruit workers from abroad for their own employment, after receiving the approval of the administration.

The Ministry of Labor strictly enforces these provisions, as these acts are considered human trafficking, which is prohibited by laws.

The administration has received no complaint from any worker that his employer has asked him to cover recruitment costs and fees.

Regarding the levying of fees by some manpower firms in labor-exporting states, this may indeed happen because it is outside the control of the Qatari Ministry of Labor, although the Ministry does work to limit this by asking the governments of these countries to supply it with the names of licensed, authorized recruitment firms, in order to direct employers to deal with them, through meetings of the joint committees with these countries or via their embassies in Doha.

B. Inaccurate or incomplete information given to the worker about the nature and conditions of the work before travel to Qatar

Paragraph 4 of Article 38 requires the employer to specify the nature and type of work being contracted, while paragraph 7 requires him to specify the agreed-upon wage and the schedule of payment.

The worker is not granted a residency visa and work permit if his labor contract is not certified and ratified by the competent directorate and reviewed by legalists in the directorate, particularly in light of the provisions of Article 38 of the labor law. If these conditions are not met in the contract, the directorate does not ratify it and the procedures are suspended pending compliance with the conditions found in the law.
The state of Qatar is keen to comply with its legal and humanitarian obligations toward migrant workers, and it works to combat any type of coerced or forced labor.

In this regard, the state of Qatar has concluded agreements with states exporting labor to Qatar, which clearly specify the obligations of each party. These agreements state that the employer shall bear all the costs of labor recruitment, the first-time airline ticket to Qatar and the return ticket, and round-trip airline tickets for workers' annual vacations, as well as provide adequate, sanitary housing with all the necessities. The employer also commits to providing health and medical care for the worker.

Regarding workers being given accurate or full information about the conditions of work and life in Qatar, Article 5 of the standard agreement concluded with these countries

mandates that the state with which the worker is affiliated provide him with information about the nature of work and living standards in Qatar.

Moreover, the Ministry of Labor has issued a guide for migrant workers in Qatar, which contains information about the country, the worker's rights, and the obligations of the employer. This guidebook was published in both Arabic and English and distributed to all embassies in Qatar for translation into their official languages. The guide is also distributed at the Doha International Airport daily to first-time migrant workers.

II. Wages, adequate housing, health care, and safety

While employers have different obligations, the Ministry is keen to ensure they comply with the minimum standard upheld in the labor law and relevant ministerial decrees.

Regarding the timely payment of wages, the Ministry conducts monthly inspections of all companies and institutions and audits their accounts to ensure that workers receive their wages.

We also wish to stress the Minister of Labor's concern with the timely payment of wages by noting that administrative sanctions—up to the automatic suspension of all the company's transactions—are imposed on those companies that do not pay their workers' wages at the specified time. They may be also referred to the judiciary, as the non-payment of wages is considered a criminal, punishable act.

Currently, the Ministry is working to eliminate the non-payment of wages in coordination with employers and the country's banks, via the payment of wages through banks. This idea has been well received by companies and institutions that employ a large labor force, and as this experiment is universalized, complaints of late or non-payment of wages will decrease.

Regarding housing, the Ministry issued Ministerial Decree 17 detailing the conditions and specifications of adequate housing for workers. This decree set the minimum standard for sanitation and other needs, and is subject to inspection by the Inspection Directorate in the Ministry.

Regarding healthcare, it is well known that Qatar provides free treatment for all residents of the country, for a nominal fee, as treatment is subsidized by the state. The employer pays only the fee to obtain a health card, which is 100 rials annually.

Nevertheless, the law requires employees to provide medical and healthcare to workers, and it also requires employers to provide paramedic aid at the workplace, which begins at the level of a paramedic nurse and includes a clinic and doctor on staff for every 500 workers.

Thus, the statement that workers do not receive healthcare, or that they bear the costs of treatment is incorrect and false.

Regarding occupational safety and health, there is a department in the Inspection Directorate tasked with inspecting occupational safety and health, which inspects factories and workplaces on a daily basis.

Occupational safety and health are at the top of the Ministry's agenda. Cabinet Decree 16/2011 was issued establishing the National Committee for Occupational Safety and Health, which is currently working to draft a national plan for occupational safety and health.

In addition, a guide will soon be issued on conditions, safety measures, and accident-prevention in construction, by order of the Cabinet.

III. Forced labor

The Ministry has received no complaint of forced labor and it is inconceivable that such a thing exists in Qatar, as the worker may break his contract and return to his country whenever he wishes and the employer cannot force him to remain in the country against his will.

Whenever a worker turns to the competent authorities and expresses his desire to leave his job and return to his country, the Interior Ministry requires the employer to procure a return ticket for the worker. If the worker has a complaint against the employer regarding his wage or other entitlements, the worker is referred to the competent labor court to hear

his claim. In this case, the Interior Ministry gives the worker temporary residence pending the conclusion of his suit. If the employer is proven to have acted arbitrarily, the Interior Minister may grant the worker permission to transfer his sponsorship to another employer.

Article 45 of the labor law also explicitly states that the worker shall not be tasked with any work not agreed upon.

It should be noted that employers previously held the passport of migrant workers, but this phenomenon has ended after the issuance of the law on the entry, exit, sponsorship, and residence of foreigners (Law 4/2009), which requires the sponsor to return the passport to the worker after the conclusion of all necessary measures.
In order to protect migrant workers from any arbitrary measures by employers, and assuage the worker's fear of filing a complaint, the Ministry established a hotline to receive workers' complaints or report any violations of the law, or to inquire about any issues related to legal or contract rights. The Ministry responds directly. In the case of a complaint, the name of the complainant is not disclosed and the company is referred to the Inspection Directorate for inspection, to investigate the violations reported in the complaint.

In this regard, the Ministry has received numerous inquiries and complaints from employers and workers alike and has responded to them, which has saved much time and effort.

IV. Request for information

Worker recruitment

What steps is the Qatari government taking to protect workers from paying excessive recruitment fees that make them vulnerable to conditions of forced labor and human trafficking? Are there any laws or regulations that require employers to take full responsibility for labor recruitment fees? Is there any specific law or regulation that prohibits employers from cooperating with employment offices abroad that demand placement fees from workers?

Qatari laws do not permit charging the worker any fees, excessive or not. The law requires the licensed party "whether a recruitment office or an employer or his surrogate" to refrain from levying any fees or costs on the worker. These fees are well known and include the fee for the recruitment office, fees for visas and work permits, the labor contract, and the price of a plane ticket.

Whenever the Ministry receives a complaint that the worker has paid these fees, it revokes the license and requires the offender to reimburse the worker, whether it was an employer or the recruitment office, under Article 33 of the labor law (Law 14/2004) and Article 14 of Ministerial Decree 8/2005, which permits the Minister to revoke the license in the event that the licensed party accepts any remuneration from the worker for job placement.

As we noted above, the person licensed to recruit workers from abroad may be the employer himself or an authorized employee. In this case, he is bound by the provisions of Article 33 of the labor law.

We also note that Qatar has concluded bilateral agreements with all countries that export labor to Qatar. These agreements have been concluded between the government of Qatar and the governments of other countries, and are ratified by royal edict. In turn, they have the force of law and are obligatory for employers. Article 8 paragraph (a) states that the employer bears all costs of the worker's travel from his country to the workplace in Qatar when coming for the first time and his return expenses. The employer also bears the cost of the worker's round-trip journey during the vacation specified in the labor contract.

There is no law prohibiting transactions with foreign manpower supply offices and it is unlikely that such a law will be issued. But recruitment offices are directed to deal with manpower supply offices approved by the ministries of labor in these countries. In joint-committee meetings between the Qatari Ministry of Labor and its peers in other countries with which it has concluded agreements, names are supplied for authorized manpower supply offices, as well as the names of approved medical clinics where the necessary medical tests can be conducted before the worker travels.

Despite all these protections, there may exist some ailing souls who seek to exploit the need for labor. We emphasize that Qatar laws are strict and are actively enforced.

What steps is the government taking to ensure that workers receive accurate, verified information in a language they understand before they migrate to Qatar, in order to avoid cases of human trafficking? Do you require workers to sign contracts in a language they understand before they leave their countries, and for Qatar officials and officials in the exporting country to authenticate these contracts prior to this?

1. The first step taken by Qatar to ensure that workers receive accurate, verified information in a language they understand before they migrate to Qatar is that it issued a guide for migrant workers, in both Arabic and English, and sent it to embassies of labor-exporting countries for translations into their language. The Ministry has also distributed the guide at the Doha airport and supplies first-time migrant workers with a copy of it. It contains information about Qatar and obligations under the labor law written in a clear, simple manner.

2. Qatar has signed bilateral agreements with labor-exporting countries that include the basic rights of the worker and the obligations of the employer. Appended to it is a labor contract template representing the minimum standard for the parties to the agreement. The agreement and contract are drawn up in three copies, in Arabic, English, and the language of the exporting country, and they all have evidentiary force. In case of a dispute, the English-language text is the reference.

Article 4 of these agreements states that employment offers must include the type of qualifications, experience, and expertise required and the expected duration of work. They must also include a detailed explanation of work conditions, particularly wages, severance pay, the training period, and other living conditions.

Article 5 of the agreement requires the exporting state to take all necessary measures to facilitate medical exams and the issuance of passports or travel documents for workers, as well as supply them with information about work conditions and the cost and standard of living in Qatar.

Labor contracts approved by the Ministry of Labor are no different than the standard labor contract appended to the labor agreements, and it is translated into the local language. As such, it can be assumed that the labor contract is understandable to the worker. The labor agreement specifies two types of contracts. The first are those contacts concluded inside

Qatar, which require the approval of the Qatari Ministry of Labor and the Doha embassy of the labor-exporting country. The other type is that concluded in the exporting country. This must be approved by the Ministry of Labor in the exporting country and the Qatari embassy in the country.

Some embassies of labor-exporting countries may be lax in reviewing contracts concluded with workers, using the approved copy of the standard labor contract, for one reason or another, but the Ministry of Labor in Qatar reviews all contracts and does not approve any contract that violates the approved standard model appended to the labor agreement, unless it provides the worker with more preferable conditions.

Labor inspection

How many companies did these inspectors examine over the past three years? Have the findings of inspections been publicly released? If yes, could we review the findings of inspections over the last three years? How many violations did inspectors find? How many companies were referred to the courts?

Table 1, attached below, shows the inspection data for 2009 through September 2011, including the number of inspection visits, and the reason and type of inspection (periodic, surprise, pursuant to a complaint).

The Ministry publishes the findings of inspections in the daily newspapers.

Does the Ministry of Labor have plans to increase the number of inspectors? Is the Ministry considering adding interviews with workers to existing inspection procedures?

When the labor law (Law 14/2004) went into effect, the inspection apparatus consisted of a department in the labor directorate of the Ministry of Labor. Following Royal Decree 35/2009 on the organizational structure of the Ministry of Labor, the inspection agency became the Inspection Directorate, a natural development given the increased responsibilities entrusted to it. The Labor Inspection Directorate is comprised of two major departments: the labor inspection department and the occupational safety and health inspection department. The number and quality of inspectors is expected to increase in the future in accordance with the expansion of business and enterprise in Qatar.

Regarding the addition of interviews with workers to the inspection procedures, this measure is already in force. Article 11, paragraph 4 of Ministerial Decree 13/2005 on the regulation of labor inspection activities and measures states, "Question the employer or his representative or the worker, alone in the presence of witnesses, about any topic related to the application of the provisions of the labor law and its implementing decrees, in order to determine the extent of compliance with conditions mandated in these statutes."

Paragraph 5 of the same article states, "Discuss the best means with employers and workers, alone or together, to facilitate the application of the provisions of the law and its implementing decrees, and to alleviate the difficulties precluding this, especially regarding ignorance of these provisions."

What steps do labor inspectors take when they discover violations? Specifically, what steps do inspectors take when they discover violations of housing conditions, particularly when the housing is unsafe and unfit? What measures are followed by inspectors regarding companies that violate the law or labor regulations?

Both the labor law (Law 14/2004) and Ministerial Decree 13/2005 on the operation of labor inspection regulate the procedures the inspector must follow pursuant to the authority vested in him by law as follows:

If the labor inspector discovers any violation, he takes the following steps:

1. Advises and directs the employer or his representative how to rectify the violation.

2. Warns the employer to rectify the violation and specifies the type of violation and the period in which he is required to rectify it, with a period ranging from two weeks to one month depending on the number and nature of violations and the number of workers affected.

3. Files reports documenting violations and submits them to the directorate for the appropriate action.

4. Asks the employer or his representative the reason for the violation that he witnessed and faithfully records the response in the file.

5. Clearly explains the violation, mentioning the compliance articles and the penalty.

6. States the name and number of workers affected by any previous violations committed by the employer if the conditions warrant it.

7. Notes the dates of the initial visit, the warning of the violation, and the re-inspection.

In the case of a grave violation that may cause imminent or possible harm to the staff or worker safety, the inspector writes up the violation and submits it to the directorate for immediate action, which may involve the partial or entire closure of the facility, or the suspension of the use of certain machinery or equipment. The suspension or closure order shall be issued by the Minister of Labor pursuant to the recommendation of the Inspection Directorate.

Regarding housing violations, the same measures are taken. If the housing is unsafe, swift measures are taking to force the employer to close the housing and replace it with safe housing, without delay or excuse.

Given that the provision of adequate housing is linked to permits to recruit workers from abroad, the company or institution that does not provide housing in advance is not given a license to recruit workers from abroad. This is coordinated by the Permanent Recruitment Committee, the Employment Directorate, and the Labor Inspection Directorate. The company is inspected before it is granted a license to recruit workers to ensure that it is prepared to provide adequate housing to workers upon their arrival in Doha.
How do inspectors choose the companies subject to inspection? If workers send a complaint to the complaints department in the Ministry of Labor, does the Ministry investigate to ensure that other employees at the same company are not experiencing the same problems?

Inspections are carried out based on the plans of the Inspection Directorate to inspect all companies and institutions subject to the labor law, including both periodic and surprise

inspections. Repeat visits are made to companies in violation until it is certain that the violation has been rectified.

An inspection may also be carried out based on a referral from the Employment Directorate or the Labor Relations Directorate, if they receive a report of violations in a company or institution.

Certainly, if the Ministry or the competent directorate received a complaint or report from anybody, the Ministry refers the matter to the Inspection Directorate to investigate the subject of the complaint and ensure that the company is complying with the labor law and labor regulations.

Health and safety oversight

What regulations has Qatar issued to protect the safety of workers in the workplace? Regardless of the provisions of the labor law, what, if any, safety training are employers required by law to provide to workers?

1. The National Committee for Occupational Safety and Health was created under Cabinet Decree 16/2011. It is composed of representatives from all competent ministries and government agencies, as well as employer and worker representatives. Its objectives include drafting a national policy for occupational safety and health and monitoring its implementation in coordination with the Ministry of Labor. A deputy minister heads this committee.

2. In its meeting of July 2, 2008, the Cabinet issued Decree 24/2008 adopting provisions and protocols of ILO treaties on occupational safety and health when preparing any national legislation.

3. Qatar is working to issue a guide on safety conditions and measures and the prevention of construction accidents.

4. The Ministry of Labor has signed and complies with the principles of the Seoul Declaration and the Istanbul Declaration regarding a culture of prevention and safety in the workplace.

Regarding training, Article 99 of the labor law requires the employer or his surrogate to inform every worker of job risks when starting his service and any developments thereafter, as well as to inform him of preventive measures to mitigate risks. The employer is required to post in a visible place detailed directives on occupational health to protect workers from dangers they may face on the job.

Article 5 of Ministerial Decree 20/2005 on precautions and conditions to be provided in workplaces to protect workers and trainees from work hazards states that the employer or his surrogate must provide workers with clothing and tools and train them on their use.

Do labor inspectors exercise oversight over safety standards in the workplace? If no, how does the government monitor and enforce health and safety standards?

Yes, labor inspectors exercise oversight of safety standards in the workplace. There is a special department of occupational safety and health in the Inspection Directorate.

The labor law requires employers to inform the police and the Ministry of Labor of any employee injuries or deaths in the workplace. How many worker injuries and deaths have been reported over the last three years? Can we see the data on worker injuries and deaths as well information on the causes of death? Is data on workers injuries and deaths available in medical records?

Over the last three years, there have been no more than 6 cases of worker deaths. The causes are falls. We include data on workplace injuries and accidents in Table 2.

Resolution of labor complaints and court cases

How many labor complaints did the Ministry of Labor receive in 2009, 2010, and thus far in 2011? May we see data and resolution information on complaints documented over the last three years? In what percentage of cases were employees compensated? How many cases were referred to the courts?

2009: 6,217 complaints
2010: 4,894 complaints

January to September 2011: 3,630 complaints

Do you have information on the number of suits filed against employers over the last three years, and information about the number of closed or resolved cases, and the type of resolutions reached?

The number of cases referred to the judiciary by the Labor Relations Directorate over the last three years is as follows:
2009: 652 complaints
2010: 335 complaints
2011: 292 complaints

Complaints are resolved through the Labor Relations Directorate. The employer and worker are summoned and the relevant legal points are explained to both parties, as well as the rights owed to the worker by the employer. In most cases, the parties are convinced by the viewpoint of the directorate. The information noted above includes those cases resolved and others referred to the judiciary.

Problems with the sponsor system

Regarding the first inquiry on the Interior Ministry's responsibility for the temporary transfer of the migrant worker's sponsorship in the event of suits or cases between the worker and his sponsor, under Article 12 of Law 4/2009 regulating the entry, exit, residence, and sponsorship of migrants, the Interior Ministry, through its competent bodies, applies Article 12, paragraph 1 of Law 4/2009, which requires the temporary transfer of a migrant worker's sponsorship in the event of any cases pending before the courts between the sponsor and the migrant worker, until the case is settled, after which the fate of the migrant worker is decided in light of the court ruling. Over the last three years—2009, 2010, and 2011—there have been 100 cases in which sponsorship has been temporarily transferred, as noted in the appendix, which shows the cases in which temporary residence was granted pursuant to the application of Law 4/2009.

Permission to temporarily transfer sponsorship is not automatic, but is given only after a full review by the Human Rights Directorate, the competent body, whose report is forwarded to the State Minister for Interior Affairs for the appropriate decision.

Regarding the second question, on the authority of the Ministry to approve a change in sponsor for any migrant worker if he faces arbitrary treatment by his sponsor, under Article 21, paragraph 2 of the law, the Human Rights Directorate is the competent body in the Interior Ministry that applies this statute regarding any requests from a migrant worker to permanently change sponsors, if indeed arbitrary treatment is proven, and this based on clear standards established in coordination with the Labor Directorate and the National Human Rights Committee. Over the last three years—2009, 2010, and 2011—there have been 89 cases in which a migrant worker has permanently changed sponsors, as noted in the appendix, which shows the cases in which permission was granted to change sponsors due to arbitrary behavior, pursuant to the application of Law 4/2009, to the exclusion of regular cases of the transfer of sponsorship.

Regarding the rejection of some requests in these cases and the reason for their rejection, this is because no incidents were established that constitute arbitrary conduct. The Ministry implements court rulings ordering the transfer of sponsorship in cases where such rulings are issued.

Regarding the third question on the resolution of the status of workers who are reported by their sponsors for leaving their jobs, or in cases of employers violating the conditions of the labor contract or workers' rights, the state of Qatar has regulated the relationship between the sponsor (the employer) and the sponsee (the worker) by creating a balanced relationship that allows no scope for the preferential treatment of either one. This is done through a legal framework that specifies their rights and duties, as well as the penalties for breaches of legal regulations. This is illustrated in most of the provisions of Law 4/2011 regulating the entry, exit, residence, and sponsorship of migrants, for example in the provisions of Articles 12 and 57/4. This balance in reciprocal rights and duties is also embodied in detail in the labor law (Law 14/2004).

We would like to note that according to the rules of legal and judicial proof, establishing that either party to the labor relationship (the sponsor or the sponsee) has breached the obligations and conditions of the labor contract is a matter for the competent labor court. Until the dispute between the sponsor and sponsee is resolved by the court, which takes a certain amount of time under regular judicial procedures, the worker will have been

suspended from work by his sponsor, his financial resources stalled, and his livelihood lost.

To overcome this difficulty, the state and particularly the Interior Ministry, as the competent body on matters of sponsorship transfer, created new legal statutes under which the worker's sponsorship may be temporarily transferred pending the resolution of the dispute with his sponsor, in order to enable him to care for himself and his family. The Ministry had applied these measures for some time, until they were legalized in Law 4/2009 regulating the entry, exit, residence, and sponsorship of migrants, according to the provisions of Article 12 of the law.

Based on the foregoing, it is clear that Qatar, represented by the Interior Ministry, resolves and amends the status of workers in legal, work-related disputes with their sponsors as a result of which the worker is suspended from work. This is done until the dispute is resolved as discussed above. These measures do not distinguish or discriminate between workers subject to the labor law and domestic workers and other similar categories who are not subject to it.

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Human Rights Watch Letter to the Qatar Supreme Committee – May 15, 2012

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May 15, 2012

Hassan Abdullah Al-Thawadi
Secretary-General
Supreme Committee for Qatar 2022
Via Fax: +

Dear Mr. Mr. Al-Thawadi,

I am writing to you on behalf of Human Rights Watch to raise our concerns about workers' rights in advance of the 2022 FIFA World Cup in Qatar. We also wish to inquire about steps the Supreme Committee for Qatar 2022 has taken or plans to take to ensure that all public and private entities involved in construction related to the 2022 World Cup fully uphold human rights, including labor rights, in keeping with the obligation of the government of Qatar to protect human rights and the widely-recognized principle that businesses also have a responsibility to respect human rights. We have written the government of Qatar, including His Highness the Emir as well as the Minister of Labor, regarding our concerns and are writing to you as well in view of your key role as the local organizing committee for the 2022 World Cup.

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf states, for many years. In previous reports, we have documented widespread abuse of migrant workers' rights arising from restrictive immigration policies, heavy migration and recruitment fees, a lack of legal protections in countries of employment, and inadequate enforcement of those protections that do exist. We have urged reform of government policies and practices that

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enable workers' rights abuses in these countries, and have likewise called for private actors to ensure that they uphold and respect workers' rights.

Human Rights Watch is currently preparing a report on the conditions of migrant workers in Qatar's construction industry, in light of the extensive construction needed to provide facilities and infrastructure for the 2022 World Cup. We have enclosed a summary of relevant research findings from our upcoming report for your reference. Our research examined the construction industry as a whole, and found that abusive practices of the kind we have documented elsewhere in the Gulf are also prevalent in Qatar. As described in the enclosed summary, we found that key factors trap migrant workers in Qatar in exploitative jobs: the exorbitant recruitment fees that nearly all of the workers we interviewed had paid in order to obtain their jobs; and the restrictive *kafala* (sponsorship) system that prevents workers from changing jobs or leaving the country without a sponsoring employer's permission. In addition, there is an inadequate legal and regulatory framework to protect workers' rights. Most notably, Qatari law prohibits migrant workers from forming trade unions, in violation of these workers' rights to freedom of association and collective bargaining, and the government fails to enforce adequately current laws that, at least on paper, are meant to protect worker rights. In some cases, the exploitation and coercive circumstances in which workers found themselves amounted to conditions of forced labor or human trafficking, as defined under international law.

We are aware that earlier this year Qatar's Supreme Committee 2022 awarded CH2M HILL the World Cup 2022 program management contract. We note that, as described in the company's announcement of this contract, "Qatar 2022 Supreme Committee has direct responsibility for building competition venues which includes the proposed stadiums and training sites while maintaining a coordination role for non-competition venues required by FIFA, in addition to major infrastructure works such as the New Doha International Airport and the proposed nationwide metro network." We thus understand that the Supreme Committee has arranged for CH2M HILL to act on its behalf to oversee construction of the facilities to be used for World Cup 2022. We are aware that multiple tenders for World Cup projects have been issued since the appointment of CH2M HILL as the program management consultant to the Supreme Committee.

While few World Cup-related construction projects are underway at this stage, we wish to draw your attention to the fact that we interviewed construction workers at two locations where facilities are under construction or undergoing renovation in connection with Qatar's preparations for the World Cup who alleged that their rights were not respected. We are in the

process of writing to relevant companies regarding those allegations and thus have not detailed them here.

We are aware that Emiri Decree No. 27 of 2011 establishing the Supreme Committee for Qatar 2022 provides that it "aims to achieve the best conditions to organize and accomplish World Cup 2022" and that its tasks, among others, include working to create "an enabling environment to organise and accomplish the World Cup 2022 in all legal, regulatory, physical, social and economic development aspects." We have noted with interest your public pledge, made during your January 17 2012 address at Carnegie Mellon University in Qatar, that "there are labor issues here in the country, but Qatar is committed to reform. We will require that contractors impose a clause to ensure that international labor standards are met."

On that basis, we would like to take this opportunity to open a dialogue with you about human rights concerns in relation to migrant workers in the construction industry in Qatar. Particularly in light of the Supreme Committee's key role in relation to World Cup-related construction in Qatar, we hope to engage with you to ensure that the rights of migrants working on those projects are adequately protected. We would appreciate your response to the following questions, as well as any additional information you wish to provide. Please note that we are also writing to CH2M HILL with similar questions that also address its corporate commitments addressing labor rights.

- We would welcome details on how you will implement your public pledge to ensure that World Cup construction contracts include provisions requiring that international labor standards be met. For example, will this commitment cover only the construction projects the Supreme Committee undertakes directly to award or also those projects for which it supervises construction? Will it require that such provisions be appended to previously agreed contracts, as well as incorporated into future ones? How it will monitor for compliance, and what penalties will it impose penalties on any actors found not to uphold workers rights? We would also appreciate any information on the content of the labor standards to be incorporated into contracts, to verify that they fully reflect the fundamental labor rights defined under the core conventions of the International Labor Organization and would adequately cover the range of abusive practices we have documented in the construction industry in Qatar.
- Human Rights Watch found that many of the construction workers we interviewed had inaccurate information about their jobs before arriving in Qatar, and very few had

signed contracts written in a language that they could understand that matched the conditions they found upon arrival. In the worst cases, recruitment agents' deception and the disparity between what workers had been promised and what they found amounted to conditions of human trafficking. Given the key role of the local organizing committee, including to "creat[e] an enabling environment to organise and accomplish the World Cup 2022 in all legal, regulatory, physical, social and economic development aspects," what concrete steps has the Supreme Committee taken, or do you plan to take, to ensure that migrant workers employed on World Cup-related projects in Qatar have been recruited in a manner that protects their rights? For example, what steps will you take to ensure that workers have accurate and complete information about their jobs, salaries, and benefits in a language they can understand prior to their migration?

- Human Rights Watch identified the huge recruitment fees workers pay, and the debts they incur to cover migration costs, as a key factor keeping them in jobs even when employers abused their rights. In the worst cases, employers' failure to pay workers' wages, combined with their grave need to pay off their loans, kept them in conditions that met the definition of forced labor under international law. Nearly all of the construction workers we interviewed paid recruitment fees in their home countries. Given that forced labor is banned under international law as well as Qatari law, what is your approach to addressing worker payment of recruitment fees? For example, will the Supreme Committee take steps to ensure that the companies receiving contracts for World Cup-related construction reimburse workers in cases where they have paid fees? If so, please describe.

- Please share any relevant information on the Supreme Committee's plans or existing approach in relation to other issues arising in our research and described in the attached summary of findings.

In light of our research documenting the prevalence of abusive conditions for workers in Qatar's construction industry, we strongly encourage all companies in that industry, as well as the Supreme Committee itself, to publicly pledge to respect the rights of all workers associated with their projects and to undertake concrete measures to prevent, mitigate and address abuses of worker rights. The specific measures we recommend include action by all relevant actors to:

- arrange for independent monitoring of workers' conditions on their projects or projects under their supervision, and issue public reports on workers' conditions, including worker injuries and deaths;
- provide proof that no workers have paid fees associated with their recruitment and commit to reimbursing workers who have paid any such fees in contravention of local law, including if the fees were paid to labor agencies or other intermediaries;
- strictly prohibit the retention of workers' passports or other identity documents, including by subcontractors or intermediaries, and ensure that safe storage facilities where they can access such documents are made available;
- ensure that all workers receive and sign enforceable employment contracts in a language that they understand prior to their migration; ensure on-time payment in full of workers' wages from the first month of their employment, paid into bank accounts on a no less than monthly basis;
- and, in view of the requirement under Qatari law that employers provide worker housing, ensure adequate housing facilities for all workers in accordance with domestic and international standards.

We would welcome a reply, and your willingness to make the pledges outlined above, at your earliest convenience in order to reflect the Supreme Committee's position on these important issues in our work on the 2022 Qatar World Cup. In order to reflect your position in our upcoming report, we would ask for a written response by May 29, 2012. We also welcome the opportunity to discuss these issues in more detail in person in the near future. We will be in Qatar from May 21 to 24, and again from June 9 to 12, and would welcome a meeting during either of these visits. You can reach us by contacting my colleague David Segall at segalld@hrw.org, or by telephone at +1-212-216-1824.

Sincerely,

Sarah Leah Whitson, Executive Director
Middle East and North Africa Division
Human Rights Watch

Attached: Summary of Research Findings

Qatar Supreme Committee Response to Human Rights Watch – May 29, 2012

اللجنة العليا لقطر ٢٠٢٢
QATAR 2022 SUPREME COMMITTEE

29 May 2012

Ref: Q2022/SG/NAK/2905301

Ms. Sarah Leah Whitson
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York
NY 10118-3299
USA

Dear Ms. Whitson,

On behalf of the Qatar 2022 Supreme Committee, I would like to thank you for your letter dated May 15, 2012 concerning workers' rights in advance of the 2022 FIFA World Cup in Qatar.

We were concerned to read your letter, and take these allegations seriously at the highest levels of Government. In particular we are concerned that in relation to the World Cup related projects which we can control, the tournament should be a positive force for change in terms of labor rights in the Gulf region.

Therefore we are keen to accept the offer of a dialogue. We would like to discuss the matters raised in your letter with your representatives at the soonest with a view to establishing a relationship of close cooperation between our two organizations.

These discussions would complement the work already underway within the Supreme Committee to draft and implement employee / workers rights policies throughout the organization. This work is being overseen by our Policy Committee which will ensure that throughout all activities engaged in by the Qatar 2022 Supreme Committee, the rights of employees/workers are front of mind, conforming to and surpassing international standards.

Our overarching legacy commitments specify precise human and social goals that include improving safety and security and improving construction workers standards. The sentences below are extracted from the Supreme Committee's three-year strategic plan and legacy framework:

'Improved construction worker standards: Improved enforcement and monitoring of appropriate living and working conditions for construction workers. Increase in the level of skills and training provided to workers to enable delivery of high quality facilities and leave a lasting personal legacy.'

'Establish minimum standards and commitments for all workers involved with Qatar 2022 (for example on living conditions, working hours, pay, training, health and safety) and provide information on these commitments in multiple languages.'

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اللجنة العليا لقطر ٢٠٢٢
QATAR 2022 SUPREME COMMITTEE

We do realize that there is much work to be done. When we announced our intention to bid for the rights to host the FIFA World Cup, our mission was not merely limited to staging a successful football tournament. Of equal importance to us was the opportunity that hosting such an event would provide for the acceleration of positive change in our country, with particular regard to the areas of human and social development. We will work closely with other Government departments (the Ministry of Labor and the Human Rights Bureau at the Ministry of Foreign Affairs), who, like the Supreme Committee, are committed to improving the conditions and rights of migrant workers, ensuring that they are treated with dignity and respect, and providing a safe and secure working environment.

The Supreme Committee will play its part in ensuing change – it is firmly committed to ensuring that migrant workers engaged on projects relating to the 2022 FIFA World Cup do so in an environment that meets or exceeds international standards. In light of this, we are currently in the process of determining the requirements that companies competing for contracts relating to the work of the Qatar 2022 Supreme Committee must adhere to concerning living and working conditions for migrant workers.

The State of Qatar is fully engaged in addressing the issues your organization raises. The Ministry of Labor is working to institute an elected, independent workers union. The Ministry has also proposed an alteration to the sponsorship (Kafala) system. These proposals have been approved by the Council of Ministers and await approval from the State's Royal Offices. The State has demonstrated its commitment and our hope is that the FIFA World Cup in 2022 will act as a catalyst to accelerate the processes that have already begun.

We can't unfortunately meet from 9-12 June as we have a longstanding prior commitment with UEFA (Union of European Football Associations), but we would be keen to meet as soon as possible as we treat this issue with utmost urgency. In the spirit of dialogue, we would hope this does not compromise the timing of the publication of your report – but would also like confirmation of the date of publication, and that we may see a copy prior to publication, in order that we can address any factual inaccuracies or concerns.

Winning the rights to host the 2022 FIFA World Cup has provided our country with a vehicle to accelerate progress, whether in labor or in other areas of development. We highly welcome this as it will only instigate and drive forward the positive change that we are striving to achieve. We look forward to meeting with your representatives and hope that a strong relationship between our organizations can assist in ensuring that the 2022 FIFA World Cup in Qatar leaves behind a positive human and social legacy for our nation and region.

Sincerely,

Hassan Al Thawadi
Secretary General

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Human Rights Watch Letter to CH2M HILL – May 15, 2012

HUMAN RIGHTS WATCH

HRW.org

May 15, 2012

Lee McIntyre
Chairman and Chief Executive Officer
CH2M HILL
CH2M HILL World Headquarters
9191 South Jamaica Street
Englewood, CO 80112
USA

Via Fax: + 1-720-286-9250

Dear Mr. McIntyre,

I am writing to you on behalf of Human Rights Watch to raise our concerns about workers' rights in advance of the 2022 FIFA World Cup in Qatar. We also wish to inquire about steps CH2M HILL has taken or plans to take to address such matters in keeping with the widely-recognized principle that businesses have a responsibility to respect human rights, including labor rights, and in line with the company's own human rights commitments.

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf states, for many years. In previous reports we have documented widespread abuse of migrant workers' rights arising from restrictive immigration policies, heavy migration and recruitment fees, a lack of legal protections in countries of employment, and inadequate enforcement of those protections that do exist. We have urged reform of government policies and practices that enable workers' rights abuses in these countries, and have likewise called for private actors to ensure that they uphold and respect workers' rights.

Human Rights Watch is currently preparing a report on the conditions of migrant workers in Qatar's construction industry, in light of the extensive construction needed to provide facilities and infrastructure for the 2022

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World Cup. We have enclosed a summary of relevant research findings from our upcoming report for your reference. Our research examined the construction industry as a whole, and found that abusive practices of the kind we have documented elsewhere in the Gulf are also prevalent in Qatar. As described in the enclosed summary, we found that key factors trap migrant workers in Qatar in exploitative jobs: the exorbitant recruitment fees that nearly all of the workers we interviewed had paid in order to obtain their jobs; and the restrictive *kafala* (sponsorship) system that prevents workers from changing jobs or leaving the country without a sponsoring employer's permission. In addition, there is an inadequate legal and regulatory framework to protect workers' rights. Most notably, Qatari law prohibits migrant workers from forming trade unions, in violation of these workers' rights to freedom of association and collective bargaining, and the government fails to enforce adequately current laws that, at least on paper, are meant to protect worker rights. In some cases, the exploitation and coercive circumstances in which workers found themselves amounted to conditions of forced labor or human trafficking, as defined under international law.

We are aware that earlier this year Qatar's Supreme Committee 2022 awarded CH2M HILL the World Cup 2022 program management contract. We note that, as described in the company's announcement of this contract, "Qatar 2022 Supreme Committee has direct responsibility for building competition venues which includes the proposed stadiums and training sites while maintaining a coordination role for non-competition venues required by FIFA, in addition to major infrastructure works such as the New Doha International Airport and the proposed nationwide metro network." We thus understand that CH2M HILL will act on behalf of the local organizing committee to oversee construction of the facilities to be used for World Cup 2022. We are aware that multiple tenders for World Cup projects have been issued since the appointment of CH2M HILL as the program management consultant to the Supreme Committee.

While few World Cup-related construction projects are underway at this stage, we wish to draw your attention to the fact that we interviewed construction workers at two locations where facilities are under construction or undergoing renovation in connection with Qatar's preparations for the World Cup who alleged that their rights were not respected. We are in the process of writing to relevant companies regarding those allegations and thus have not detailed them here.

We have taken note of CH2M HILL's corporate commitments addressing labor rights. We are aware, for example, that your ethics and business conduct guidelines for employees state that

> As part of our commitment to the global community, we respect and protect the rights of those who work on our projects. We provide reasonable working conditions and fair wages. CH2M HILL has a zero-tolerance policy for the use of forced labor or other human trafficking practices and will not knowingly do

business with subcontractors, business partners, or suppliers who do not have similar standards.

That report also refers to CH2M Supplier Ethics & Business Conduct Principles provided to suppliers. We have taken particular note of CH2M HILL's policy, described in your 2011 sustainability report, to monitor suppliers, contractors and labor brokers from countries designated as being high risk for human rights abuses. In particular, that report states that, that "if a CH2M HILL business unit contemplates the engagement of a supplier, contractor, or labor broker in high-risk geographic locations, we communicate our expectations on acceptable labor practices and mandate that these organizations acknowledge their acceptance of our requirements," and that your company recognizes both the Middle East and Asia (the home continent of most migrant construction workers in Qatar) as high-risk locations.

On that basis, we would like to take this opportunity to open a dialogue with CH2M HILL about our human rights concerns in relation to migrant workers in the construction industry in Qatar. Particularly in light of your key role in relation to World Cup-related construction in Qatar, we hope to engage with CH2M HILL to ensure that the rights of migrants working on those projects are adequately protected. We would appreciate your response to the following questions, as well as any additional information you wish to provide.

- We understand that the Secretary-General of the Supreme Committee has publicly pledged to ensure that World Cup construction contracts include provisions requiring that international labor standards be met. In light of your contract with the Supreme Committee to help it award and supervise World Cup construction, we expect that you will be closely involved in the development and implementation of such a commitment and would appreciate further details. For example, will this commitment cover only the construction projects the Supreme Committee undertakes directly to award or also those projects for which it supervise construction? Will it require that such provisions be appended to previously agreed contracts, as well as incorporated into future ones? How it will monitor for compliance, and what penalties will it impose penalties on any actors found not to uphold workers rights? We would also appreciate any information on the content of the labor standards to be incorporated into contracts, to verify that they fully reflect the fundamental labor rights defined under the core conventions of the International Labour Organization and would adequately cover the range of abusive practices we have documented in the construction industry in Qatar.

- Human Rights Watch found that many of the construction workers we interviewed had inaccurate information about their jobs before arriving in Qatar, and very few had signed contracts written in a language that they could understand that matched the conditions they found upon arrival. In the worst cases, recruitment agents'

deception and the disparity between what workers had been promised and what they found amounted to conditions of human trafficking. Given CH2M HILL's anti-trafficking policy and your stated commitment to monitoring labor recruitment from high-risk locations, as well as your role as the program management consultant for the local organizing committee, what concrete steps has your company taken, or do you plan to take, to ensure that migrant workers employed on World Cup-related projects in Qatar have been recruited in a manner that protects their rights? For example, what steps will you take to ensure that workers have accurate and complete information about their jobs, salaries, and benefits in a language they can understand prior to their migration?

- Human Rights Watch identified the huge recruitment fees workers pay, and the debts they incur to cover migration costs, as a key factor keeping them in jobs even when employers abused their rights. In the worst cases, employers' failure to pay workers' wages, combined with their grave need to pay off their loans, kept them in conditions that met the definition of forced labor under international law. Nearly all of the construction workers we interviewed paid recruitment fees in their home countries. Given CH2M HILL's policy against forced labor, what is your approach to addressing worker payment of recruitment fees? For example, will CH2M HILL take steps to ensure that the companies receiving contracts for World Cup-related construction reimburse workers in cases where they have paid fees? If so, please describe.

- Please share any relevant information on CH2M's plans or existing approach in relation to other issues arising in our research and described in the attached summary of findings.

In light of our research documenting the prevalence of abusive conditions for workers in Qatar's construction industry, we strongly encourage all companies in that industry, including yours, to publicly pledge to respect the rights of all workers associated with their projects and to undertake concrete measures to prevent, mitigate and address abuses of worker rights. The specific measures we recommend include action by all companies to:

- arrange for independent monitoring of workers' conditions on their projects or projects under their supervision, and issue public reports on workers' conditions, including worker injuries and deaths;

- show that you have taken all possible steps to ensure no workers have paid fees associated with their recruitment and commit to reimbursing workers who have paid any such fees in contravention of local law, including if the fees were paid to labor agencies or other intermediaries;

- strictly prohibit the retention of workers' passports or other identity documents, including by subcontractors or intermediaries, and ensure that safe storage facilities where they can access such documents are made available;

- ensure that all workers receive and sign enforceable employment contracts in a language that they understand prior to their migration; ensure on-time payment in full of workers' wages from the first month of their employment, paid into bank accounts on a no less than monthly basis;

- and, in view of the requirement under Qatari law that employers provide worker housing, ensure adequate housing facilities for all workers in accordance with domestic and international standards. We would be very grateful to know if your company would be willing to make such a pledge.

We would welcome a reply, and your willingness to make the pledges outlined above, at your earliest convenience in order to reflect C2HM HILL's position on these important issues in our work on the 2022 Qatar World Cup. In order to reflect your position in our upcoming report, we would ask for a written response by May 29, 2012. We also welcome the opportunity to discuss these issues in more detail in person in the near future. Please feel free to suggest a date and time that would be convenient for such a meeting. You can reach us by contacting my colleague David Segall at segalld@hrw.org, or by telephone at +1-212-216-1824.

Sincerely,

Sarah Leah Whitson, Executive Director
Middle East and North Africa Division
Human Rights Watch

Attached: Summary of Research Findings

CH2M HILL Response to Human Rights Watch – May 29, 2012

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May 29, 2012

Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
Human Rights Watch
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New York, NY 10118-3299

Dear Ms. Whitson,

Thank you for your letter of May 15, 2012 addressed to CH2M HILL Chairman and CEO, Lee McIntire. I have been asked to respond to the letter on behalf of CH2M HILL in my role as CH2M HILL Chief Ethics Officer.

CH2M HILL is aware of the work that the Human Rights Watch does to protect the rights of people around the world. We admire your work with governments and the private sector in your commitment to raise awareness and address concerns about the working and living conditions of migrant workers in the construction industry. We understand fully the importance and relevance of this issue to large-scale complex programs such as the Qatar 2022 FIFA World Cup™ program. As a leading independent organization dedicated to defending and protecting human rights, we believe the Human Rights Watch is well positioned to make a difference in the lives of migrant workers who work in the construction industry in the Middle East and elsewhere around the globe.

As you noted in your letter, CH2M HILL has a zero tolerance policy for human trafficking practices. We have a long-standing and proven track record of doing business in a manner that treats labor fairly. Our Ethics & Business Conduct Principles state this unwavering commitment:

> *"As part of our commitment to the global community, we respect and protect the human rights of those who work on our projects. We provide reasonable working conditions and fair wages. CH2M HILL has a zero-tolerance policy for the use of forced labor or other human trafficking practices, and will not knowingly do business with subcontractors, business partners, or suppliers who do not have similar standards."*

Our client for the Qatar 2022 FIFA World Cup™ program, the Qatar 2022 Supreme Committee, is overseeing a world class infrastructure build-out program to create competition venues and other sports-related facilities in Qatar. The Qatar 2022 Supreme Committee has committed publically to the *Federation Internationale de Football* (FIFA) to establish labor standards for all contractors who will work at its sites. The project team intends to address the labor standards on the program through strategic procurement, contracting and performance monitoring tools and systems.

You should be aware that, at this point, our role on the Qatar 2022 FIFA World Cup™ program is still in the very early stages (we are approximately four months into a twelve year program). To date, no construction has begun on any site for the Qatar 2022 World Cup™. As we begin our planning, we are exploring, with full endorsement from our client, the Qatar 2022 Supreme Committee, new ways to use innovative processes and tools, including mandatory contract language and assurance protocols to address workers' deployment and utilization standards at Qatar 2022 World Cup™ sites. Our client is reviewing international labor standards and considering how to best use them on this very important program. CH2M HILL is committed to work alongside with our client to seek the right solutions for the

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program, drawing on our client's commitment to the issue and our team's extensive experience on large infrastructure development programs.

We, together with our client, welcome the opportunity to begin a dialogue with Human Rights Watch on this issue and discuss your views and recommendations on how progress can be made to effect the "deep-rooted change" that you seek. We also would like to use the opportunity to brief you on CH2M HILL's role in supporting our Qatar 2022 Supreme Committee client with the Qatar 2022 FIFA World Cup™ program.

Given the timeline for your upcoming report and the very early stages of the Qatar 2022 FIFA World Cup™ program, we propose a preliminary conversation this week. I suggest we arrange a call at your convenience and my colleague, Ms. Theresa Loar, Senior Vice President, International Government Affairs, and I would be happy to speak with you (For background information, I am attaching Ms. Loar's and my CVs). I am very interested in meeting with you personally, and therefore, in addition to a proposed call this week, Ms. Loar and I can meet with you in person in your offices in June. Our client advised us that Qatar 2022 FIFA World Cup™ program is interested in being a part of this important conversation, directly, and we would like to coordinate with their schedule for the appropriate time.

We look forward to meeting with Human Rights Watch as we support our client in achieving meaningful progress for migrant workers in the construction industry in Qatar and in the Gulf region in general. Ms. Loar will be in touch to fix a time for our meeting.

Sincerely,
CH2M HILL

Margaret B. McLean,
Senior VP, Chief Legal & Ethics Officer

Cc: Omur Akay/CH2M HILL Program Manager
Theresa Loar/CH2M HILL Senior VP International Government Affairs

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Human Rights Watch Letter to Aspire Logistics – May 15, 2012

May 15, 2012

Abdulaziz Al Mahmoud
General Director
Aspire Logistics
Aspire Logistics Building, Aspire Zone Road
P.O. Box 23833
Doha, Qatar

Dear Mr. Al Mahmoud,

I am writing to you on behalf of Human Rights Watch to raise our concerns about workers' rights in advance of the 2022 FIFA World Cup in Qatar, including information related to the Aspire Zone, a site that we understand is managed by Aspire Logistics. We also wish to inquire about steps that Aspire Logistics has taken or will take to address workers' rights in Qatar in keeping with the widely-recognized principle that businesses have a responsibility to respect human rights, including labor rights.

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf states, for many years. In previous reports we have documented widespread abuse of migrant workers' rights arising from restrictive immigration policies, heavy migration and recruitment fees, a lack of legal protections in countries of employment, and inadequate enforcement of those protections that do exist. We have urged reform of government policies and practices that enable workers' rights abuses in these countries, and have likewise called for private actors to ensure that they uphold and respect workers' rights.

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Human Rights Watch is currently preparing a report on the conditions of migrant workers in Qatar's construction industry, in light of the extensive construction needed to provide facilities and infrastructure for the 2022 World Cup. We have enclosed a summary of relevant research findings from our upcoming report for your reference. Our research examined the construction industry as a whole and found that abusive practices of the kind we have documented elsewhere in the Gulf are also prevalent in Qatar. As described in the enclosed summary, we found that key factors trap migrant workers in Qatar in exploitative jobs: the exorbitant recruitment fees that nearly all of the workers we interviewed had paid in order to obtain their jobs; and the restrictive *kafala* (sponsorship) system that prevents workers from changing jobs or leaving the country without a sponsoring employer's permission. In addition, there is an inadequate legal and regulatory framework to protect workers' rights. Most notably, Qatari law prohibits migrant workers from forming trade unions, in violation of these workers' rights to freedom of association and collective bargaining, and the government fails to enforce adequately current laws that, at least on paper, are meant to protect worker rights. In some cases, the exploitation and coercive circumstances in which workers found themselves amounted to conditions of forced labor or human trafficking, as defined under international law.

We are aware that the Aspire Zone is home to Al Khalifa International Stadium, a proposed site for World Cup matches included in Qatar's winning bid. We note that, as described on the company's website, Aspire Logistics is "responsible for supporting the activities of Aspire Zone by…building, operating and managing high quality international standard sport facilities," as per your website, and that Emiri Decree number 1 for the year 2008 designated Aspire Logistics "the custodian company of the sports precinct." We therefore wish to draw your attention to the fact that we interviewed construction workers working at the Aspire Zone who alleged that their rights were not respected. The workers we interviewed at the Aspire Zone did not claim to be in the employ of Aspire Logistics and asked us not to identify their employer for fear of reprisal.

We cite the workers' interviews in our forthcoming report as illustrative of the issues that arise in the construction sector in Qatar, including in connection with World Cup-related work sites. In this case, we interviewed construction workers we met at the Aspire Zone during our June 2011 visit to Qatar, including a group of seven Nepali workers who said that their employer had not paid them for three and a half months, and that they wanted to return home to Nepal. They said that their sponsoring employer demanded money in exchange for granting them permission to leave, and that because he held their passports, they were reluctant to quit and attempt to return home. All of the workers had paid recruitment fees, and none had their passports, though they said they had asked their employer to return these documents.

We would like to take this opportunity to open a dialogue with your company, and to engage with Aspire Logistics about our human rights concerns in relation to migrant workers in the construction industry in Qatar. In particular, we would appreciate your response to the following questions, as well as any additional information you wish to provide.

- In view of the complaints raised by workers we interviewed in the Aspire Zone and the role of Aspire Logistics in managing that site, can you please clarify whether companies involved in construction at the site have a contractual relationship with Aspire Logistics?

- We would also welcome information on how Aspire Logistics ensures that contractors and subcontractors on the site uphold labor rights. Have any similar allegations come to your attention previously? If so, how have you responded? If not, how would you respond?

- More generally, given the findings of our research on the construction industry in Qatar as a whole, we would welcome information on policies that Aspire Logistics has in place to address workers' rights, as well as measures you are taking to implement these policies.

- In particular, given the high recruitment fees many workers pay and Qatar's current sponsorship laws, both of which leave workers vulnerable to conditions of forced labor and human trafficking that are penalized under Qatari law, what approach does Aspire Logistics take to addressing worker payment of recruitment fees? Do you take proactive steps to ensure that workers do not pay these fees at any point in their migration chain? Alternatively, does Aspire reimburse workers in cases where they have paid fees, or require its contractors to do so? Please describe.

In light of our research documenting the prevalence of abusive conditions for workers in Qatar's construction industry, we strongly encourage all companies in that industry, including yours, to publicly pledge to respect the rights of all workers associated with their projects and to undertake concrete measures to prevent, mitigate and address abuses of worker rights. The specific measures we recommend include action by companies, including yours, to:

- arrange for independent monitoring of workers' conditions on their projects or projects under their supervision, and issue public reports on workers' conditions, including worker injuries and deaths;

- show that you have taken all possible steps to ensure no workers have paid fees associated with their recruitment and commit to reimbursing workers who have paid any such fees in contravention of local law, including if the fees were paid to labor agencies or other intermediaries;

- strictly prohibit the retention of workers' passports or other identity documents, including by subcontractors or intermediaries, and ensure that safe storage facilities where they can access such documents are made available;

- ensure that all workers receive and sign enforceable employment contracts in a language that they understand prior to their migration; ensure on-time payment in full of workers' wages from the first month of their employment, paid into bank accounts on a no less than monthly basis;

- and, in view of the requirement under Qatari law that employers provide worker housing, ensure adequate housing facilities for all workers in accordance with domestic and international standards. We would be very grateful to know if your company would be willing to make such a pledge.

We would welcome a reply to this letter, and your willingness to make the pledges outlined above, at your earliest convenience in order to reflect the position of Aspire Logistics on these important issues in our work on the 2022 Qatar World Cup. In order to reflect your position in our upcoming report, we would ask for a written response by May 29, 2012. We also welcome the opportunity to discuss these issues in more detail in person during our visit to Qatar between June 8 and 12, 2012. Please feel free to suggest a date and time that would be convenient for such a meeting. You can reach us by contacting my colleague David Segall at segalld@hrw.org, or by telephone at +1-212-216-1824.

Sincerely,

Sarah Leah Whitson, Executive Director
Middle East and North Africa Division
Human Rights Watch

Attached: Summary of Research Findings

Aspire Logistics Response to Human Rights Watch – May 29, 2012

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Date: May 29, 2012
Ref.: SCP/CO/KSC/C/6687/12

Ms. Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
250 Fifth Avenue, 34th Floor
New York, NY 10118-3299

Fax: +1 212 736 1300
+1 917 591 3452
Subject: **FIFA World Cup – Workers' Rights**

Dear Ms. Whitson,

First and foremost, allow us to thank you for your concern and for reaching out to Aspire Zone. We hold your organization in high regard and would be pleased to work together with Human Rights Watch (HRW) in the future to address and improve the migrant workers' situation in Qatar. We take human rights very seriously in Qatar, and have established global-standard policies to ensure that our responsibility to respect human rights is continuously upheld.

Allow us also to share with you the steps Qatar has taken in addressing human rights violations on a national level. In a first for the region, the Ministry of Labor has recently moved to establish an elected and independent workers' union to protect and promote workers' rights regardless of their nationality. Furthermore, strict new regulations ensure that employers are increasingly accountable for complying with timely salary payments. Moreover, requirements to upholding adequate housing are being carried out nationwide.

Although Aspire Logistics is a private entity and therefore cannot directly address HRW concerns with respect to national laws such as the sponsorship (Kafala) system, as an established and recognized employer and community organization, we see it as our civic responsibility to contribute to the improvement of the migrant workers' situation, and we are proud to have in place a number of protections and tools to help migrant workers understand and promote their rights.

- **Companies involved in construction on-site DO have a contractual relationship with Aspire Logistics.**

  It is illegal to work in Qatar without a written and signed contract, and we abide very strictly with Qatari laws. Aspire Logistics maintains contractual agreements for all work conducted by construction companies. Companies hired to carry out construction work at Aspire Zone are contracted and sub-contracted. Amongst the tasks and scope of work meant to be carried out, the contracts also clearly stipulate clauses protecting workers' rights, including conditions of employment, rates of pay, housing, health, repatriation, and contractor's responsibilities.

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أحد أعضاء مؤسسة أسباير زون
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- **Aspire ensures that contractors and subcontractors on-site uphold labor rights through regular monitoring and calls for action.**

  The contractor and subcontractors are contractually held accountable for upholding labor rights. Contracted parties have an obligation to act fairly in certifying payments, adhering to housing, health and safety laws, and any other contractor obligations stipulated by law and within Aspire Logistics contract.

- **Aspire Logistics addresses workers' rights on-site.**

  Aspire Logistics employs 3rd party project management to carry out frequent inspections at any on-site construction sites contractually owned by Aspire Zone. There are four basic steps to the procedure, a letter or report is filed, corrective action is advised, a timeline is put in place, and finally, the report is only signed by both parties once the measures have been completed. If the action is not completed, the contractor is liable to face legal consequences and penalties.

- **Aspire Logistics proactively addresses recruitment fees within Qatar.**

  Within the state of Qatar, the Ministry of Labor enforces a rule stating that within the country sponsors are legally required to pay any recruitment fees and miscellaneous expenses. However, this rule only applies to Qatar. Unfortunately, the law is not applicable and cannot be enforced by the Ministry of Labor within foreign countries. Aspire Zone abide by this rule and ensure that workers that are hired from within the country are not required to pay any recruitment costs.

  However, in order to attempt to address this issue within the migration chain and recruiting countries, the National Human Rights Committee of Qatar (NHRC) committee published a handbook to inform and educate potential as well as current workers. It is widely circulated around the country and has been published in a variety of languages and distributed internationally to target those preparing to come to Qatar. The manual offers advice to workers ensures that individuals coming to work in Qatar are aware of their rights.

The specific measures recommended in your initial letter have been taken into consideration, and we would like to highlight further suggestions that we believe are in line with Aspire Logistics' code of conduct and organizational ethos. As a company that desires to combine organizational excellence and equal opportunity, we hope to serve as an example to all other employers in the State of Qatar. We recognize that, first, we must take the necessary actions to address and mitigate any workers' rights issues that may occur within Aspire Zone.

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- The most powerful tool to preempt any human rights transgressions is through the power of education. Similar to the NHRC manual, Aspire Zone would like to further empower workers by providing clear, succinct, and transparent information that will provide them the tools they need to demand their rights. Aspire Zone will provide seminars to all employees about the Qatari Labor Laws, which we believe is an effective way of equipping workers with all the information required to defend and make informative decisions regarding their rights. The majority of workers within the country do not have access to all the information; therefore, Aspire Zone would become that link, providing labor law information in a clear manner.

- Unfortunately subcontractors frequently abuse workers' rights, organizations that are not within the legal jurisdiction of Aspire Zone. Aspire Logistics will enforce quality reviews of suggested subcontractors against the labor laws and Aspire Zone rules and regulations to develop an approved list of subcontractors. This way we can ensure that all workers within Aspire Zone have their rights upheld, such as holding their own passport, are provided with adequate housing, and have received and signed enforceable employment contracts prior to beginning any on-site work.

We hope that our response has provided adequate clarity on the workers' rights situation within Aspire Zone. We look forward to discussing any outstanding issues with you further upon your next visit to Qatar in June.

Kind regards,

Abdulaziz Al Mahmoud
Director General

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Human Rights Watch Letter to Bechtel – May 15, 2012

May 15, 2012

Mr. Riley P. Bechtel
Chairman and Chief Executive Officer
Bechtel Group Inc.
50 Beale Street
San Francisco, CA 94105-1895

Via Fax: +1-415-768-9038

Dear Mr. Bechtel,

I am writing to you on behalf of Human Rights Watch to raise our concerns about workers' rights in advance of the 2022 FIFA World Cup in Qatar, including information related to a location in Qatar where we understand that Bechtel has responsibility for construction management. We also wish to inquire about steps Bechtel has taken or will take to take to address workers' rights in its work in Qatar, in keeping with the widely-recognized principle that businesses have a responsibility to respect human rights, including labor rights, and in line with your company's own human rights commitments.

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf states, for many years. In previous reports, we have documented widespread abuse of migrant workers' rights arising from restrictive immigration policies, heavy migration and recruitment fees, a lack of legal protections in countries of employment, and inadequate enforcement of those protections that do exist. We have urged reform of government policies and practices that enable workers' rights abuses in these countries, and have likewise called for private actors to ensure that they uphold and respect workers' rights.

Human Rights Watch is currently preparing a report on the conditions of migrant workers in Qatar's construction industry, in light of the extensive construction needed to provide facilities and infrastructure for the 2022 World Cup. We have enclosed a summary of relevant research findings from our upcoming report for your reference. Our research examined the

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construction industry as a whole and found that abusive practices of the kind we have documented elsewhere in the Gulf are also prevalent in Qatar. As described in the enclosed summary, we found that key factors trap migrant workers in Qatar in exploitative jobs: the exorbitant recruitment fees that nearly all of the workers we interviewed had paid in order to obtain their jobs; and the restrictive *kafala* (sponsorship) system that prevents workers from changing jobs or leaving the country without a sponsoring employer's permission. In addition, there is an inadequate legal and regulatory framework to protect workers' rights. Most notably, Qatari law prohibits migrant workers from forming trade unions, in violation of these workers' rights to freedom of association and collective bargaining, and the government fails to enforce adequately current laws that, at least on paper, are meant to protect worker rights. In some cases, the exploitation and coercive circumstances in which workers found themselves amounted to conditions of forced labor or human trafficking, as defined under international law.

We are aware that in January 2004, Bechtel was awarded a contract to design and manage construction of the New Doha International Airport, the planned completion of which was featured as part of Qatar's winning bid to host the World Cup, and we understand that your company's role in managing construction at that location is currently ongoing. We therefore wish to draw your attention to the fact that we interviewed construction workers who said they worked at the New Doha Airport and who alleged that their rights were not respected. These workers did not claim to be in Bechtel's employ. Instead, they said that they were employed by local "manpower companies"— companies that supply additional labor to other companies seeking to supplement their workforce in the short or medium term. They asked us not to identify their employers for fear of reprisal.

We cite the workers' interviews in our forthcoming report as illustrative of the issues that arise in the construction sector in Qatar, including in connection with World Cup-related work sites. In this case, we interviewed three workers who said that they worked at the new airport site and alleged that the manpower companies for whom they worked did not respect their rights. One worker alleged that his employer made illegal salary deductions, one said that a recruitment agent in his home country promised a different, and to him preferable, job than he was later assigned to in Qatar, and one said that the labor broker who arranged his migration had promised him a higher salary before he migrated, that before departing he had signed a contract written only in English, and that he did not know or understand its contents. All three had paid recruitment fees in order to obtain their jobs, and none had their passports in their possession.

We have taken note of Bechtel's corporate commitments addressing labor rights. We are aware, for example, that your Code of Conduct states that "Bechtel does not tolerate activities that support trafficking in persons or the use of child labor or forced labor in the performance of Bechtel contracts by our employees or our subcontractors" and that the

company "expect[s] our partners, subcontractors, and suppliers worldwide to be guided by these principles as well."

We would like to take this opportunity to open a dialogue with your company, and to engage with Bechtel about our human rights concerns in relation to migrant workers in the construction industry in Qatar. In particular, we would appreciate your response to the following questions, as well as any additional information you wish to provide.

- In view of the complaints raised by workers who said they worked at the new Doha airport site, and the role of Bechtel in construction management at that site, can you please clarify whether all companies involved in construction at the site have a contractual relationship with Bechtel?

- We would also welcome information on how Bechtel acts to ensure that contractors and subcontractors on the site uphold labor rights. Could you please inform us if any similar allegations have come to your attention previously in conjunction with your work in Qatar? If so, what actions have you taken in response? If not, how would you respond?

- More generally, given the findings of our research on the construction industry in Qatar as a whole, we would welcome information on policies that Bechtel has in place to address workers' rights, as well as measures you are taking to implement these policies.

- In particular, given the high recruitment fees many workers pay and Qatar's current Sponsorship Laws, both of which leave workers vulnerable to conditions of forced labor and human trafficking that are penalized under Qatari law and that also contravene Bechtel's commitments, what approach does Bechtel take to addressing worker payment of recruitment fees? Do you take proactive steps to ensure that workers do not pay these fees at any point in their migration chain? Alternatively, does Bechtel reimburse workers in cases where they have paid fees, or require its contractors to do so? Please describe.

In light of our research documenting the prevalence of abusive conditions for workers in Qatar's construction industry, we strongly encourage all companies in that industry, including yours, to publicly pledge to respect the rights of all workers associated with their projects and to undertake concrete measures to prevent, mitigate and address abuses of worker rights. The specific measures we recommend include action by all companies to:

- arrange for independent monitoring of workers' conditions on their projects or projects under their supervision, and issue public reports on workers' conditions, including worker injuries and deaths;

- show that you have taken all possible steps to ensure no workers have paid fees associated with their recruitment and commit to reimbursing workers who have paid any such fees in contravention of local law, including if the fees were paid to labor agencies or other intermediaries;

- strictly prohibit the retention of workers' passports or other identity documents, including by subcontractors or intermediaries, and ensure that safe storage facilities where they can access such documents are made available;

- ensure that all workers receive and sign enforceable employment contracts in a language that they understand prior to their migration; ensure on-time payment in full of workers' wages from the first month of their employment, paid into bank accounts on a no less than monthly basis;

- and, in view of the requirement under Qatari law that employers provide worker housing, ensure adequate housing facilities for all workers in accordance with domestic and international standards. We would be very grateful to know if your company would be willing to make such a pledge.

We would welcome a reply at your earliest convenience, and your willingness to make the pledges outlined above, in order to reflect Bechtel's position on these important issues in our work on the 2022 Qatar World Cup and the current problems faced by migrant construction workers in Qatar. In order to reflect your position in our upcoming report, we would ask for a written response by May 29, 2012. Thank you in advance for your attention to this matter.

Sincerely,

Sarah Leah Whitson, Executive Director
Middle East and North Africa Division
Human Rights Watch

Bechtel Response to Human Rights Watch – May 29, 2012

c/o 11 Pilgrim Street
London
EC4V 6RN

Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York
NY 10118.3299

29 May 2012

Dear Ms Whitson

Thank you for your letter dated 15 May to Mr Riley Bechtel relating to Bechtel's involvement in the New Doha International Airport in Qatar in which you requested information on the nature of our role on the project and our approach towards labor rights in the context of this role. Your letter has been passed to me for response.

Bechtel's role at the New Doha International Airport is to provide project and construction management services. Bechtel does not have a direct contractual relationship with the construction contractors and does not employ manual construction workforce on its payroll. Our role is to manage, on behalf of our client, the construction contractors, and their subcontractors, who employ such personnel.

As project manager, Bechtel defines the standards, policies and processes which regulate employment of the workforce, their housing and accommodation, and the environmental, safety and health requirements to be followed on site. These requirements must have due regard for local statutes, ordinances, laws and regulations but, critically, they are also stipulated in the contracts between our client and the contractors. For example, construction contracts mandate that all contractor plans for the camp site must be in accordance with international standards. Consequently, if contractors are not complying with these standards, there are mechanisms available in the contracts to enforce compliance.

You asked how Bechtel acts to ensure contractors and subcontractors on the project uphold labor rights, and for examples of instances of where we have acted. When concerns related to contractor workforce labor and welfare issues arise, our approach is to get engaged proactively to address issues directly with the contractor and to mediate a resolution. The nature of our response will depend upon the scale of the concern, but examples of issues may include ensuring timely payment of workforce, availability and adequacy of drinking water out on the jobsite, conformance of catering and medical facilities to local and international requirements, et cetera.

Since project inception in 2004, there have been only two isolated instances of labor disputes recorded on the project. These might prove illustrative of how Bechtel has adopted a proactive approach towards upholding labor rights. On one occasion, subcontractor workers were involved in a payment dispute with their employer. Bechtel became the mediator in the first instance and then negotiated with the contractor's senior management to resolve the issue promptly. The second occasion involved a contractor having issues with generators within its labor camp which affected air-conditioning and lighting. Bechtel became involved and assisted in a quick rectification of the equipment issue.

I should like to highlight safety as one of our core values that is integral to everything we do. As with all our projects, we constantly work towards achieving the goal of zero accidents in order to protect the safety of every worker on site. We view training as critical to achieving this goal; an estimated 21.3 million job hours of safety training has taken place since the beginning of the project. With an accident frequency rate that is better than the US construction industry rate we believe the safety performance at the New Doha International Airport project speaks for itself. During a single 107 day stretch in 2011, 42.6 million job hours were worked without a Lost Time Incident.

Bechtel has worked closely throughout with our client and other Qatari authorities in order to develop and safeguard the standards employed on the project. As an example, we have worked for several years alongside the Supreme Council of Health to monitor, investigate and resolve any issues related to camp catering and medical facilities and have supported joint publicity programs to prevent heat stress during high temperature summer months. Bechtel regularly monitors the catering and medical facilities and these have also been directly audited by the Supreme Council of Health.

Finally, your letter references concerns raised by construction workers working for manpower companies. Like many organisations, we do not claim to have all the answers, but we continue to strive to make a difference in those areas where we believe we can have most impact. We believe that the New Doha International Airport project, along with our client, should be credited for its efforts to achieve positive labor conditions on a construction site which reached 47,000 personnel at its peak last year. It may be worth noting here that the airport is now approaching completion and is due to open later this year.

I appreciate your intention to reflect our position in your upcoming report. I hope that the information provided here proves useful to that end.

Yours sincerely

Julie Green
Communications Manager
Bechtel Civil

cc Office of Riley Bechtel

Building a Better World Cup

Protecting Migrant Workers in Qatar Ahead of FIFA 2022

In December 2010, the small Gulf state of Qatar won its bid to host the 2022 World Cup – a first for an Arab country.

Over the next decade the country will undertake massive new construction to support the quadrennial world championship soccer games. Underpinning this push is a vast army of migrant workers, who comprise a staggering 94 percent of Qatar's workforce—1.2 million of its 1.7 million residents—the highest percentage of migrants to citizens in the world. Qatar's World Cup selection means that worker recruitment will reach new heights: media have reported that over a million additional workers may be needed to carry out World Cup-related construction.

Yet the deeply problematic working conditions of migrant workers throughout the country mean that realizing Qatar's World Cup vision may depend on their abuse and exploitation unless adequate measures are taken to address the human rights problems widespread in the construction industry in Qatar.

This report documents pervasive employer exploitation and abuse of workers in Qatar's construction industry, made possible by an inadequate legal and regulatory framework that grants employers extensive control over workers and prohibits migrant workers from exercising their rights to free association and collective bargaining. It also addresses the government's failure to enforce those laws that at least on paper are designed to protect worker rights. It examines why violations of workers' rights go largely undetected, and looks at the barriers that workers face in reporting complaints or seeking redress.

The report includes recommendations to the government on legal reforms and implementation mechanisms, and to the relevant private sector actors on public commitments that could alleviate such abuses moving forward.

Migrant workers gather on "Bank Street," in downtown Doha, where many workers wire remittance money to their families in their home countries. "Bank Street," as it is known by the workers, is less than a five-minute walk from Doha's sweeping waterfront Corniche.

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