

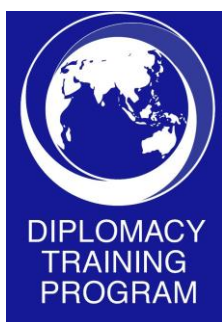
# Capacity Building Program on Human Rights and Migrant Workers in Qatar



**Program Report**

**September 2018,  
Doha**

*Diplomacy Training Program in Partnership with Migrant  
Forum in Asia and Georgetown University Qatar*



جامعة جورجتاون قطر  
*GEORGETOWN UNIVERSITY QATAR*



## Executive Summary

The Diplomacy Training Program (DTP) in partnership with Migrant Forum in Asia (MFA) and Georgetown University Qatar (GU-Q) hosted a four-day program to build knowledge and understanding about international human rights and labour standards and their relevance for the treatment of migrant workers in Qatar. The program was organised from September 23-26, 2018 at the GUQ campus in Doha. As the government of Qatar has made significant commitments to reform law, policy and practice for migrant workers, this was a timely program to give individuals and organizations a better understanding of relevant international standards and the current reforms – in a global context.

Mr. Mohammad Hassan Al Obaidli, Ministry of Administrative Development, Labour and Social Affairs (ADLSA), officially opened the national-level *capacity building program on human rights and migrant workers in Qatar*. The program brought together over 35 individuals from migrant communities, the private sector, governments (including diplomats) and civil society to build knowledge about the human rights of migrant workers and to enable participants to more effectively use international standards and mechanisms in their individual and organizational efforts to ensure respect for the human rights of migrant workers. The program also provided a valuable forum for building collaboration and for sharing knowledge and skills.

The government of Qatar has embarked on an ambitious program of reform, to lead on the issues faced by MWs and has invited the assistance and support of the ILO. Implementation of these reforms requires the building of knowledge and understanding, changes in the way that business is done and new approaches and thinking. The program assisted participants to work together in developing practical strategies to protect and promote migrant workers' rights at the national level. The program built the knowledge and networks of participants and the feedback was very positive. Going forward, participants formed a WhatsApp group to stay connected and have agreed to come together and organise regular forums.

## Participants

The program in Qatar was a national-level program. 35 plus participants attended the four-day training program in Doha of which 14 were women. Majority of the participants were expats/ migrants, with few Qataris represented by youth and students of universities.

It brought together participants from migrant communities, civil society organisations, faith-based groups, private sector, diplomatic missions, the Supreme Committee, and the government. There was increased participation from the private sector in this program. GUQ reaching out to the businesses was key to having greater engagement from them.

## Program Partners

**MFA** is a regional network of NGOs, associations and trade unions of migrant workers, and individual advocates in Asia who are committed to protecting and promoting the rights and welfare of migrant workers. It is guided by a vision of an alternative world system based on respect for human rights and dignity, social justice, and gender equity, particularly for migrant workers.

**GU-Q** is dedicated to fulfilling Georgetown University's mission of promoting intellectual, ethical and spiritual understanding through serious and sustained discourse among people of different faiths, cultures and beliefs.

**DTP** is an independent NGO affiliated with the Faculty of Law at UNSW Sydney, Australia. It advances human rights and empowers civil society through quality education and training and the building of skills and capacity in NGOs.

## Program Background

Rapid economic change is driving more people to cross borders in search of decent work. Increasingly women are migrating for work, and they are particularly vulnerable to abuse and violations of their human rights. Ensuring the rights of all individuals is a duty of the state, but also the responsibility of businesses, employers and individuals.

Qatar hosts millions of migrant workers who are building its infrastructure, its roads and rail, its homes, hospitals and schools, its stadiums and hotels. Migrant workers from many countries provide the care and services to the children, the elderly and sick in homes, hospitals, hotels and shops and more. The wages they send home to families are lifting communities out of poverty.

The spotlight on the treatment of migrant workers in Qatar has intensified as FIFA 2022 gets closer and concerns are raised about the treatment of the workers from Nepal, Bangladesh, the Philippines and increasingly Africa who are building the stadiums and infrastructure, staffing the hotels and shops, homes, and the oil and gas industry. Migrant workers are subject to discrimination, unsafe and unhealthy working conditions, non-payment of wages, violence, poor housing and food and detention. In many cases, migrant workers are forced to live on the fringes of society, beyond the usual protection of the law. The problems often begin before they leave as they are charged high debt-inducing fees to secure their jobs, by a recruitment industry becoming notorious for corruption and exploitation.

Qatar's government has recently announced a series of significant reforms addressing many of the concerns that have been raised by human rights, labour organisations and governments. Changes in laws governing domestic workers, rights to leave employers and the country, access to wages, and the right to association have been made. This was

a timely program to give individuals and organizations a better understanding of relevant international standards and the current reforms – in a global context.

## Program Content

The opening ceremony of the program was addressed by Mr. Mohammad Hassan Al Obaidli, from ADLSA – Qatar Government, Dr Ahmad S. Dallal, Dean of GUQ, Ambassador to Switzerland Mr. Edgar Dörig, Houtan Homayounpour, Head of ILO Project Office for the State of Qatar, William Gois from MFA and Patrick Earle from DTP. As a host and program partner, Dr Dallal welcomed the participants and thanked DTP/MFA for continuing the collaboration with GUQ for the crucial work of building the capacity on the issues of migrant workers and their rights.

Mr. Obaidli emphasized that the priority of the government was to work with different stakeholders to apply the changes of the labour law reform. He further accentuated that the ministries of the government are working to provide an integrated system and the new ILO office has been providing its expertise in developing this project. He highlighted that Qatar is focused on protecting the rights of migrant workers.



William Gois in his opening remarks asked participants to ponder upon – why people are moving – in the discussions in the next four days. He highlighted that it is imperative to build an understanding of this discourse if we are to develop new understanding and solutions for the issues. William also emphasized that it is crucial to build the capacity of young people on the issues and to ensure their active participation in setting the policy agenda.

Patrick Earle thanked GUQ as hosts and the Swiss Government for their support. Patrick also acknowledged the openness of the State of Qatar to facilitate the hosting of the capacity building programs for several years now. He welcomed Qatar's new labour reform to better protect the rights of MWs.

The opening ceremony of the program was followed by participants' introduction and their expectations from the program. Some of the key expectations were –

- building connections and partnerships
- knowledge building/sharing of knowledge – rights of migrant workers
- international human rights standards
- national labour law
- protection for female migrant workers in Qatar especially for domestic workers
- frameworks and practical solutions and how labour reforms will be implemented
- issues/obstacles faced by migrant workers
- practical case studies
- recruitment costs – definition and issues
- bridging the gap between migrant workers and the Qatari community

This was followed by setting the scene and agenda for the next four days of the program.

### **Introduction to International Human Rights Standards and Migrant Workers**

Alaa Kaoud from the OHCHR introduced the HR standards and frameworks to the participants. All individuals have human rights irrespective of their nationality. States are accountable to the conventions and treaties ratified. Furthermore, he highlighted that all UN members have adopted the Universal Declaration of Human Rights (UDHR) which declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. However, it was also pointed out that while HR is a right for everyone, it is the responsibility of the governments to allocate resources to those who are most vulnerable.

Alaa then briefed participants about the 9 core HRs treaties –

- International Covenant on Economic, Social and Cultural Rights (ICESCR),
- International Covenant on Civil and Political Rights (ICCPR)
- International Convention on the Elimination of Racial Discrimination (CERD)
- Convention on the Elimination of Discrimination Against Women (CEDAW)
- Convention Against Torture (CAT)
- Convention on the Rights of the Child (CRC)
- International Convention on the Protection of All Migrant Workers and Members of their Families (CMW)
- International Convention for the Protection of All Persons from Forced Disappearances (CED)
- Convention on the Rights of Persons with Disabilities (CRPD)

Qatar is party to CAT, CEDAW, ICESCR, CRC, and CRPD. Even though Qatar is not a party to CMW – there are other conventions that will provide useful advocacy measures for migrant worker advocates such as the CEDAW and CRC.

## **Towards A Humane Economy – Labour Migration in Qatar and GCC**

Zahra Babar, Associate Director for Research at the Center for International and Regional Studies at GUQ led the discussion on how the economic models of the GCC is unlike other parts of the world, including because of the scale and rapidity of economic development, the reliance on migrant labour, proportion of migrant workers to the local populations and the operation of the Kafala system. In the GCC, more than 50% of the population are non-citizens of the country. Kuwait, Qatar and UAE have over 70% of expats/ migrants – working and living in these countries. The system of Kafala has brought both vulnerabilities and constraints for the migrant population. Zahra stated that *“in principle, kafala has privatized the system of migration”*.



Reforms in the Gulf, including the recent labour reform in Qatar have tried to address the key deficits on the rights and protection with regards to kafala – without dismantling it. The reforms in Qatar have been considered as radical changes and it needs to be recognized that it is vastly changing Qatar, but it is not something that was popular with the local population. The changes are being driven by the economic and social concerns. However, post regional blockade, the domestic environment also seems to have changed. Zahra highlighted that it has become the opportune time to engage in reforms to be pushed through.

### **Qatar’s labour reforms: what has been achieved and what is planned?**

This session on Qatar’s labour law reforms was facilitated by Mohammad Hassan Al Obaidli (ADLSA) and Houtan Homayounpour, Director of ILO Project Office in Qatar. Obaidli briefed participants about Qatar’s national vision of 2030 and the construction sector will grow further creating opportunities for more migrant workers. Despite the adoption of the new labour law reform, Obaidli highlighted that changing the culture in the society is a challenge. They are working with the ILO and with other partners in raising public awareness.

In the discussion it was briefed that ILO is providing technical assistance to the ministries of the State of Qatar to assist in implementing the reforms. There are 5 pillars of cooperation between the ILO and Qatar - improvement in payment of wages; enhanced labour inspection and occupational safety and health (OSH) systems; refinement of the contractual system that replaced the kafala system; improved labour recruitment procedures; increased prevention; protection and prosecution against forced labour; and promotion of the workers' voice.



Obaidli further expressed interest of the Labour Ministry to engage in dialogue with different stakeholders including with the academia to seek information through research and data – providing pathway for engagement with the civil society.

**Business and Human Rights – An Introduction to the UN Guiding Principles and Emerging Standards on the Responsibility of the Private Sector to the Rights of Migrant Workers**

This session was led by Mariam Bhacker, Project Manager at the Business and Human Rights Resource Centre (BHRRC). Mariam introduced participants to the UN Guiding Principles on Business and Human Rights. She highlighted the critical role that private sector plays in all stages of the labour migration process – in recruitment, employment, in transport and remittances. Many of the abuses that migrants report results from the actions of the private sector. It is therefore important to understand what the responsibilities of companies are to human rights.

These principles are based on three pillars. The first pillar is the responsibility of governments to have laws, regulatory systems and mechanism to PROTECT individuals from abuse. The second pillar is the corporate responsibility to RESPECT human rights – to make sure that they do no harm. It is not enough for companies to simply follow the law, companies need to know their human rights impacts and take concrete steps to address them. The last pillar is about access to REMEDY – which it is a responsibility of both government and companies to provide.

Mariam discussed the BHRRC web-platform. NGOs and civil society can submit their concerns to be relayed to companies for response. The web-platform is also used by businesses to find additional information and guidance.

*This session was followed by sharing of perspectives and approaches on the implementation of industry standards from the private sector. Steve Brigg from Qatar Foundation, William Hopkirk from GUQ, and Hans Mielants from QDVC – shared about their experience and examples on implementation of standards to protect MWs rights.*

## **ILO Conventions and Standards**

The International Labour Organization (ILO) was established in 1919 – prior to the establishment of UN. It is a tripartite organization which consists of representatives of workers, employers, and governments. Every year, the International Labour Conference (ILC) brings tripartite representatives from across the world together.

Ryszard Cholewinski of the ILO highlighted that human beings, as men and women workers and their family members, are at the heart of international labour migration and that they should not be immune from application of rule of law. The international minimum standards ground and guide formulation of labour migration policies at national and regional level. However, independent monitoring mechanisms are essential and helpful to ensure compliance and improvements to national law and policy.

In principle, the international labour standards cover all workers irrespective of nationality and immigration status unless otherwise stated and with state prerogative to regulate access to territory and labour market. There are some ILO standards that are



more applicable to MWs – to name some – C87 – Freedom of Association and Protection of the Right to Organise, C29 – Forced Labour Convention, 1930 (and 2014 Protocol), C138 – Minimum Age Convention, C143 – Migrant Workers Convention, C100 – Equal Remuneration Convention, C111 –

Discrimination (Employment and Occupation) Convention, C81 – Labour Inspection Convention, C181 – Private Employment Agencies Convention, C189 – Domestic Workers Convention.

Every year, the International Labour Conference (ILC) brings tripartite representatives from across the world together. Issues are discussed, and new standards adopted. The ILO also has a number of different complaints processes.



## **Domestic Workers and ILO Convention 189 (C189)**

According to the ILO, there are over 67million domestic workers accounting for 2% of the global labour participation. One in every 5 domestic workers are migrant workers. In 2016, GCC countries hosted around 3.77 million domestic workers, 1.65 million of whom (or 44 per cent) were women.



ILO adopted C189 for domestic workers in 2011. The Convention offers specific protection to domestic workers and lays down basic rights and principles and requires states to take a series of measures with a view to making decent work a reality for domestic workers. It outlines basic rights of DWs, hours of work, remuneration, occupational health and safety, social security, dispute settlements, complaints and enforcement.

In most of the GCC countries DWs are not included in the labour law. Qatar has only recently adopted Law No. 15 on domestic workers. The Domestic Workers Law outlines new protections such as a maximum 10-hour workday, at least 24 consecutive hours of rest each week, three weeks of annual leave, as well as an end-of-service payment of at least three weeks per year. However, it is still weaker than the Labor Law (Law No.14 of 2004), which protects all other workers, and has other gaps, therefore it does not fully conform to C189.

## **Reforming Recruitment - Addressing the Challenges in Country of Origin and Destination**

Professor Ray Jureidini highlighted that in the industry of recruitment, there is a widespread culture of corruption which starts when workers in the countries of origin pay charges imposed by recruitment agencies in their countries. The process of determining recruitment fees paid by MWs is determined when corporations are tendering for the projects. If labour recruitment costs can be excluded (met by the workers) the company can put in a lower bid to get the contract. Sometimes the company in country of destination will even get a “kickback” from the recruitment agencies as well. Workers from Bangladesh are charged the most for their jobs yet paid the least for their work.

Labour laws in Qatar, UAE, KSA, Bahrain clearly states that workers do not pay recruitment fees. Ray highlighted that there is a legislative mismatch where in some countries of origin, governments allow private recruitment agencies to charge workers, and the problem is that the maximum amount that governments have regulated have far exceeded in reality. Ray also shed light on the ongoing campaigns on fair recruitment and fair hiring. He discussed the model on accreditation of ethical recruitment – a fair recruitment stamp to identify ethical recruiters.

## **Creating Spaces for Workers' Voices – Different models and approaches**

This session focused on discussions around how MWs voices can be reflected at the policy level. The changes and the reforms taking place in Qatar does not include workers' engagement or space for amplifying their voices.

Some key points highlighted in this session by the participants were -

- Stakeholders engagements to include the representatives of the workers – everyone should have a space to raise their concerns and their issues. There should be collective effort to look into implementation, monitoring and evaluation of the policies
- Forums of the academia and researchers – the university faculty members have always been active and have provided key recommendations for change. Providing safe space for the publication and presentation of their findings through forums can be an option.
- Using the media – media can be a useful tool for creating awareness and for sharing of information on the new reforms. It can be instrumental in making the workers aware about their rights. Media can also play a role in setting the agenda by pushing the issues – sharing the concerns and testimonies of the workers.
- Active and safe hotlines – for workers to share their grievances and issues, the government should put in place hotlines that are active 24/7 with the possibility of providing feedback in workers' own language. However, for the hotlines to be effective, workers need to trust that the system will not backfire. Ensuring privacy and confidentiality of the feedback and complaints is key for its success.
- Awareness programs – for workers to effectively participate in the policy development, implementation and monitoring – they will need to be made aware about their rights and the legal framework in place. Running awareness programs, public/transparent sharing of information, outreach activities should be organised.
- Use of online applications/phones – most workers these days have a smartphone. Ensuring there are useful application in languages of the workers to get information on their rights and on access to remedy is important. Ensuring workers have access to their phones is also crucial, especially for domestic workers.
- Strengthening workers associations – the recent reforms in Qatar facilitates the establishment of workers committees. Strengthening the roles and the participation of these committees at the decision-making level within the company will allow for better representation of the workers.

## **Moving Forward and Next Steps**

The final session of the program focused on discussions on how things can be taken forward. There was a lot of interest and positive vibes from the participants about working together to make change possible. As most of the participants of the program

were expats/ migrants working in Qatar – they believed it was their responsibility to express solidarity.

Building a network at the national level will help like-minded organisation and individuals to work together going forward. There was a heightened level of interest from the participants to stay connected and to work on issues going forward. One of the ideas floated was to form a WhatsApp group – which was created soon after the program and has continued to stay active. Some of the participants of the program have continued to meet periodically for discussions. Recently, a group of participants also met with the ILO in Qatar to discuss on plans for raising awareness for MWs.

Participants emphasized that representation of workers and their voices should be amplified. One of the ideas put forward by the participants was to engage in a dialogue with the Ministry of Labour with the participation of workers' representatives to discuss about implementation of the reforms and how workers and private sector can play a role in its successful implementation. Participants also highlighted that connecting with faith-based groups especially with the Muslim community leaders could possibly help in changing the negative perception of the locals towards migrant workers.

GUQ was keen to host a periodic forum for like-minded individuals and organisations to come together for discussions. It highlighted GUQ's commitment to ensure the protection and promotion of the rights of MWs. Since the completion of the program in September – GUQ has hosted 3 sessions of discussions.

DTP/MFA have committed to provide assistance – if needed – to make available experts/ resource persons. Participants will also receive regular circulars from MFA and information/newsletters from DTP with updates on migration.

## Reflections and Outcomes

This was the 6th DTP/MFA/GUQ capacity building program in Qatar. Previously, the programs in Qatar had a regional focus with participants from across the region and some from countries of origin. With the change in political environment it was decided that the regional programs be relocated to Lebanon and to organise national-level programs in Qatar.

The national-level capacity building program in Doha provided an opportunity for local organisations and individuals to come together to better understand the relevant international standards and the current reforms. The program also assisted participants to work together in developing practical strategies to protect and promote migrant workers' rights at the national level.

The program was attended largely by private sector representatives. Participants highly valued the content of the program. They reflected that this kind of training was necessary as it helped them understand the issues in-depth and learn about best practices. They also highlighted that the program helped make connections with likeminded individuals. The participants have stayed in touch after the program and have met regularly for discussions.

For the future workshops and programs participants suggested for increased no. of participation of Qataris/locals. They highlighted that it was crucial to have more engagement of the local business community and youth. They found the content of the program very relevant to their work and that the discussions provided valuable insights. However, they also noted that for future programs practical case studies and real-life stories should be included.

The programs have continued to strengthen the partnership between DTP/MFA and GUQ. There was higher level of engagement of GUQ in the planning, organising and delivery of the program. The programs have also strengthened collaboration with BHRRC and Institute on Human Rights and Business (IHRB). GUQ, BHRRC and IHRB all see value in DTP/MFA continuing engagement with capacity building for the rights of migrant workers in Qatar. GUQ and IHRB are willing and keen to assist with deepening engagement with Qatari officials and institutions and see new opportunities to do so.

## PARTICIPANTS FEEDBACK

*It has connected me with some likeminded individuals that collectively could potentially start some positive actions inside Qatar. It also provided me with up to date credible trustworthy informative sources for future references/ action. This is a forum that I have been looking and it is beyond my expectation.*

*It was very informative, educating, and fun, thank you.*

*Incredible increase in understanding of HR/MW world.*

*As discussed during the program, it is very valuable to create a network with the participants to keep learning and sharing experiences.*

*Thanks to all who arranged and organised this program and I am looking forward to attending any such programs in the future.*

*Much better than anticipated.*

## Annex – I

### Program Schedule

	Day 1 – Sep 23	Day 2 – Sep 24	Day 3 – Sep 25	Day 4 – Sep 26
<b>Session 1</b> 8.00 – 9.30	8.15 – 8.55 Registration 9.00 - Welcome Remarks- GUQ Dean, HE Mr. Edgar Dörig (Swiss Ambassador), Houtan Homayounpour, (ILO) Director of ILO Project Office in Qatar. Patrick Earle (DTP), William Gois (MFA) <b>Welcome Speech: Qatar’s Labour Reforms</b> Mr. Mohammad Hassan Al Obaidli, Ministry of Administrative Development, Labour and Social Affairs (ADLSA)	Towards A Humane Economy – Labour Migration and The Global Compact on Safe Migration in Qatar/GCC  Dr Zahra Babar	Introduction to the ILO System: Core Labour Standards Relating to Migrant Workers  Professor Ryszard Cholewinski - International Labour Organization	Reforming Recruitment – Addressing the Challenges in Country of Origin and Destination  Professor Ray Jureidini
<b>Facilitator(s)</b>	MFA/DTP/GUQ	William Gois		
<b>Tea 9.30 – 9.45</b>				
<b>Session 2</b> 9.45 – 11.15	Participants’ introduction, Training outline; Identification of key issues	Panel - Qatar’s labour reforms: what has been achieved and what is planned? Mr. Mohammad Hassan Al Obaidli (ADLSA) – Houtan Homayounpour - Director of ILO Project Office in Qatar.	Key ILO Standards – An Introduction & Practical Exercise  Professor Ryszard Cholewinski - International Labour Organization	Creating Spaces for Workers Voices – Different Models and Approaches
<b>Facilitator(s)</b>	MFA/DTP/GUQ	William Gois		William Gois
<b>Session 3</b> 11.15 – 12.45	Introduction to Human Rights and The UN System - Alaa KAOUUD, OHCHR Information Centre, Doha	Business and Human Rights – An Introduction to the UN Guiding Principles and Emerging Standards on the Responsibility of the Private Sector to the Rights of Migrant Workers: Mariam Bhacker (BHRRRC)	Domestic Workers, C 189 – and the New Legal Framework in Qatar - Shared Responsibilities of Government and Business - Practical Session	Recapping and Consolidation Session – Next steps
<b>Facilitator(s)</b>			William Gois	MFA/DTP
<b>Lunch 12.45 – 1.30</b>				
<b>Session 4</b> 1.30 – 2.45	Introduction to International Human Rights Standards and Migrant Workers  Alaa KAOUUD, OHCHR Information Centre, Doha	Perspectives and Approaches on Implementation – Practitioners Panel Steve Brigg – Qatar Foundation GUQ - William Hopkirk Hans Mielants - QDVC	Integrating Standards into the GCM Objectives – Practical Session	Participant evaluations & Closing Ceremony – Certificates
<b>Facilitator(s)</b>		Mariam Bhacker (BHRRRC)	MFA	MFA/DTP/GUQ
<b>Afternoon Tea</b>				
<b>Evening Events</b>		<b>Visit to Museum “Bin Jelmoed House”</b> Dinner in Doha		