

Workers of African Decedent In Qatar : Victims with No Rights

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Preamble

The population of the State of Qatar is more than 2.8 million, 2.5 million of whom, or about 90%, are non-Qatari. In its National Vision 2030, Qatar has considered them an essential component of economic growth. Low-income migrant workers make up 71% of the population. According to the report of the Special Rapporteur on contemporary forms of racism, which was issued following her visit to Qatar, reports on migrant workers in Qatar tend to focus mainly on migrants from South Asian countries, and forget the violations suffered by migrant workers of African descent, who make up 100,000, from Nigeria, Burundi, Ghana, Uganda, and about 40,000 Kenyan women.¹

Migrant workers of African descent face discrimination and inequality because of their African origin and black skin. These forms of racial discriminations include racial insults, allegations of lack of personal hygiene, poor appearance, forms of stigma, and discrimination in health care facilities. These practices contradict the international Convention on the Elimination of All Forms of Racial Discrimination, to which Qatar acceded in July 1976. These practices also contradict the Durban Program and Declaration of Action. The violations that the workers of African descent are exposed to include arbitrary detention, violations related to the Kafala (sponsorship) system, the failure to access effective justice, violations like the payment of wages, and, finally, the failure to recognize their right to form and join trade unions and associations.

The detention of the Kenyan citizen Malcolm Bidali (we be discussed in details later on) drew the attention of Maat for peace, development, and human rights to the abuses suffered by African migrant workers in Qatar. These violations are based on national origin and nationality and are rooted in public and private Qatari official institutions. Some officials in the Qatari Ministry of Youth confessed, during their meeting with the Special Rapporteur on contemporary forms of racism, acknowledged the existence of these racist practices and the lack of actual measures to limit their prevalence, which does not absolve the Qatari government from accountability. It requires more measures that protect the rights of migrant workers, especially

¹ Transnational Labor Migration: Experiences of Mid-to-Highly Skilled African Migrant Workers in Doha, Qatar, Faculty of Social Sciences, Brock University, Page 3, Available at the following link: <https://bit.ly/3EWPhOT>

allowing the special procedures of the United Nations, including the Special Rapporteur on combating contemporary forms of slavery, to visit Qatar instead of canceling his visit in January 2020.

First: Arbitrary Detention of African Migrant Workers

Over the past three years, Qatar made successive reforms to the Kafala system, which regulates labor relations between migrant workers and their local sponsors². The International Labor Organization described these reforms as historic. However, the reforms, which allowed migrant workers to change their jobs whenever they wanted by abolishing the condition of “no objection”, which required the sponsor’s consent to change the job of the migrant worker³, was merely ink on paper. The practical practice and implementation of these reforms faced considerable restrictions. It made migrant workers, especially those of African descent, subject to detention for periods exceeding three years and forcible deportation under the pretext of the so-called escape or absconding, an accusation made by the sponsor against the migrant worker if he changes his job⁴. But in 2021, migrant workers in Qatar, especially Africans, were not detained solely because of the accusation of absconding. Some migrant workers were imprisoned because of their opinions, criticism of the conditions of migrant workers, and unfair housing. Decent work and work in temperatures exceeding 50 degrees in the summer without rest and lack of occupational and health safety means. In 2021, the arbitrary detention of Kenyan blogger and worker Malcolm Bidali, a 28-year-old migrant worker, working in Qatar as a security guard at Group Security Services (GSS Certis) in the Rawdat Al Nakhil area of Doha, started writing about violations against migrant workers in Qatar on the social networking site Twitter under the pseudonym Noah⁵. He also wrote a series of articles on a private blog on the Internet with the same pseudonym⁶. His posts included a description of the daily life of migrant workers in Qatar,

² نظام الكفالة.. "رق وعبودية" أم "تنظيم للعمل"، بي بي سي عربية، 14 أكتوبر 2019، على الرابط التالي: <https://www.bbc.com/arabic/business-50110444>

³ Landmark labor reforms signal end of kafala system in Qatar, International Labor Organization, 16 October 2019, Available at the following link: <https://bit.ly/3GYG8qN>

⁴ الهروب من الوظيفة للعمال المهاجرين بمثابة جريمة جنائية في قطر

⁵ حساب باسم مستعار اتخذته مالكوم بيدالي كوسيلة للكشف عن انتهاكات حقوق العمال المهاجرين، متاح على الرابط التالي:

<https://twitter.com/NoahArticulates>

⁶ المدون الشخصية للمدون والعامل مالكوم بيدالي، متاح على الرابط التالي: <https://noaharticulates.medium.com/msheireb-laid-bare-3b93594d4885>

especially in the industrial area in Doha, and the difficulties these workers faced, especially the overcrowding in workers' accommodation. Six people stayed in a very cramped room, in addition to being exposed to high temperatures in the work area and poor food imposed on them⁷.

After Malcolm Bidali revealed his identity to a group of international organizations while presenting the situation of migrant workers in Qatar, he was subjected to forced arrest on 4 May 2021, by the Qatari Security Service. They took him from the workers' accommodation in the industrial area in Doha to an unknown place, isolated from the outside world, and he was not allowed to communicate with a lawyer or with the Kenyan consulate in Qatar and remained forcibly disappeared during 4 to 12 May 2021⁸.

On 20 May 2021, Malcolm was allowed to communicate with the Kenyan consulate in Qatar and make a phone call that did not exceed 10 minutes with his mother⁹. Malcolm was kept in solitary confinement for 28 full days, in contravention of Rules 44 and 45 of the United Nations Standard Minimum Rules for the Treatment of Prisoners the Nelson Mandela Rules¹⁰. On 29 May 2021, the Government Communications Office in Qatar issued a statement that included referring Bidali to the Qatari Public Prosecution, based on an investigation by the Qatari authorities, on charges of receiving sums of money from a foreign party to spread misleading information in the State of Qatar¹¹. Malcolm stayed for three days in the Qatari Public Prosecution Office, and during interrogation, he was not allowed to use a lawyer for the second time. After three days, he was forced to sign the charges against him.

On 14 July 2021, the Court of First Instance in Qatar found that Bidali was accused of committing the charges listed in Article 6 of Law No. 14 of 2014 on combating electronic crimes, including allegations of fabrication and dissemination of false news. According to a statement by

⁷ ما الذي يحدث في غفلة من الجميع؟، Migrant-Rights.org، 5 سبتمبر 2021، على الرابط التالي: <https://bit.ly/3D0Tu3y>

⁸ Mandates of the Special Rapporteur on the human rights of migrants; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 27 July 2021, Available at the following link: <https://bit.ly/3mPTzB9>

⁹ Ibid

¹⁰ قواعد الأمم المتحدة النموذجية الدنيا لمعاملة السجناء، مكتب الأمم المتحدة المعني بالمخدرات والجريمة، القاعدتين 44 و45، ص23، على الرابط التالي:

<https://bit.ly/3wmzgi7>

<https://www.gco.gov.qa/ar/gco-statement-bidali-case>¹¹

the diplomatic mission, a permanent country in Geneva¹², despite his release in July 2021, Bidali was unable to leave Qatar until 16 August 2021, after paying 25,000 Qatari riyals (US\$6,900)¹³

Maat confirms that the Qatari authorities have violated Article 9 of the International Covenant on Civil and Political Rights (ratified by the State of Qatar under Decree No. 40 of 2018), which states: Every individual has the right to liberty and security of his person. No one may be arbitrarily arrested or detained. No one may deprive of his liberty, except for reasons stipulated by law and under the procedure established therein. And the third paragraph of Article Fourteen of the Arab Charter on Human Rights (ratified by the State of Qatar by Decree No. 66 of 2013).

Maat also confirms that these practices represent a constat pattern that the Qatari authorities have adopted and practiced recently with all those who oppose or express their opinion. Maat also considers the disappearance and arbitrary detention of Kenyan activist Malcolm Bidali by the Qatari authorities and his forced deportation after paying a fine not the only example of the harsh measures of the Qatari authorities against foreigners residing in Qatar. Therefore, Maat calls on the United Nations special procedures to pressure the Qatari authorities to stop these arbitrary practices. It also calls for investigating these facts and compensating these victims for these arbitrary practices by the Qatari authorities.

Second: Racial discrimination against African workers

Qatar guarantees equality and non-discrimination in its legislative framework. The Qatari constitution stipulates in Articles 18 and 19 that Qatari society is based on the pillars of justice, charity, freedom, and equality¹⁴. However, in reality discrimination and inequality against migrant workers, especially migrant workers of African origin, is widespread. Discrimination in Qatar is based on national origin and nationality¹⁵.

¹² Qatar: UN Concerned About Enforced Disappearance and Arbitrary Arrest of Advocate for Migrant Workers' Rights, committee For Justice, 27 September 2021, Available at the following link: <https://bit.ly/3o66oXB>

¹³ مرجع سابق متاح على الرابط التالي: <https://bit.ly/3D0Tu3y>

¹⁴ الدستور القطري، المادتين 18، 19، على الرابط التالي: <https://bit.ly/3qblFYn>

¹⁵ Visit to Qatar Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, <https://undocs.org/en/A/HRC/44/57/Add.1>

Migrant workers of African nationalities have faced disparate patterns of racial discrimination in public and private spheres, according to the Working Group of Experts on People of African Descent. That was clear in accusing people of African descent and people from sub-Saharan countries that they are unclean. According to the testimonies of some African workers in sub-Saharan countries, they were prevented from entry to public parks and shopping centers because of their appearance. It is considered racial discrimination against them, in violation of the International Convention on the Elimination of All Forms of Racial Discrimination¹⁶.

What deepens the discrimination in Qatar against migrant workers is the system of racial segregation that Qatar legislates under the law passed in 2010. It is Law No. 15 of 2010 regarding the prohibition of housing gatherings of workers within the areas of the family residence. Article 1, amended by Law No. 22 of 2019, prohibits the housing of workers' gatherings within family housing areas. The article states that it is prohibited for real estate owners or those who have the right to manage them, business owners or those acting on their behalf, to rent, lease or allocate places and parts of places of all kinds for housing workers within family housing areas. The Minister of Municipality and Environment issued the decision¹⁷.

The law and its amendments impose penalties on anyone who violates the article, up to imprisonment for a period not exceeding six months and a fine of no less than fifty thousand riyals and not more than one hundred thousand riyals, or one of these two penalties. The penalty is doubled in its minimum and maximum limits in case of return. In all cases, the court shall order the evacuation of the property from its occupants¹⁸. The apartheid regime between workers and families in Qatar exacerbates nationality, occupation, and national origin discrimination. It contradicts the pledges made by Qatar to address this issue in response to the concluding observations of the Committee on the Elimination of All Forms of Racial Discrimination¹⁹.

¹⁶ Ibid

¹⁷ قانون رقم (15) لسنة 2010 بشأن حظر سكن تجمعات العمال داخل مناطق سكن العائلات، الميزان، المادة 1، على الرابط التالي:

<https://www.almeezan.qa/LawView.aspx?opt&LawID=2510&language=ar>

¹⁸ قانون رقم (22) لسنة 2019 بتعديل بعض أحكام القانون رقم (15) لسنة 2010 بشأن حظر سكن تجمعات العمال داخل مناطق سكن العائلات، الميزان، المادة 4،

على الرابط التالي: <https://www.almeezan.qa/LawArticles.aspx?LawArticleID=78966&LawID=8104&language=ar>

¹⁹ الوجه المظلم للهجرة، منظمة العفو الدولية، ص52، على الرابط التالي: <https://bit.ly/3bRokPU>

The Special Rapporteur on contemporary forms of racism considered that there is a crude contradiction that she noticed during her visit to Qatar. It was represented in recognizing the existence of some discriminatory patterns prevailing within Qatari society regarding migrant workers. But at the same time, some officials did not acknowledge the existence of this structural racism in the Qatari system. In this context, the Special Rapporteur on contemporary forms of racism said that the denial of the existence of racism in Qatar, which she noticed during her interview with some officials, threatens the achievement of equality and non-discrimination between different countries²⁰.

Third: The Kafala system undermines the rights of migrant workers

According to the Qatari sponsorship system, every migrant worker must have a sponsor. He is considered the employer, and the worker is not entitled to leave the job he occupies or travel to his country except after the employer's approval, who often withholds the passport or identity card and all identification papers. But based on the technical cooperation program between the International Labor Organization and the State of Qatar, the latter committed itself to change the sponsorship system with a contractual employment program. It enables migrant workers, including Africans, to change employers and leave the country as long as they wish²¹. On January 16, 2020, a ministerial decision to abolish exit permits for all migrant workers, including Africans, came into effect. In August of the same year, Qatar canceled the no-objection certificate, allowing migrant workers to change jobs whenever they wanted. Which later turned out to be modifications on paper only²².

The judicial decisions to cancel the exit permit and the no-objection certificate were supposed to pave the way for the abolition of the sponsor system. However, other laws in force in Qatari legislation have limited the enforcement of these decisions. For example, sponsoring employers could still claim their right to keep 5% of their workforce in need of an exit permit after

²⁰ Ibid

²¹ مأنونية الخروج أصبحت من الماضي لمعظم العمال المهاجرين في قطر، منظمة العمل الدولية، 16 يناير 2020، على الرابط التالي:
https://www.ilo.org/beirut/projects/qatar-office/WCMS_734413/lang--ar/index.htm

²² المرجع السابق

the approval of the Ministry of Administrative Development²³. In addition, the work progress report issued by the International Labor Organization regarding the partnership between the ILO and Qatar indicated that the Ministry of Administrative Development, Labor and Social Affairs approved 42,000 applications by employers to retain the exit permit for foreign workers. That means that 42,000 workers remained bound by their sponsors even with the entry into force of the previous decisions²⁴.

Regarding the abolition of the no-objection certificate requirement, which is a bold reform of the sponsorship system in Qatar, it became clear that it was only on paper. For example, practical practice witnessed the request of the Ministry of Administrative Development, Labor and Social Affairs, when following the necessary procedures for changing a job, to attach a signed resignation letter from the employer, contrary to what is stipulated in the law. According to testimonies of some migrant workers, sponsoring employers do not sign letters of resignation but cancel the worker's visa and force him to return to his country. The workers face what is known as an escape charge, which may push them to prison or forced deportation to their home country.

In a media interview upon his return to Kenya, blogger Malcolm Bidali said that until he departed from Qatar in August 2021, migrant workers were not able to change jobs. And I think that the reforms that Qatar has embarked on do not go beyond being on paper only²⁵. Confirming what was reported by the Kenyan blogger, the "Radisson Hotel Company" operating in Qatar also confirmed some workers' requests seeking to change their jobs in Qatar were not accepted by the Ministry of Administrative Development, Social Affairs, and Labor²⁶. In a related context, the Qatari authorities did not intervene to stop a decision taken by European security and guard service companies in May 2021. The decision included preventing workers from changing jobs for no less than five years. In contravention of the reforms undertaken by Qatar, which cancel the

²³ الواقع عن كتيب: العد العكسي لبطولة كأس العالم 2022، منظمة العفو الدولية، ص 10، على الرابط التالي: <https://www.amnesty.org/en/wp-content/uploads/sites/9/2021/05/MDE2232972020ARABIC.pdf>

²⁴ نفس المرجع السابق

²⁵ مدون كيني كشف ظروف العمل في قطر يصف تجربته في الحبس الانفرادي، بي بي سي عربية، 30 سبتمبر 2021، على الرابط التالي:

<https://www.bbc.com/arabic/media-58628932>

²⁶ سوء معاملة العمال المهاجرين في الفنادق الفاخرة، يوليو 2021، مرصد الأعمال وحقوق الإنسان، على الرابط التالي: https://media.business-humanrights.org/media/documents/2021_Qatar_Hotels_v5_1.pdf

no-objection or no-objection certificate²⁷. Maat considers that these administrative obstacles nullify any fundamental amendments made to the sponsorship system. It renders the reforms introduced by Qatar to address the rights of migrant workers equal and non-existent and demands the Qatari government to ensure the implementation of these reforms.

Fourth: Failure to access justice

Migrant workers' access to justice in countries of destination is often faced with structural obstacles that hamper their chances of obtaining effective remedies, or obtaining adequate and prompt reparation for the harm they have suffered, as identified by the Special Rapporteur on the human rights of migrants. These include: Obstacles, failure to investigate complaints submitted by migrant workers about their exposure to human rights violations, including complaints of delay in receiving their due wages, complaints related to the withholding of passports and identity cards and threats of forced deportation to countries of origin, as well as the length of proceedings and intransigence in the payment of compensation until judicial decisions have been obtained.²⁸

In 2018, Qatar established the Workers' Support and Insurance Fund under Act No. 17 of 2018, as a fund of the Ministry of Administrative Development, Labor and Social Affairs. In addition to supporting and providing assistance to workers, the purpose of the Fund was primarily to pay workers' benefits decided by the Labor Dispute Resolution Committees and then to obtain such funds from the employer.²⁹

However, in order to obtain financial adjustments from the Fund, workers must first file a lawsuit with the Labor Court and then make a judgment against the company that refrained from paying the workers' wages. The Labor Court must rule on the cases before it against the embattled companies within 6 weeks, after which the workers submit a request for execution to the

²⁷ مرجع السابق، ص 10

²⁸ عمل دائم بدون أجر: نضال العمال الأجانب في قطر من أجل العدالة، منظمة العفو الدولية، ص 11، على الرابط التالي: <https://www.amnesty.org/en/wp-content/uploads/sites/9/2021/05/MDE2207932019ARABIC.pdf>

²⁹ قانون رقم (17) لسنة 2018 بإنشاء صندوق دعم وتأمين العمال، المادة رقم 5، على الرابط التالي: <https://bit.ly/3dAEhMj>

Department of Sentence Enforcement. During this period, if the company is unable to pay its workers, a request for adjustment is made to the Fund³⁰. However, the workers experienced difficulties in obtaining financial settlements, such as either a delay in the processing of court cases, or failure to execute judgements once they were handed down.

In the case of the workers of the Empire Contracting Company, for example, more than 200 workers did not receive their wages for long periods. After he filed a lawsuit with the Labor Court, the six-week period ended and no judgment was issued against the company, which delayed the workers from receiving their delayed salaries or any financial aid from the Workers' Support and Insurance Fund.

The Imperial Company Workers' case highlights the slow pace of achieving justice for migrant workers in Qatar. On one hand, the Court does not observe a six-week sentencing period, and on the other hand, workers without ID are unable to report or file complaints with the Court, which prevents them from communicating with the Court or the Ministry of Administrative Development, Labor and Social Affairs³¹. In another context, the long lead-up to the sentencing of migrant workers from the Qatari Labor Court, in which workers suffer because they have no excess of money, some of whom are forced to advance from their friends and leave for their home state without receiving their overdue benefits. In the previous year, some 2,000 workers had filed complaints for their wages, and because of unfair litigation for migrant workers in Qatar, more than 1,600 workers had returned to their country of origin without any compensation or wages for their work in Qatar.

The poor quality, and often the lack of, translation and interpretation services are also a structural obstacle to fair and effective access for migrant workers. Migrant workers detained in destination countries find themselves at risk of arbitrary detention by immigration and

³⁰ قطر: الإجراءات بشأن انتهاكات الأجور تُظلم العمال، هيومن رايتس ووتش، على الرابط التالي: <https://www.hrw.org/ar/news/2020/12/22/377183>

³¹ المرجع السابق

citizenship services and are often charged in language they do not understand, and are therefore they will be unaware of the means to challenge their detention decisions.³²

The poor knowledge of migrant workers of their legal rights also constitutes an obstacle to their access to justice systems in the countries they are going to, for example when migrant workers are detained in the country of destination, they have the right to communicate with the authorities of their home country through the consular and diplomatic authorities as stated in paragraph 7(a) of Article 16 of the International Convention for the Protection of All Migrant Workers and Members of Their Families, to which Qatar is not a party³³ and in accordance with Article 36 (1)(b) of the Vienna Convention on Consular Relations, which did not happen in a large number of migrant and worker cases Migrants in Qatar, including the case of blogger Malcolm Bedale.³⁴

As mentioned above, when a migrant worker is detained, the country of origin authorities are in a very slow stage of being informed of the detention of some migrant workers, which delays the provision of support to these workers and their access to prompt justice.

Fifth: Wage violations

In 2015, the Qatari Ministry of Administrative Development, Labor and Social Affairs launched the Wage Protection System, a system for electronic payment of wages to workers, including African migrant workers, by obligating employers and companies to whom the provisions of the Labor Law apply to transfer the wages of their workers to a bank, and the Qatari government aimed to This system monitors companies and employers that are slow to pay workers' wages, and monitors irregularities related to migrant workers' wages as a whole.³⁵

³² Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Paragraph 15, Page 5, Available at the following link: <https://undocs.org/en/A/HRC/20/24>

³³ الاتفاقية الدولية لحماية حقوق جميع العمال المهاجرين وأفراد أسرهم، الفقرة 7(أ) المادة 16، على الرابط التالي: <https://bit.ly/3jZ4UgI>

³⁴ Vienna Convention on Consular Relations, Article 36(b), Available at the following link: <https://bit.ly/3GPWyS4>

³⁵ التدابير المتخذة مؤخرًا في قطر لتعزيز حماية الأجور، منظمة العمل الدولية، 14 سبتمبر 2020، على الرابط التالي: <https://bit.ly/3gtx0Q5>

However, this system did not fully protect the workers, and thousands of migrant workers continued to complain about the delay in paying the wages due to them in exchange for work, and this delay resulted in these workers losing the basic necessities of life such as buying food and medicine, in addition to the accumulation of debts on their shoulders to the extent that some of them are imprisoned. As a result of failure to pay debts, late payment of salaries also prevents migrant workers from transferring money to their families in the country of origin who need it to spend on the necessities of daily life. In this particular context, human rights reports confirmed that more than 87% of violations against migrant workers are violations related to unpaid or overdue wages, which affected about 12,000 migrant workers in the State of Qatar from 2016 until the end of the year. November 2020.³⁶

As an indication of these statistics in June 2020, rights reports revealed that 100 migrant workers at the Qatar Woven Iron Company Meta Coats, a design and construction company contracted by the Qatari government to work at the Hostel Stadium in Khor City, one of the fields of the 2022 World Cup, did not receive workers from African countries such as Kenya and Ghana, some of whom were unpaid for about seven consecutive months. The company also refused to renew the employees' residence permits, leaving some of them at risk of detention and deportation because of their illegal residence in Qatar.³⁷

It is noteworthy that the delay in these wages does not stop with migrant workers who work in jobs that are considered to be of a lower degree in Qatar, such as carpenters, porters in construction sites and projects related to the World Cup and workers in the cleaning sectors, but it also affects those who work in higher-level jobs related to World Cup projects. A 35-year-old person named Alvin who works in a construction company in Qatar was contracted to work in engineering works for the exterior of one of the 2022 World Cup stadiums. He reported that his

³⁶ Qatar firms' failure to pay leaves migrant workers destitute – report, The Guardian, 26 November 2020, <https://bit.ly/3sDRo3r>
³⁷ أوضاع العمال الأجانب قبل عامين من بدء بطولة كأس العالم لعام 2022 في قطر الواقع عن كثب، منظمة العفو الدولية، على الرابط التالي: <https://bit.ly/3x7Wati>

salary was delayed for at least 4 months for five times in 2018 and 2019. He also reported that all employees in the same level of jobs were delayed in the same way.

Alvin is not alone, as violations have affected all the jobs of migrant workers. Another 33-year-old person called "Yofi" works as a security guard for one of the infrastructure facilities for the tournament. He explained that his employer cut his monthly salary, which amounts to 1,000 Qatari riyals, which is equal to "275." dollars" since he started working in June 2019 and for a period that extended to 11 months, which prompted him to borrow in most of the months in which wages were delayed in order to only cover the basic necessities of life such as water and food and pay the rent for housing.³⁸

Among the other violations that migrant workers have been subjected to in Qatar with regard to wages, which is what a person called "Yuri", a pseudonym for a Ugandan migrant worker who came to Qatar in the hope of improving his and his family's standard of living, was subjected to, but he found himself obliged to pay two thousand five hundred dollars As recruitment fees to one of the companies involved in hiring workers to secure these jobs, he only had to work for more than two months to cover these fees, but after seven months of work he found himself indebted to his friends whom he had to advance to cover his basic necessities such as food, housing rent and necessary medicines . Despite Yuri's dreams when he traveled to Qatar to secure a better future for himself, his children and his family in the country of Uganda, he found himself in a situation worse than what he was in his country of origin, after he was promised a monthly wage estimated at a thousand dollars (the minimum wage in Qatar) This wage was not obtained at times, and at other times I take it as deficient in a way that does not meet the basic requirements for spending on his life.

A wide range of violations related to the wages of migrant workers is related to a policy followed in the Gulf countries, led by the State of Qatar. This policy is known as the "payment

³⁸ كيف نعمل بدون أجر، انتهاكات حقوق العمال الوافدة عشية بطولة كأس العالم 2022، هيومن رايتس ووتش، أغسطس 2020، ص13 على الرابط التالي: <https://bit.ly/3suKLjP>

upon arrest” policy, a policy well known by the Qatari government and it did not intervene to end it. This policy includes the payment of workers’ wages only to contractors when The main contractors pay the amounts owed to them, and if that payment is late, the wages of the workers are delayed, perhaps for months, which means that the wages of the workers are linked to the subcontractors receiving the amounts of money from the main contractors who learn directly with the companies that are often affiliated with the Qatari government, and this policy is considered It is an arbitrary policy in view of the consequent violation of wage delays for migrant workers, yet it is still included as a clause in contracts between governments and between private sector companies and subcontractors in the countries of the Middle East, led by Qatar, as we have previously explained.³⁹

Wage violations in Qatar are manifested in unpaid overtime, as the immigrant may be forced to work about 18 hours a day, in addition to arbitrary deductions, delayed wages, or indefinite suspension of wages, or sending incomplete wages to migrant workers and all of the aforementioned violations contradict With the ILO Wage Protection Convention 1990, and other relevant international agreements.⁴⁰

Companies operating in World Cup facilities and institution, the Corona Pandemic and the Qatari Government's directive to place workers on unpaid leave in order to prevent the outbreak of the epidemic, took advantage of Government guidance and immediately expelled up to 2,000 migrants working in a single construction company, the majority of whom had not received their due salaries or end-of-service adjustments under the Qatari Government Directive. About 20 workers of Nepalese nationality have not received any of their due wages after the Qatari government arbitrarily deported them⁴¹. The delay in payment of wages by Qatari companies is in violation of conventions concluded with the International Labor Organization

³⁹ دراسة استكشافية للمبادرات الجيدة لحماية عمال الإنشاءات في الشرق الأوسط، منظمة العمل الدولية، فبراير 2018، ص13، على الرابط التالي: <https://bit.ly/3eeA4Ne>

⁴⁰ أنظر، اتفاقية منظمة العمل الدولية بشأن حماية الأجور لعام 1990، على الرابط التالي: <https://bit.ly/3tCph5Z> قطر: طرد العمال الأجانب بشكل غير قانوني أثناء تفشي وباء فيروس كوفيد-19، منظمة العفو الدولية، 15 أبريل 2020، على الرابط التالي: <https://bit.ly/32JtyIV>

(ILO), the initial basis of which relates to the improvement of the pay system and the imposition of penalties on offenders.⁴²

Sixth: The right to form associations and unions

Article 45 of the Qatari Constitution provides for the right to freedom of association. However, non-citizens, including migrant workers, who constitute 71% of the population of Qatar, as mentioned above, do not have the right to form or join independent associations and unions. In accordance with article 116 of the Qatari Labor Law No. 14 of 2004, non-citizens in Qatar are strictly prohibited from forming or joining trade unions⁴³, thereby depriving about 94% of the labor force in the State of Qatar and about 90% of the population under the previous law of the formation or accession of independent trade unions. This means that any independent entities that act as representatives of foreign workers and defend their rights are excluded in serious conflict with the obligations of the State of Qatar.⁴⁴

The fact that Qatari legislation does not provide for the right to form associations and trade unions raises concerns in Maat for Peace, where the migrant worker does not find any defence if he is subjected to any violations in the State of Qatar, nor does he find any defence of his wasted rights, as well as the fact that the employer considers the migrant worker to be at a high level without rights. The prohibition of association and trade unions of migrant workers is essentially contrary to the obligations of the State of Qatar under the International Covenants on Human Rights. Article 20, paragraph 1, of the Universal Declaration of Human Rights stipulates that everyone has the right to participate freely in peaceful meetings and associations, as well as article 23, paragraph 4, which stipulates that everyone has the right to form and join trade unions with others in order to protect his interests, as contrary to recommendation 30 of the Committee on the Elimination of Racial Discrimination, which states that, as long as an employment

⁴² Project Office for the State of Qatar, International Labor Organization (ILO), Page 2, <https://bit.ly/3EQRwDc>

⁴³ نفس المرجع السابق

⁴⁴ <https://bit.ly/3yuZsXZ> تعريف الشركات بقضايا حقوق الإنسان، مركز موارد الأعمال وحقوق الإنسان، ص 13، على الرابط التالي:

relationship has been established for migrant workers and until such a relationship has ended, they have the right to freedom of association and assembly.

Seventh: key challenges faced by migrant workers in Qatar

- Reforms in the bail system continue to lack effective operational mechanisms to be applied in practice, particularly in view of the ability of employers to demand the retention of exit permits and the ability to charge migrant workers with escape.
- Administrative restrictions set by the Ministry of Administrative Development, Labor and Social Affairs represented in a signed resignation request from the employer to allow the migrant worker to change his job.
- Fraudulent practices by employers, corporate intermediaries, and subcontractors, which include confiscation of passports, withholding of wages, failure to issue identity documents to migrant workers, including those of African descent.
- Migrant workers' ignorance of local culture and language, their labor rights and national labor and immigration laws in the country in which they work.
- Limited or no access to the legal and administrative systems of the State of destination as a result of the denial of associations and trade unions by migrant workers.

Conclusions & Recommendations

Apparently, despite the bold reforms that Qatar has introduced in the bail system, these reforms have not entered into force as desired. This is due to the absence of enforcement mechanisms, but rather to the imposition of more administrative restrictions that the Ministry of Administrative Development of Qatar is still putting in place in order to change the jobs of migrant workers. The second factor is that the domestic legislation itself is inconsistent with the often-passed ministerial decisions and inconsistent with Qatar's obligations under international treaties. Accordingly, Maat for Peace recommends that:

- The need to consider adopting a national plan of action to combat racism and racial discrimination and related difficulties in accordance with the Durban Declaration and Program of Action and in line with the concluding observations of the Committee on the Elimination of All Forms of Racial Discrimination.
- The need to abolish the so-called “pay-on-arrest” policy that is widespread in contracts between partnerships working in World Cup projects and the Qatari government, and between these companies and sub-contractors on the other hand.
- Initiating steps to guarantee the rights of migrant workers to form and join professional associations and unions.
- The necessity of joining the International Convention for the Protection of Migrant Workers and Members of Their Families, and other core ILO conventions
- The necessity to allow investigations on the ground to find out the truth about the violations against migrant workers, including people of African descent.
- Increasing cooperation with UN special procedures, including allowing the Special Rapporteur on all forms of contemporary slavery and the Special Rapporteur on the human rights of migrants to visit Qatar.
- Taking additional measures to ensure access to justice for migrant workers, improve complaints mechanisms, provide legal aid to all migrant workers, and improve interpretation and translation services in courts and labor dispute commissions
- The recently elected Shura Council should carry out its legislative tasks by revising laws and regulations that contravene Qatar's international obligations.