



# General Assembly

Distr.: General  
23 April 2014

Original: English

---

## Human Rights Council

Twenty-sixth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the human rights of migrants, François Crépeau**

**Addendum**

**Mission to Qatar\***

#### *Summary*

While recognizing that Qatar has the highest proportion of migrants of any country in the world, who outnumber Qatari nationals by far, and that this creates unique challenges, the Special Rapporteur concludes that efforts need to be stepped up to prevent human rights abuses against migrants.

Migrants often pay recruitment fees and arrive in Qatar heavily indebted, only to have their passports confiscated upon arrival and the contract signed in their home country replaced, significantly reducing their salary and often changing the nature of their work. Exploitation is frequent and migrants often work without pay and live in substandard conditions. Domestic workers are excluded from the labour law and are particularly vulnerable to abuse.

The recruitment process for migrants needs to be further formalized in order to prevent exploitation and legislation must be enforced in order to ensure their rights are respected. The *kafala* (sponsorship) system, which links a work permit to a single employer, is a source of abuse and exploitation of migrants and should be abolished.

The Special Rapporteur also notes the responsibilities of the countries that send migrants to Qatar and the private sector.

---

\* The summary of the present report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission and in Arabic only.

## Annex

[English and Arabic only]

### Report of the Special Rapporteur on the human rights of migrants, François Crépeau, on his mission to Qatar (3 to 10 November 2013)

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–4	4
II. General background: migration in Qatar .....	5–7	4
III. Normative and institutional framework for the protection of the human rights of migrants .....	8–24	5
A. International legal framework.....	8–10	5
B. Regional legal framework.....	11–12	5
C. National legal and institutional framework.....	13–24	6
IV. Recruitment practices .....	25–43	7
A. The kafala (sponsorship) system.....	25–32	7
B. The recruitment process.....	33–38	8
C. Bilateral agreements .....	39–41	9
D. The role of migrant-sending countries .....	42–43	10
V. Human rights violations in the workplace.....	44–47	10
VI. Domestic workers.....	48–50	11
VII. Access to remedy for human rights violations .....	51–54	12
VIII. Detention of migrants in an irregular situation.....	55–68	13
A. Detention practices and legislation .....	55–59	13
B. Detention conditions .....	60–63	14
C. Procedural safeguards .....	64–66	14
D. Alternatives to detention .....	67–68	15
IX. Cross-cutting concerns .....	69–77	15
A. Xenophobia and the perception of migrants .....	69–70	15
B. Irregular migrants .....	71	16
C. Single mothers .....	72	16
D. The 2022 World Cup .....	73–74	16
E. The responsibilities of the private sector .....	75–77	16

---

X.	Conclusions and recommendations .....	78–148	17
A.	Normative and institutional framework for the protection of the human rights of migrants .....	82–89	17
B.	Recruitment practices .....	90–99	18
C.	Human rights violations in the workplace .....	100–110	19
D.	Domestic workers .....	111–115	20
E.	Access to remedy for human rights violations .....	116–120	20
F.	Detention of migrants in an irregular situation .....	121–127	20
G.	Cross-cutting concerns.....	128–133	21
H.	Recommendations to migrant-sending countries.....	134–139	22
I.	Recommendations to the private sector .....	140–148	22

## I. Introduction

1. The Special Rapporteur on the human rights of migrants, François Crépeau, conducted an official visit to Qatar from 3 to 10 November 2013 at the invitation of the Government. As the visit focused mainly on labour migration and recruitment practices, this report does not provide a comprehensive overview of the human rights situation of migrants in Qatar.
2. During the mission, the Special Rapporteur met Government representatives (including the Ministry of Labour, the Ministry of Interior, the Ministry of Justice, the Ministry of Foreign Affairs, the Supreme Council for the Judiciary, the Public Prosecution, and the Qatar 2022 Supreme Committee), representatives of the diplomatic community, the National Human Rights Committee, foundations, academics and migrants themselves. He also visited the deportation centre, the central prison and several shelters.
3. Due to the focus on recruitment of the visit, at the initiative of the Special Rapporteur the Ministry of Foreign Affairs organized a workshop during the visit to discuss recruitment practices. The workshop was attended by, inter alia, representatives of the Government, the United Nations, the National Human Rights Committee, the diplomatic community, foundations, recruitment agencies and construction companies.
4. The Special Rapporteur expresses his appreciation for the cooperation extended to him by the Government prior to, throughout and after the visit. He also thanks the staff of the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region in Doha for their valuable support and assistance.

## II. General background: migration in Qatar

5. Revenues from oil and natural gas have enabled Qatar to attain the highest GDP per capita in the world. Qatar has made significant investments in infrastructure and construction. The population has increased from approximately 111,000 in 1970 to 1.9 million in 2013, largely due to the arrival of migrant labour beginning in the early 1980s. The majority of the migrants in Qatar are from South and South-East Asia, including Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines and Sri Lanka. There is also a significant number of Arab-speaking migrants, many of whom hold posts in the public sector.
6. Qatar is heavily dependent on migrant labour and has the highest ratio of migrants to citizens in the world. Approximately 88 per cent of the total population are migrants, commonly referred to as “foreign workers”. They are employed largely in construction, services and domestic work. This situation poses unique challenges for the Qatari authorities and society and fuels a legitimate anxiety about national identity. However, it must be stressed that those migrants are in Qatar at the invitation of the Government and have received work permits in order to fill labour needs largely created by the booming economy, massive construction projects and widespread reliance on domestic workers, allowing Qataris to enjoy high levels of comfort.
7. The 2022 World Cup will create a need for additional migration to Qatar. In addition to stadiums and related infrastructure, a metro system and a railway system are in the process of being built and the road system and hotel capacity will be expanded.

### **III. Normative and institutional framework for the protection of the human rights of migrants**

#### **A. International legal framework**

8. Qatar is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child and its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict. However, Qatar has not ratified the International Covenant on Economic, Social and Cultural Rights or its Optional Protocol; the International Covenant on Civil and Political Rights or its two Optional Protocols; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; or the Optional Protocols to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, or the Convention on the Rights of the Child on a communications procedure

9. Qatar has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). However, it has not adhered to the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, the Convention relating to the Status of Refugees and its protocol, the Convention on the Reduction of Statelessness, or International Labour Organization (ILO) Conventions No. 97 concerning Migration for Employment (1949), No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (1975), No. 87 concerning Freedom of Association and Protection of the Right to Organize (1948), No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (1949), No. 189 concerning Decent Work for Domestic Workers (2011), or No. 181 concerning Private Employment Agencies (1997).

10. The Special Rapporteur hopes that the assurances he has received that the Government of Qatar is looking into the ratification of treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and some ILO conventions, will bear fruit soon.

#### **B. Regional legal framework**

11. Qatar has been a member State of the League of Arab States since 1971 and became a party to the Arab Charter on Human Rights in 2009.

12. Qatar is a member of the Cooperation Council for the Arab States of the Gulf (Gulf Cooperation Council). There have been discussions in the Council concerning the adoption of a common law or a common model contract for domestic workers.

## **C. National legal and institutional framework**

### **1. National laws**

13. The permanent constitution was adopted in 2005. According to its article 6, the State shall respect international charters and conventions and strive to implement all international agreements, charters and conventions to which it is a party.

14. The constitution further provides, in article 35, that all persons are equal before the law and that there shall be no discrimination whatsoever on grounds of sex, race, language or religion. Article 36 states that personal freedom shall be guaranteed and no person may be arrested, detained or searched, nor may his freedom of residence and mobility be restricted save under the provisions of the law; no person may be subjected to torture or any degrading treatment; and torture shall be considered a crime punishable by law.

15. Article 44 guarantees the right of citizens to assemble and article 45 guarantees the right of citizens to establish associations. Article 52 provides every person who is a legal resident of the State protection to his person and property in accordance with the provisions of the law.

16. The main law governing migration is Law no. 4 of 2009 Regarding Regulation of Expatriates' Entry, Departure, Residence and Sponsorship (the Sponsorship Law). Article 18 provides that each expatriate granted an entry visa to Qatar shall have a sponsor. Apart from women sponsored by the head of the family, minors and visitors staying 30 days or less, all expatriates may only leave the country temporarily or permanently on submission of an exit permit granted by the residence sponsor.

17. The Labour Law of 2004 regulates the employment of all workers, except certain excluded categories (including domestic workers).

### **2. National institutions and policies**

18. The Ministry of Interior is responsible for the entry and exit of migrants and the sponsorship system, including the transfer of sponsorship. The Search and Follow-up Department of the Ministry is responsible for the deportation of migrants and manages the deportation centre. The Human Rights Department receives and investigates complaints from migrants and undertakes visits to the deportation centre.

19. The Ministry of Labour is responsible for labour inspections (both health and safety inspections and worksite inspections), receiving complaints from workers and the recruitment of migrant workers, including certifying contracts and issuing visas and work permits. The Ministry of Labour deals with cases of abuse against migrants by negotiating between the migrant and the employer and it can contact the Ministry of Interior to check if the sponsorship can be transferred.

20. The National Human Rights Committee was established in accordance with Law No. 38 (2002) and reorganized in accordance with Law no. 17 (2010). It is accredited with "A" status by the International Coordination Committee of National Human Rights Institutions. The National Committee undertakes important work to enhance the protection of the human rights of migrants in Qatar, inter alia by assisting them in making complaints to the Ministry of Interior and the Ministry of Labour.

21. The Qatar Foundation for Combating Human Trafficking was established in 2003 by the Supreme Council for Family Affairs and transferred into a foundation by Sheikha Moza bint Nasser. The mission of the Foundation is to protect society from human trafficking and provide integrated care for victims. It operates a shelter for women victims of trafficking.

22. The Qatar Foundation for Education, Science and Community Development is a private, non-profit organization. It was founded in 1995 by Sheikh Hamad Bin Khalifa Al Thani and Sheikha Moza bint Nasser. The Foundation has launched a welfare initiative that is designed to curb unfair employment practices. Its mandatory standards of migrant workers' welfare set forth minimum mandatory requirements with respect to recruitment, living and working conditions and general treatment of workers engaged in construction and other projects at the Qatar Foundation.

23. The Qatar 2022 Supreme Committee was created after Qatar won the bid to host the FIFA World Cup in 2022. Its main responsibilities are the infrastructure projects related to the World Cup stadiums.

24. Qatar National Vision 2030, launched in 2008, aims to transform Qatar into an advanced country. It rests on four pillars: human, social, economic and environmental development. The National Development Strategy 2011–16 was prepared to set a path towards achieving the goals of Qatar National Vision 2030. The Strategy provides that the labour laws will be revised to protect further the rights and safety standards of all expatriate workers within a comprehensive social protection framework and in accord with international norms and standards. It further states that improving labour rights will not only benefit employees but also enhance the global image of Qatar as a leading and progressive nation. It sets as a target an increase from 6 to 20 in the number of ILO conventions signed.

## IV. Recruitment practices

### A. The *kafala* (sponsorship) system

25. The *kafala* (sponsorship) system is used to regulate the relationship between employers and migrants, with a work permit linked to a single person, the sponsor, who is often the employer, although this is not always the case. Sponsors are empowered by the Sponsorship Law to prevent migrants from changing employers and from leaving Qatar. The *kafala* system enables unscrupulous employers to exploit employees. Frequent cases of abuse against migrants include the confiscation of passports, refusal to give “no objection” certificates (allowing migrants to change employer) or exit permits and refusal to pay migrants' plane tickets to return home. Some employers do not extend residence permits for their employees, often because of the fees incurred. This leads to migrants ending up in an irregular situation, with no valid identity card, despite the fact that they are regularly employed.

26. Migrants are required to stay with their employer unless they get a “no objection” certificate and employers are required to report migrants who abscond to the Ministry of Interior. Migrants who leave their employers without a “no objection” certificate are charged with absconding and labelled runaways. They lose their residence permit and risk fines, imprisonment and deportation. The Special Rapporteur believes this system can amount to forced labour.

27. The Sponsorship Law of 2009 replaced a law from 1963 and includes some positive legislative developments, such as the provision which made it illegal for sponsors to confiscate passports. It also allows for a change of sponsor in certain cases and provides that the Ministry of Interior can provide an exit permit if the sponsor who refuses to do so cannot bring a court case against the migrant. However, the Special Rapporteur regrets that this law is not effectively enforced, as the practice of confiscating passports seems to be still widespread and change of sponsorship is difficult. While the Sponsorship Law allows

for the transfer of sponsorship by the Ministry of Interior in the event of abuse by the employer, in practice this provision is applied in relatively few cases.

28. The majority of the migrants the Special Rapporteur met, including construction workers and domestic workers, had had their passports confiscated by their employer, in violation of the Sponsorship Law. This included many migrants in the deportation centre, who had allegedly absconded from abusive employers. The explanation provided by the authorities, that most migrants prefer to let their employers keep their passports for them out of fear of loss or theft, contrasts with the testimonies the Special Rapporteur heard from migrants.

29. It has been argued that the *kafala* system is necessary because of the large number of migrants in Qatar. This cannot be used as an excuse for maintaining legislation that renders migrants vulnerable to abuse and exploitation. The Qatari authorities decide on the number of migrants they wish to admit to their territory. The demographic situation in Qatar is thus a result of Government policies and decisions, a nationwide choice of rapid development and a high level of household services.

30. The *kafala* system has been said to balance the interests of both parties, namely the employer and the migrant. Employers pay for the recruitment of the migrant and therefore feel that the migrant is an investment they need to hold on to. One way to solve this would be to reduce the costs of recruitment, inter alia by reducing the fees employers pay recruitment agencies and reducing the cost of visas. That way, employers could no longer argue that hiring a migrant is such a big investment that they need to keep them for an extended period of time.

31. Many of the persons the Special Rapporteur met, including Government representatives, were of the opinion that the *kafala* system is problematic and a source of abuse against migrants. The National Development Strategy provides for “review and revision as may be necessary, of Qatar’s sponsorship system”. The Special Rapporteur was informed that the Sponsorship Law is currently under review and that the Ministry of Interior will be granted broader powers to revoke sponsorship. The Special Rapporteur urges the authorities to make it easier for migrants to change sponsor and that this should happen automatically in all cases of alleged abuse by the sponsor. In the longer term, abolishing the *kafala* system and replacing it by a regulated open labour market, where the work permit allows the worker to change employer, would reduce the level of exploitation of migrants and at the same time ensure the mobility of labour and a better match of needs and skills.

32. Another problematic element of the *kafala* system is the exit permit requirement under the Sponsorship Law: migrants can only leave the country with an exit permit issued by their sponsor. This requirement violates the freedom of movement guaranteed by the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms Racial Discrimination. The claim that it is meant to prevent the flight of migrants after committing crimes can only apply to a few individuals and does not justify the pre-emptive punishment of thousands. It is a source of abuse and there is no valid justification for maintaining this system.

## **B. The recruitment process**

33. Migrants who come to Qatar to work have often suffered abuse and exploitation in their home countries during the recruitment process. Recruitment fees are forbidden by Qatari law, yet many migrants the Special Rapporteur met had taken out a loan to pay recruitment fees in their home countries, a loan that may take months or years to be repaid. Some lacked information about their jobs and salaries before they left their countries.



Others reported having signed a contract in their home country which was replaced by a different contract upon arrival in Qatar, with a lower salary and a different job description. As migrants cannot change jobs without the agreement of their sponsor and they often have recruitment loans to pay back, they become highly vulnerable to abuse and less likely to report violations. In many cases, this will amount to trafficking as defined in the Palermo Protocol, since migrants are recruited by means of deception to achieve the consent of a person having control over another person for the purpose of exploitation in forced labour.

34. Recruitment fees also contribute to job mismatching, as the hiring is not based on competencies, but rather on the ability to pay the fee. In order to ensure the right person is hired for the job, there should be no fees imposed. While fees are banned in the Labour Law, some migrant-sending countries have legalized recruitment fees for migrants. It was also reported to the Special Rapporteur that recruitment agencies in Qatar sometimes receive kickbacks from recruitment agencies in the sending countries, thereby circumventing the Labour Law.

35. The Special Rapporteur welcomes the system of certification of contracts by the Ministry of Labour before a visa is issued, but these contracts are often not respected by employers upon arrival. Moreover, some migrants are tricked by recruitment agencies and travel to Qatar on a tourist or business visa and then end up working irregularly, unless they can find a sponsor after their arrival. The Special Rapporteur thus believes other procedures are necessary to verify that these contracts are respected in practice and that migrants are empowered to demand that their contracts are enforced.

36. A common practice reported to the Special Rapporteur was the buying and selling of visas, as a result of the “block visa” system. Reportedly, there are companies in Qatar with no employees, which are registered in order to get visas from the Ministry of Labour and then sell these visas to the highest bidder. Such fraud in relation to migrants is part of a pattern of violations of the law that contrast with the immediate and stiff sanctions for violations of the traffic rules, for example.

37. The Special Rapporteur notes the need to formalize the recruitment process, to set up a centralized body for recruitment and to monitor strictly the role of private recruitment agencies and possibly streamline them. He believes it will be important for the Qatari authorities to work together with the migrant-sending countries to ensure that migrants arrive in Qatar debt-free with a clear understanding of their work and living conditions. He also hopes that the authorities will consider some of the issues discussed during the workshop conducted during his visit. In particular, the idea of creating Qatari labour offices in sending countries which would, jointly with local authorities, conduct information campaigns, create ethical rating systems for local recruitment agencies and electronically register contracts, should be explored, either for Qatar alone or together with other member States of the Gulf Cooperation Council.

38. The Special Rapporteur welcomes the information that the Ministry of Labour is in the process of implementing a programme for electronic connection with labour-exporting countries, which will include the establishment of an electronic information base for those seeking jobs in Qatar. This will allow employers to choose their workforce from available applications and might effectively end the discrepancy between the job promised in the sending country and the job effectively occupied in Qatar. The Special Rapporteur hopes that this programme will prevent contract substitutions.

### **C. Bilateral agreements**

39. Qatar has signed 31 bilateral agreements with migrant-sending countries. Those agreements include a model employment contract which provides for some regulation of

the work, including the contract period, travel expenses, wages, accommodation, medical care and annual leave, but it does not provide any details concerning a description of the work to be performed or the working conditions. The model contract provides that the contract may not be terminated before the expiry of its duration (one or two years) except upon mutual agreement by the employer and the employee. It also provides that the employer shall give the employee a personal loan if requested. These loans are often used as a reason not to let the employee change sponsor or leave the country.

40. The bilateral agreements state that a joint committee, comprised of representatives of Qatar and the sending State, shall meet every year to coordinate implementation of the agreement, interpret its provisions in case of disputes, review job opportunities in Qatar and propose review or modification of the provisions of the agreement. However, the Special Rapporteur was informed that such meetings do not take place regularly with all sending States.

41. The Special Rapporteur believes that it will be important for Qatar to include in all bilateral agreements with migrant-sending countries a revised uniform model contract for all workers, including domestic workers, which should ensure respect for and protection of the human rights of migrants, including labour rights and a minimum wage. Labour contracts based on such a model should specify the job description, wages and labour conditions. In this respect, the mandatory standards of migrant workers' welfare of the Qatar Foundation could be used as an inspiring model. E-government solutions could be developed to protect contracts against change upon arrival in Qatar.

#### **D. The role of migrant-sending countries**

42. While the Government is responsible for human rights violations committed against migrants in Qatar, the sending countries also have a role in preventing abuse of their own nationals who migrate for work. Many of the problems migrants in Qatar face relate to the recruitment process in their home country. Prospective migrants routinely pay high recruitment fees and sign contracts which are not respected once they arrive in Qatar and some are given a business or tourist visa rather than a work visa. As some of these recruitment agencies seem mostly concerned with making a profit, they simply promise contracts to whoever can pay the fee. This often results in persons getting a contract for a job for which they are not qualified; thus when they arrive in Qatar, without the required qualifications, they are given a different job with lower pay. Better regulation of recruitment agencies in sending countries would be an important tool in combating the exploitation of migrants in Qatar. Many migrants receive false promises from the recruitment agency in their country, but so do the employers – who often do not get workers with the qualifications required. Better regulation of recruitment agencies in sending countries would thus also be in the interest of employers in Qatar, who would then get better qualified employees.

43. Providing information sessions and pre-departure training for potential migrants could help ensure that they have the necessary training and skills, as well as information on working conditions in Qatar, their rights and how to access those rights.

#### **V. Human rights violations in the workplace**

44. While it provides some rights and safeguards for workers, the Labour Law of 2004 has important limitations. It does not provide for a minimum wage, it bans migrants from forming organizations and from collective bargaining and it excludes domestic workers from its application. Implementation of the law is also a problem. Many migrants in Qatar

face human rights violations in the workplace, partly due to lack of implementation of the Labour Law and a carelessness that may be fed by lack of consideration for Asian migrants. Some are not paid their wages on time, some are not paid at all and others are paid less than agreed. It has been argued that a minimum wage cannot be established because the recruitment agencies in Qatar are bound by contracts issued by sending countries. However, when sending countries have tried to set a minimum wage for their workers, this has resulted in workers of that country not being given visas for Qatar.

45. Living conditions in labour camps are often inadequate and in violation of Qatari law, such as the prohibition against bunk beds. The Special Rapporteur observed how a large number of migrants live in overcrowded and insalubrious conditions in the Doha industrial area. Many migrants do not have an identity card, because their employer did not provide them with one or did not extend its validity. As a consequence, they cannot obtain health cards to access subsidized health care. The Special Rapporteur regrets the insufficient number of labour inspectors, who are not in a position to investigate thoroughly the working conditions or living conditions in labour camps, due to their small numbers and the lack of interpreters. He welcomes information received that the number of labour inspectors will be doubled from 150 to 300.

46. The Special Rapporteur is concerned about the level of accidents in construction sites and hazardous working conditions resulting in injury or death. He is also concerned at the lack of data on accidents and deaths, despite anecdotal evidence that too many of these mostly young men return home in a coffin. He notes the need for the workers' voices to be heard on issues that are of common interest to them, the employers and the Government. The authorities should consider allowing the creation of health and safety committees where workers would be represented. Ultimately, all workers should be allowed to form workers' organizations. The authorities should not see this as a threat, but as an opportunity to use the workers' voice to facilitate their own work, in the efficient management of a mobile and competent labour market, where grievances can be dealt with early on and not when accidents happen or workers abscond.

47. The Ministry of Labour has initiated a pilot programme with a three-tier ranking of companies based on the number of complaints against them. The Ministry also has a system for blacklisting companies. While blacklisting companies who abuse migrants may be a good idea, the problem is that if these companies cannot hire new employees, they will often be more reluctant to let their employees go. Thus, such companies will often refuse to provide "no objection" certificates or exit permits, resulting in their employees being stuck. When a company is blacklisted, attention must also be paid to the rights of those people who are currently working in that company.

## **VI. Domestic workers**

48. Domestic workers are excluded from the Labour Law. This includes housemaids, drivers, cooks and gardeners. One reason put forward for this exclusion is that these workers do not have fixed working hours. Another explanation provided to the Special Rapporteur was that domestic work is regulated in the contract signed between the employee and the employer, so there was no need for a law. The Special Rapporteur strongly disagrees with this assessment. Domestic workers have as much need for their work to be regulated by law as any other worker, if not more. The Special Rapporteur met domestic workers who had run away from their employers after severe cases of physical, mental and sexual abuse. Some were overworked, forced to work as much as 21 hours per day, and "loaned" to other employers. Some reported not being given food, while others had not been paid their salaries for up to 10 months. Some were injured in accidents in the home. The vast majority had had their passports confiscated.

49. The National Development Strategy aims to reduce the heavy dependence on domestic workers in Qatar. The target is to reduce by half the average number of domestic helpers per household. The Strategy states that “The Government will devise a set of regulations, including standards and conditions, to better manage the recruitment and employment of domestic helpers. This way forward will be supported by new legislation covering the legal rights of domestic workers.” The Special Rapporteur was pleased to hear that the Government has worked on a draft law for domestic workers and hopes for the speedy finalization and adoption of this law, in order to better safeguard the rights of domestic workers, whose abuse is rarely visible. This law should include provisions on, inter alia, wages, working hours, working conditions, payment for overtime, annual leave and effective remedies, as set out in ILO Convention No. 189 concerning Decent Work for Domestic Workers.

50. While welcoming the blacklisting by the Government of companies that abuse migrant workers, the Special Rapporteur insists that this should also apply to domestic workers. Persons who abuse domestic workers should not be able to hire more domestic workers in the future. Similarly, labour inspections should be undertaken also in private homes, in order to inspect working conditions and combat the too-frequent abuse of domestic workers.

## **VII. Access to remedy for human rights violations**

51. There are different complaint mechanisms available for migrants, which can be accessed through the Ministry of Labour, the Ministry of Interior, the National Human Rights Committee, or directly at the labour court. However, migrants have difficulty accessing these mechanisms, partly because of lack of information, legal aid and interpreters and partly because they fear losing their job and subsequently being detained and deported, or they fear their sponsor’s reactions. Often when a migrant reports abuse by their sponsor, the sponsor retaliates by filing criminal charges against him or her. Some migrants detained in the deportation centre reported not even being released from the deportation centre to attend their own court case filed against their employer. More efforts are needed to provide effective access to justice for migrants. Sponsorship should always be transferred at the request of the worker, at least temporarily, when a migrant files a complaint against their employer. Additionally, migrants who file a complaint against their employer often need help, including interpretation and legal aid, but often also a place to stay and food, while they wait for a decision in their case.

52. The complaint mechanisms are not very effective. Despite its good will and awareness of the issues, the National Human Rights Committee has limited means and cannot take any decisions, only transfer the complaint to the relevant ministry. The Ministry of Labour can only mediate and if the employer does not agree, the worker has to file a case with the court. Migrants find the division of competencies between the Committee and the Ministries of Labour and Interior confusing.

53. The Special Rapporteur notes the need for more effective sanctions against employers. He regrets the lack of effective investigation and prosecution measures for offences under the Labour Law and the small number of court cases against abusive employers, a situation which may be connected to the numerous non-Qatari judges without tenure. Access to the labour court is difficult: migrants have to pay a fee to file a case and getting a decision takes several months. The Labour Law provides that lawsuits filed by workers shall be exempted from judicial fees; however most migrants still have to pay 600 riyals to file a case. Reportedly this covers the cost of an expert opinion. This is money migrants often do not have – in fact many of the complaints by migrants relate to non-payment of their salaries for up to several months.

54. The National Development Strategy provides for the establishment of a tribunal to solve labour disputes. The Special Rapporteur welcomes this proposal, as it seems clear that the current system, with mediation by the Ministry of Labour and the lengthy procedures in the labour court, is not working satisfactorily. This new tribunal should be easy to access, with information provided in the languages spoken by the migrants, with interpreters, legal aid, no fees and quick settlement of disputes and enforcement of decisions.

## **VIII. Detention of migrants in an irregular situation**

### **A. Detention practices and legislation**

55. The detention of migrants is based on the Sponsorship Law. The Law provides that the detention of migrants awaiting deportation may be ordered for 30 days, “renewable for several similar periods”, which may lead to long-term administrative detention. The Special Rapporteur met migrants who had been detained for as long as one year. Many of them are trapped in Qatar, as they lack one or more of the three requirements to go home: their passport, an exit permit and a plane ticket (to be paid by their employer). During the Special Rapporteur’s visit, there were approximately 300 women and 1,050 men detained at the deportation centre. A new ward to accommodate up to 500 women was under construction.

56. Migrants who abscond from abusive employers are routinely detained and deported. The Special Rapporteur was informed that most migrants who await deportation are not kept in the deportation centre, but rather have to report to the authorities daily. Those detained are reportedly those who have a criminal case or civil claims against them, those who have resisted deportation and those who abscond from their sponsors. The fact that those who abscond may have been abused by their employer does not seem to be taken into consideration.

57. Some of the detainees had reported cases of abuse by their employers and in some instances their employers had retaliated by reporting criminal cases against the migrant who had absconded. Others could not leave the deportation centre until they had paid the fine for having overstayed their residence permit. However, it is the responsibility of the employer to ensure that migrants have a residence permit and often they do not extend the permits of the migrants working for them, mainly due to the cost incurred.

58. The majority of the women in the deportation centre had absconded from abusive employers, particularly the domestic workers, and they wanted to return to their countries of origin. The Special Rapporteur is of the opinion that it is very unlikely that they present any risk of absconding while trying to obtain their passport, flight ticket and exit permit. Their detention is therefore not necessary and constitutes a violation of their rights. Accommodating such women in open shelters, instead of building a new ward for women at the deportation centre, would provide a much better and cheaper solution. The Special Rapporteur was informed that women who do not have any legal issues or a criminal case against them are referred to the Qatar Foundation for Combating Human Trafficking and stay in their shelter. However, most women will have legal issues cited against them, as simply running away from an abusive employer is considered as such.

59. There were several pregnant women in the deportation centre during the visit of the Special Rapporteur. The Special Rapporteur deeply regrets this practice. The authorities should either facilitate their return to their countries, or house them in shelters. Similarly, children should never find themselves in detention: migrant women with children should always be hosted in shelters. While there were no children in the deportation centre during his visit, the Special Rapporteur was informed by several sources that women with small

children are routinely kept in the deportation centre and he was told that approximately 10 women with children had been removed from the centre the day preceding his visit.

## **B. Detention conditions**

60. While welcoming efforts undertaken by the authorities to ensure decent conditions for the migrants in the deportation centre, the Special Rapporteur found the centre to be overcrowded and unsanitary. The migrants lacked sheets, a change of clothes, soap and other hygienic products. Several migrants were sleeping on mattresses on the floor in the corridors.

61. The Special Rapporteur heard reports of severe overcrowding in recent months and weeks, with migrants sleeping 2–3 persons in each bed or on the floor, but at the time of his visit, the situation in the deportation centre seemed to have improved somewhat. Some of the detained women had been moved to a different ward only a few hours prior to his visit, most likely in order to reduce overcrowding.

62. Several of the migrants the Special Rapporteur met reported different health conditions, both physical and mental, but they had not had adequate medical attention. One housemaid had been beaten and burned by her employer before running away. Another had injured her leg in an accident. One ran away after an attempted rape. Access to a doctor was difficult, with no proper treatment given. The detainees reported that the only medication given was aspirin, regardless of their illness. The Special Rapporteur heard stories of pregnant women in detention not receiving prenatal care, including one who had miscarried inside the deportation centre. It was also reported to the Special Rapporteur that mentally ill persons had been kept in the deportation centre, with no adequate treatment.

63. Some migrants who had been both in the central prison and the deportation centre, stated that the deportation centre had the worst detention conditions, a remark that fits with an unfortunate pattern of treating migrants with little respect for their dignity.

## **C. Procedural safeguards**

64. The Special Rapporteur is concerned that detainees have limited ability to contact their families, limited access to legal assistance or consular services and virtually no professional interpretation services. Access to a phone was not guaranteed for those who did not have money to pay for the pay phone and mobile phones were confiscated. The detainees therefore had difficult access to the outside world and little knowledge about complaint mechanisms and how to challenge their detention.

65. The detainees reported that there was no way for them to make complaints about their detention or the conditions in detention. Some of them had spent several months in the deportation centre and lacked information about their situation, not knowing why they were there or what would happen to them. In general, the detainees the Special Rapporteur met had little or no information in a language they could understand about the reasons for their detention or its duration and little or no consular access or means of challenging their detention and/or deportation.

66. The Special Rapporteur notes as positive the visits to the deportation centre by the National Human Rights Committee and the Human Rights Department of the Ministry of Interior. However, he believes it is important for Qatar to ratify the Optional Protocol to the Convention against Torture and establish an independent national preventive mechanism tasked with undertaking regular unannounced visits to all places of deprivation of liberty in Qatar.

## **D. Alternatives to detention**

67. As long as there is no specific risk of a migrant absconding from future proceedings and he or she does not present a danger to himself or herself or to others, detention is not necessary and thus a violation of that person's rights. A large number of the detainees the Special Rapporteur met wanted to go home to their country and it is therefore highly unlikely that they would abscond. The Sponsorship Law provides that the Minister of Interior may oblige migrants to reside in a specific area instead of resorting to detention and the Special Rapporteur was informed that reporting requirements are also sometimes used as an alternative to detention. The Special Rapporteur urges the Qatari authorities to systematically rely on non-custodial measures rather than detention. An individual assessment of the necessity of detention should be undertaken in all cases, in accordance with international human rights standards, and non-custodial measures should always be considered before detention. In this respect, the Special Rapporteur refers to his report on the detention of migrants in an irregular situation (A/HRC/20/24), which provides useful information on the different alternatives to detention and how to apply them.

68. The Special Rapporteur was informed that some migrants asked to be kept in the deportation centre because they had no place to live. Keeping such people in a shelter would not only be much cheaper than detaining them, but would also better respect the human rights and dignity of those concerned. The Special Rapporteur visited the shelters run by the Qatar Foundation for Combating Human Trafficking and the Qatar Foundation for the Protection of Women and Children. He welcomes the work of these foundations and urges the authorities to transfer detained migrants to such shelters, unless there is a specific reason that requires them to be detained while they are waiting to return to their countries. The capacity in such shelters should be expanded and new shelters should be established for all migrants in difficult situations, men, women and children.

## **IX. Cross-cutting concerns**

### **A. Xenophobia and the perception of migrants**

69. The Special Rapporteur regrets the negative perception of migrants in Qatar. Migrants are often seen as their employer's "property" rather than human beings with human rights equal to those of Qatari nationals. This is reflected in the systematic exploitation of migrants, who often live in slum-like conditions, work excessive hours in difficult and dangerous conditions and are often not paid for several months. Domestic workers are particularly vulnerable to such practices. This may unfortunately reveal entrenched discrimination, if not racism, when the victims are non-Qataris. The Special Rapporteur notes the need for the Qatari authorities to undertake measures to create a more positive perception of migrants in Qatari society, stressing that migrants undertake important jobs in Qatar, are an essential part of its economic success and deserve to see their dignity and rights protected on a par with that of citizens. As law enforcement is generally good in Qatar, it is regrettable that this does not extend to situations where migrants are concerned.

70. The Special Rapporteur is also concerned at the categorization of migrants based on their nationality, whereby some nationalities are seen as more valuable than others and migrants of some nationalities are paid higher salaries than others, while carrying out the same job. This form of discrimination constitutes a violation of the International Convention on the Elimination of All Forms of Racial Discrimination.

## **B. Irregular migrants**

71. While the vast majority of migrants enter Qatar regularly, some become irregular, *inter alia* because they abscond from abusive employers, or because their employers refuse or neglect to renew their residence permits. Those migrants often live in hiding, in fear of being detained and deported. The Special Rapporteur met migrants who had absconded and as a consequence had become irregular, who were afraid to seek medical assistance. They feared being asked for an official identity card, which they no longer had. He also met irregular migrants who had nowhere to live, having been evicted from the accommodation provided by their employers. Additionally, he met children who were irregular migrants and thus were not allowed to attend school.

## **C. Single mothers**

72. In the central prison, there were several women who were sentenced to one year in prison for adultery for having a baby while being unmarried. These women lived in the prison with their babies, in conditions which are in clear violation of the principle of the best interests of the child, as stated in the Convention on the Rights of the Child. While noting that these women have violated Qatari law, the Special Rapporteur finds it unnecessary to keep them and their babies in prison and urges the authorities to come up with alternative solutions.

## **D. The 2022 World Cup**

73. The Qatar 2022 Supreme Committee is responsible for the infrastructure projects related to the World Cup stadiums. It has developed a workers' charter with 10 principles, which all of its contractors and subcontractors will have to comply with. The charter covers, *inter alia*, health and safety, employment, equality, dignity, working and living conditions and wages. The Committee is in the process of developing employment standards based on the principles set out in the workers' charter. The charter is based on Qatari law, but goes further in relation to enforcement. It provides that the subcontractor is obliged to comply with the same rules as the contractor and it promotes an independent audit of companies. It provides a three-tier system for auditing: firstly, the contractor himself will do spot checks and report back; secondly, an independent auditor appointed by the Committee will undertake audits; and the third tier consists of labour inspections conducted by the Ministry of Labour.

74. The Special Rapporteur welcomes the commitment by the Committee to ethical recruitment and to developing employment standards in line with international human rights and labour standards. It is too early to say, however, how this will work in practice, as the World Cup construction projects have not yet started. The Special Rapporteur urges the Committee to ensure that workers' rights are fully respected in relation to the preparations for the World Cup. The standards of the Committee should fully comply with international human and labour rights standards. The Government should also ensure that, if successful, this experience is extended to all other construction projects, which should fully respect the human rights of migrants well before 2022. If this is the case, the World Cup could be used as an opportunity to improve the human rights of migrants in Qatar.

## **E. The responsibilities of the private sector**

75. International standards on business and human rights provide that private actors must as a minimum respect internationally recognized human and labour rights. The



Guiding Principles on Business and Human Rights adopted by the Human Rights Council in its resolution 17/4 state that business enterprises are required to avoid causing or contributing to adverse human rights impacts through their own activities, to address such impacts when they occur and to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services through their business relationships.

76. The private sector can play an important role in ending the abuse and exploitation of migrants in Qatar. This includes ending practices such as contract substitution, the confiscation of passports, not providing identity cards, not paying employees on time and inadequate working and living conditions.

77. The Special Rapporteur was repeatedly told that the most serious abuse of migrants is not committed by large transnational companies, but rather by small companies which act as subcontractors. Transparency in the labour supply chain is crucial in order to prevent abuse: all intermediaries, subcontractors and other partners should therefore be identified and suppliers and other business partners should not engage unauthorized subcontractors. Companies must ensure that workers, including subcontracted labour, are not subjected to exploitative working conditions.

## **X. Conclusions and recommendations**

78. **The high proportion of migrants in Qatar creates unique challenges for the country, but the Special Rapporteur concludes that efforts need to be stepped up to prevent human rights abuses against migrants in the country. Qatar has made progress in advancing the human rights of migrants, inter alia through some of the improvements introduced in the Sponsorship Law of 2009. However, much remains to be done in order to ensure full respect for the human rights of migrants in Qatar.**

79. **The Special Rapporteur notes that there is some good legislation in place, which could potentially prevent some of the abuse migrants currently experience in Qatar. However, this legislation is not adequately enforced.**

80. **The Special Rapporteur believes that a better informed and better protected workforce is a more productive and reliable workforce. It would benefit businesses in Qatar to have a more streamlined recruitment process. Abolishing the *kafala* system would attract more highly qualified workers. Recruitment fees mean that the people recruited are those who can pay the fee, not the ones who are most qualified. Formalizing the recruitment process, certifying recruitment agencies in sending countries and abolishing all recruitment fees would lead to better skills matching.**

81. **In light of the information received and the concerns expressed, the Special Rapporteur wishes to propose the following recommendations to the Government of Qatar.**

### **A. Normative and institutional framework for the protection of the human rights of migrants**

82. **Effectively implement existing legislation, prosecute violations and impose appropriate sanctions on companies and individuals who violate the rights of migrants.**

83. **In accordance with Qatar National Vision 2030 and the National Development Strategy 2011–16, revise labour laws to further protect the rights of all migrant workers.**

84. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which would provide the Qatari government with a useful framework for managing migration while ensuring the full respect for the human rights of migrants.
85. Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
86. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a national preventive mechanism with a mandate to undertake unannounced visits to all places where migrants are deprived of their liberty.
87. Consider seeking technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in order to make sure Qatari legislation and practice are in line with these treaties.
88. Ratify a number of ILO conventions, including No. 97 concerning Migration for Employment (1949), No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (1975), No. 87 concerning Freedom of Association and Protection of the Right to Organize (1948), No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (1949), No. 189 concerning Decent Work for Domestic Workers (2011) and No. 181 concerning Private Employment Agencies (1997).
89. Take fully into consideration the recommendations made by the National Human Rights Committee, including those in its reports in relation to the human rights of migrants.

## **B. Recruitment practices**

90. Abolish the *kafala* system and replace it with a regulated open labour market, where the work permit allows the worker to change employer. This would include abolishing the “no objection” certificate and the exit permit requirement. In the meantime, the provisions of the Sponsorship Law should be strictly enforced and there should be clear criteria for when a sponsor can refuse to give a “no objection” certificate or an exit permit and abused migrants should always be allowed to change sponsor.
91. Conduct systematic checks to make sure that employers do not confiscate their employees’ passports.
92. Ensure that migrants are properly informed as to their rights. In this respect, ensure that employment contracts signed by migrants are written in a language that they can read and understand.
93. Ensure that illegal recruitment fees are not charged and that contracts signed in the sending countries are not altered in Qatar without the informed consent of the migrant concerned. E-government solutions could be developed to protect contracts against change upon arrival of the worker in Qatar.
94. Formalize the recruitment process, set up a centralized body for recruitment, consider initiating a process across all the Gulf Cooperation Council countries and strictly monitor the role of private recruitment agencies.
95. Consider seeking technical assistance from ILO and OHCHR to reform the sponsorship system, improve the recruitment process and train government officials.

96. **Work with certified recruitment agencies in sending countries and refrain from providing visas to workers who have gone through an uncertified agency.**
97. **Work together with countries of origin to ensure that migrants arrive in Qatar free of debt.**
98. **Consider opening offices of the Ministry of Labour in sending countries which would, jointly with local authorities, conduct information campaigns, create ethical rating systems for local recruitment agencies and approve and register contracts.**
99. **Fully respect the human rights of migrants in relation to the implementation of all bilateral labour migration agreements entered into. Include in all bilateral agreements a revised uniform model contract for all workers, including domestic workers, which should ensure respect for and protection of the human rights of migrants, including labour rights and a minimum wage. Labour contracts based on such a model should specify the job description, the agreed salary, working and living conditions and effective recourse and remedies. The mandatory standards of migrant workers' welfare of the Qatar Foundation for Education, Science and Community Development could be used as a model.**

### **C. Human rights violations in the workplace**

100. **Ensure that there is no discrimination in relation to salaries based on the nationality of workers and consider establishing a minimum wage.**
101. **Find a way to guarantee the payment of salaries and plane tickets for migrants, inter alia by ensuring that all migrants have a bank account to which their salary is transferred every month and that bank records are regularly checked.**
102. **Ensure that all migrants are provided with identity cards.**
103. **Create a strong and effective labour inspection system, with a sufficient number of labour inspectors, who should be well trained in international human rights and labour standards. Labour inspectors should undertake thorough and regular unannounced inspections in all worksites. They should monitor the enforcement of labour laws, including by speaking directly with migrant workers, reviewing their contracts and making sure they are allowed to keep their passports, are issued with identity cards and are paid on time. Labour inspections should also take place in labour camps in order to inspect living conditions. Labour inspectors must be accompanied by interpreters in languages understood by migrant workers.**
104. **Collect disaggregated data, inter alia, on complaints by migrants against their employers and on workplace accidents, injuries and illnesses.**
105. **Audit all construction companies and make the results public.**
106. **Make the blacklisting and ranking of companies based on their compliance with labour standards public and accessible to migrants.**
107. **Revise the Labour Law in order to impose penalties on employers who do not pay workers their full salary on time and who do not grant them annual leave, as well as adequate penalties for employers who do not comply with accommodation standards for their employees.**
108. **Establish health and safety committees with worker representation on all worksites.**
109. **Recognize the rights of association and self-organization for all workers, including migrants.**

110. Provide the Ministry of Labour with more resources in order to enable it to deal more effectively with certification of contracts, labour inspections and labour complaints.

#### **D. Domestic workers**

111. Adopt legislation on domestic workers that includes protection of labour rights, including in relation to working hours, overtime, a minimum wage, working conditions and annual leave, and effective compliance mechanisms.

112. Establish a minimum wage for domestic workers, which should apply to all workers, regardless of their nationality.

113. Ensure that domestic workers' passports are not confiscated by their employers.

114. Blacklist employers who exploit domestic workers.

115. Undertake labour inspections in private homes to inspect the working conditions of domestic workers.

#### **E. Access to remedy for human rights violations**

116. Provide migrants with information about their rights and how to access them. This could be done, inter alia, by disseminating the *Workers' Rights Book* of the National Human Rights Committee, both in migrant-sending countries and in Qatar.

117. Effectively investigate and prosecute offences under the Labour Law and the Sponsorship Law and ensure effective access to complaint mechanisms. This could be done by creating one extensive complaint mechanism on violations of labour and human rights, including in relation to recruitment, sponsorship, residence permits, contracts, working conditions, living conditions, wages and other labour disputes. This mechanism should be easy to access, with interpretation provided and no fees charged.

118. Ensure that migrants are not required to pay fees to file a case with the labour court and ensure easy access without fear of reprisals and speedy processing of court cases filed by migrants. Access to interpreters and legal aid should be guaranteed.

119. Ensure that detained migrants are able to appear in court.

120. Pursue the establishment of a tribunal to solve labour disputes, which should be easy to access, with information provided in the languages spoken by the migrants, with interpreters, legal aid, no fees and quick settlement of disputes and enforcement of decisions.

#### **F. Detention of migrants in an irregular situation**

121. Refrain from detaining individuals for the sole reason of having absconded from their employer. End the systematic detention of migrants awaiting deportation and always explore alternatives to detention. Detention should be a measure of last resort, limited to those cases where there is a risk of a migrant absconding from future proceedings, or when the person poses a threat to his or her own or public security, and its duration should be limited to the minimum time necessary. A maximum time limit should be established by law.

122. Significantly improve detention conditions and procedural safeguards, in line with international human rights standards, and develop appropriate regulations on the detention of migrants in line with international human rights standards. In particular, ensure that all detained migrants have easy access to:

(a) Adequate medical care, interpreters, adequate food and clothes, a bed and clean sheets, hygienic conditions, adequate space to move around and access to outdoor exercise;

(b) Information in a language they understand as to the reason for their detention, its duration and the right and means to challenge the detention;

(c) Means of contacting their family and consular services, as well as those of an interpreter and a lawyer, which should be free of charge if necessary, in order to be able to exercise their rights.

123. Seek guidance from the report of the Special Rapporteur on the detention of migrants in an irregular situation (A/HRC/20/24).

124. Refrain from detaining pregnant women.

125. Refrain from detaining children and families with children, in conformity with the principles of the best interests of the child and of family unity. Shelters should be established, particularly for those categories of migrants.

126. Ensure full access to all detention facilities for lawyers and international and local civil society organizations and implement systematic independent monitoring of detention centres.

127. Seek technical assistance from OHCHR in relation to the detention of migrants, including on how to determine the criteria for detention, and on procedural safeguards and detention conditions.

## **G. Cross-cutting concerns**

128. Refrain from categorization of migrants based on their nationality and initiate a strong public discourse on social diversity and inclusion, which stresses the importance of fighting discriminatory behaviour and attitudes towards migrants.

129. Develop a human rights culture, including through conducting public campaigns on racism and xenophobia, and in cooperation with international organizations and civil society, include human rights education and awareness-raising in the educational curriculum of the school system, including respect for domestic workers.

130. Ensure that all migrants in an irregular situation can access their rights, inter alia to education, health care and housing. Those who have become irregular due to the actions of their employers, such as the non-renewal of residence permits, should receive assistance in order to solve their residence status.

131. Ensure that single mothers are not imprisoned with their babies. Instead, those who wish to return to their countries should be assisted in returning home with their babies, with help from their consular authorities. In the meantime, they should be housed in shelters, whenever required. Measures should be undertaken to prevent children born out of wedlock from becoming stateless.

132. Ensure that the standards of the Qatar 2022 Supreme Committee fully comply with international human rights treaties and ILO labour conventions. Use the 2022 World Cup as an opportunity to improve the human rights situation of migrants in

Qatar and ensure that the rights of migrants are not violated as a consequence of the World Cup preparations, including the massive construction projects.

133. Increase the means of the National Human Rights Committee for coping with the number of abuse cases relating to migrant workers.

## **H. Recommendations to migrant-sending countries**

134. Regulate recruitment agencies operating in their territory in order to guarantee ethical recruitment in compliance with international human rights and labour standards and impose sanctions on those who violate such regulations.

135. Ensure that recruitment agencies do not charge migrants fees, inter alia for their contracts, travel or visas.

136. Provide information sessions and pre-departure training for prospective migrants, in order to prepare them for their work in Qatar and ensure they have the necessary skills, including language skills, before their departure, as well as information on working conditions in Qatar, their rights and how to access those rights. This should also include information on the local culture and lifestyle in Qatar and on important legislation, which may be very different from those in their own countries.

137. When negotiating bilateral agreements with the Government of Qatar, ensure that they contain terms and conditions for safeguarding the rights of their nationals, including clauses on working conditions, living conditions, wages, working hours etc. and monitor enforcement of those agreements.

138. Ensure that their embassies in Qatar are properly equipped to provide assistance to their nationals in need.

139. Those that have not yet done so, should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **I. Recommendations to the private sector**

140. Implement the Guiding Principles on Business and Human Rights.

141. Ensure that international human rights and labour standards are respected for all persons working on their projects and throughout the company's value chain. Integrate binding commitments to respect the rights of migrants in contracts with suppliers, contractors and business partners and put in place robust systems for the oversight of suppliers and subcontractors at all levels.

142. Implement due diligence mechanisms to identify, prevent, mitigate and account for potential and actual adverse impacts on the rights of migrants that the company may be causing or contributing to, or that may be linked to its operations, products or services.

143. Ensure that the migrants they hire do not pay recruitment fees in their home countries.

144. Ensure that contracts signed by workers in their home countries are respected and that the work they perform is in accordance with those contracts.

145. Provide adequate accommodation for their workers.

146. Refrain from confiscating employees' passports and ensure they are always paid their full salary on time, including overtime compensation when applicable, inter alia through opening bank accounts for them.

147. Issue "no objection" certificates and exit permits as requested by employees, unless there is a justified reason not to do so.

148. Provide identity cards to all their employees and renew them as soon as they expire.

---