



REALITY CHECK 2021: A YEAR TO THE 2022 WORLD CUP

THE STATE OF MIGRANT WORKERS'
RIGHTS IN QATAR

AMNESTY
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First published in 2021 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

Index: MDE 22/4966/2021

Original language: English

amnesty.org



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1. INTRODUCTION

With just a year to go until the 2022 football World Cup in Qatar, Amnesty International examines how far the country has come in meeting its promises to reform its labour system and protect workers' rights. This briefing updates our Reality Checks issued in February 2019 and November 2020.

The final countdown to football's next World Cup has started, yet Qatar has still not delivered on the promise it made - in an agreement with the ILO – to end the labour abuse and exploitation of its more than two million migrant workers. Indeed, as this report demonstrates, the past year has seen an actual erosion of newly protected migrant workers' rights against a backdrop of increased scrutiny of Qatar's poor human rights record and calls for the tournament to be boycotted.

Since Qatar committed to overhaul its labour system in 2017, it has introduced important legal reforms. However, progress on the ground has stagnated and old abusive practices have been resurfacing, reviving the worst elements of *kafala* (the sponsorship-based employment system) and undermining reforms. The government has failed to rigorously implement the reforms, in particular by monitoring their enforcement and holding abusers to account. This failure throws into doubt the pledge by key stakeholders that the World Cup would be a game changer for migrant workers in Qatar.¹

For every day that this persists, workers across the country are left at the mercy of unscrupulous employers, facing wage theft, unsafe working conditions and sometimes insurmountable barriers to changing jobs. Workers are still prohibited from organizing themselves to collectively fight for their rights, while justice evades them and compensation for abuse remains scarce. And amongst all this, employers continue with “business as usual”, allowed to exploit their workforce with impunity.

In releasing its latest “reality check”, Amnesty International is warning that Qatar must take urgent action to complete the reform process and enforce it properly before the World Cup kicks off in November 2022. Unless this happens, thousands more workers risk being subjected to labour abuse and exploitation in the next year alone, with little hope of remedy. The situation for those who will remain in Qatar after the tournament ends will be even worse.

Qatar must take urgent action to complete the reform process and enforce it properly before the World Cup kicks off in November 2022

1 FIFA and the Supreme Committee pledged the World Cup will leave “a legacy of world-class standards and practices for workers in Qatar and internationally”. See <https://digitalhub.fifa.com/m/5adbe651c67c78a3/original/o2zbd8acyiooxyn0dwuk-pdf.pdf>

THE PROBLEMS

Our previous briefings identified key factors at the heart of the abuse faced by migrant workers:

- **The kafala system** that binds foreign workers to their employers, restricting workers' ability to change jobs and preventing many from leaving the country without their employers' permission.
- **Late and non-payment of wages**, exacerbating high levels of worker debt caused by illegal and unethical recruitment practices.
- **Barriers to obtaining justice** for migrant workers whose rights are abused and violated.
- **Impunity for abusive employers**.
- **Poor protection of domestic workers**, including weak implementation of the law.
- **Prohibition of migrant workers to form and join trade unions**.
- **Failure to enforce Qatari laws** that are supposed to protect workers' rights.

QATAR'S COMMITMENTS – THE ILO AGREEMENT

In 2014, workers' groups lodged a complaint against Qatar at the ILO for non-observance of Convention No.29 on Forced Labour and Convention No.81 on Labour inspection.² In 2017, following further extensive documentation of the abuse of low-paid migrant workers the government signed an agreement with the ILO, committing to a three-year, wide ranging reform process.

Through the partnership, Qatar and the ILO agreed to work together from 2018-2020 to "align [Qatar's] laws and practices with international labour standards and fundamental principles and rights at work".³

Reform objectives were set under five key pillars:

- improvement in the payment of wages;
- enhanced labour inspection and health and safety systems;
- replacement of the kafala sponsorship system and improvement of labour recruitment procedures;
- increased prevention, protection and prosecution against forced labour;
- promotion of workers' voice.

Further details on the commitments made under some of these pillars can be found in chapters 2 – 5 of this report.

2 See text of the complaint, Complaint alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution, 16 March 2015, Appendix I, p.3 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_348745.pdf

3 Technical cooperation programme agreed between the Government of Qatar and the ILO (2018–20), 2017, p.31, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf

WHAT HAS QATAR DONE SO FAR?

Since 2017, Qatar's government has introduced legislation and initiatives aimed at benefiting migrant workers. These include:

- **Domestic Workers Law**, which stipulates limits on working hours, mandatory daily breaks, a weekly day off and paid holidays regulating working hours;
- **Committees for the Settlement of Labour Disputes** (Labour Committees) to facilitate workers' access to justice;
- **A fund** to support and expedite payment of unpaid wages;
- **Non-discriminatory new minimum wage**;
- **Ending the exit permit and No-Objection Certificate (NOC) requirements**, which should allow migrant workers to leave Qatar and change jobs without their employer's permission;
- **Piloting the formation of joint committees between employers and workers**; and
- **Ratifying two key international human rights treaties**, although Qatar reserved the right to ignore some of their key obligations, including the right of workers to form and join trade unions deciding instead to only set up pilot projects for workplace committees.

These reforms had the potential to transform the lives of migrant workers in Qatar. However, their weak implementation and gaps in the measures introduced have meant that over the last year, many abusive practices have re-emerged, seriously undermining the reform process.

Jacob, a security guard, explained to Amnesty International what this means for migrant workers like him:

***"...change came on paper but on the ground it has not changed...
When you go inside the company and among the workers [you see that]
only a very small change has happened. It is still appalling."***⁴

In the absence of effective enforcement of the new regulations, many abusive employers have found cracks in the system. This has allowed them to carry on with "business as usual" at the expense of workers' rights, with egregious practices resurfacing:

- **some employers still oppose or ban migrant workers from changing jobs**;
- **employers' permission to change jobs still needed in practice**, adding further confusion to an already complicated system for migrant workers;
- **'absconding' charges remain available for use as a tool of exploitation**;
- **wage theft remains rampant**;
- **the process to claim unpaid dues in court remains laborious and even fruitless** for many migrant workers;
- **a culture of impunity for abusive employers is still thriving**;
- **migrant workers' deaths remain poorly investigated**, depriving families of their right to remedy; and
- **migrant workers continue to be deprived of their right to form and join trade unions**.

4 Remote Interview, 4 May 2021.

To fulfil commitments they made, Qatar’s authorities must, as a matter of urgency:

-  **effectively implement and enforce the reforms** to ensure that old abusive practices are dismantled and new ones do not replace them;
-  **strengthen inspection mechanisms** to quickly detect and stop abuses;
-  **improve workers’ ability to access justice and remedy;**
-  **hold abusive employers to account;** and
-  **promote migrant workers’ voices and respect their right to form trade unions.**

METHODOLOGY

This briefing updates *Reality Check 2020: Countdown to the 2022 World Cup – Migrant workers’ rights in Qatar*, published in November 2020;⁵ which built on the previous briefing, *Reality Check: The state of migrant workers’ rights with four years to go until the Qatar 2022 World Cup*, published in February 2019.⁶ Both briefings welcomed Qatar’s commitment “to align its laws and practices with international labour standards”, recognizing the importance of reforms to tackle widespread labour exploitation.⁷ But they also highlighted the weak enforcement that left migrant workers vulnerable to serious labour abuses.

This briefing draws on the extensive body of research Amnesty International has developed on migrant workers’ rights in Qatar over the past decade, including new research conducted in 2021. Researchers interviewed 45 current and former workers either remotely or in person between April and November 2021 regarding their experience of living and working in Qatar. This briefing also draws on the work of other organizations and journalists covering migrant workers’ rights in Qatar, as well as discussions with representatives of workers’ countries of origin, the International Labour Organization (ILO), representatives of migrant workers’ rights organizations and leaders of migrant worker communities in Qatar, and correspondence and meetings with Qatari government officials. Amnesty International delegates visited Qatar in October 2021 to conduct further field research and meet officials and other stakeholders.

Amnesty International also analysed national and international laws and standards pertaining to migrant workers’ rights, and annual ILO reports on Qatar’s progress on the commitments made in its joint technical cooperation agreement with the ILO.⁸

In this report, pseudonyms have been used for all workers whose cases are mentioned to protect them from possible reprisals.



5 Amnesty International, *Reality Check 2020: Countdown to the 2022 World Cup – Migrant workers’ rights in Qatar* (Index MDE 22/3297/2020), 18 November 2020, <https://www.amnesty.org/en/documents/mde22/3297/2020/en/>

6 Amnesty International, *Reality Check: The state of migrant workers’ rights with four years to go until the Qatar 2022 World Cup* (Index MDE 22/9758/2019), 5 February 2019, <https://www.amnesty.org/en/documents/mde22/9758/2019/en/>

7 *Technical cooperation programme agreed between the Government of Qatar and the ILO (2018–20)*, p. 31, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf

8 Ibid.



2. THE *KAFALA* SYSTEM

THE PROMISE

Under Pillar 3 of the agreement with the ILO, Qatar committed to replace *kafala* with a contractual employment system.⁹ This would:

- end restrictions and obstacles that limit migrant workers' freedom of movement and prevent them from terminating their employment in the event of abuse;
- authorize workers to leave their employment at certain intervals or after giving reasonable notice;
- review the procedure for issuing exit visas; and
- enforce the prohibition of passport confiscation.¹⁰

THE REALITY

By August 2020, Qatar had finally repealed the requirement to obtain an exit permit and No-Objection Certificate (NOC) for most migrant workers, allowing them to leave the country and move jobs without seeking their sponsors' consent, both considered central pillars of the *kafala* system. While this was an important step forward, a de facto NOC process has emerged and problematic elements of *kafala* remain in place. These include, for instance, the ability of employers to control migrant workers' legal status on top of the array of retaliatory measures that abusive employers can use at any time without fear of punishment.

For Sara, a domestic worker who has worked for two and a half years in Qatar, little has changed. She told Amnesty International:

“Changing job in Qatar is so difficult. True that there is no NOC law but most of the companies and employers are still asking for one, and unluckily they [current employer] don't want to give me one and say they will send me back to the Philippines. I have received a lot of job offers but my problem is that they are still needing NOC or ‘release papers’ or resignation letter signed by my previous sponsor. It is much safer if the employees have the NOC or release paper.”¹¹

⁹ *Technical cooperation programme agreed between the Government of Qatar and the ILO (2018–20)*, p. 31.

¹⁰ See comments of the ILO Committee of Experts on the Application of Conventions and Recommendations, which the government committed to follow when reviewing Law No. 21 and other relevant laws regulating the recruitment and employment terms and conditions of migrant workers, https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255640

¹¹ Remote interview, 7 September 2021.

EXIT PERMIT: SCRAPPED BUT SOME GAPS REMAIN

Qatar scrapped the exit permit requirement for migrant workers in September 2018, allowing most migrant workers covered by the Labour Law to leave the country without the permission of their employer.¹² In January 2019, domestic workers and other groups of workers were eventually included in the exit permit exemption after being excluded from the initial announcement.¹³ However, domestic workers still needed to “inform” their employer in person 72 hours before their departure.¹⁴

According to the ministerial decision, employers could still request that up to 5% of their workforce requires an exit permit following Ministry of Administrative Development, Labour and Social Affairs’ (MADLSA) approval.¹⁵ As of August 2020, MADLSA had approved 42,171 requests to retain exit permit permission for migrant workers.¹⁶ Figures for 2021 were not available at the time of writing.

Almost two years after the removal of the exit permit, workers’ rights organizations and representatives of embassies in Qatar acknowledged that leaving the country had generally become easier.¹⁷ However, they told Amnesty International that some migrant workers, especially domestic workers, continue to face hurdles. These include employers refusing to provide the air ticket fare to return home or filing spurious ‘absconding’ (running away from a job, which is deemed a criminal offence in Qatar) or theft cases against employees, and failing to renew workers’ residence permits, undermining their ability to leave the country.¹⁸ Further, passport confiscation remains a rampant practice amongst employers of domestic workers.¹⁹



Migrant workers play football on an area of wasteland in Doha, Qatar. © Charlie Crowhurst/Getty Images

- 12 Amnesty International, *Qatar: Partial abolition of ‘exit permit’ lifts travel restrictions for most migrant workers*, 5 September 2018, <https://www.amnesty.org/en/latest/news/2018/09/qatar-exit-system-reform-first-step/>
- 13 See Ministry of Interior Decision No. 95 of 2019 on the regulations and procedures regarding the exit of some categories of workers who are not subject to the Labour Law, 1 December 2019, <https://www.almeezan.qa/LawArticles.aspx?LawArticleID=79754&LawID=8221&language=ar>
- 14 Article 2 of the Ministry of Interior Decision No. 95 of 2019.
- 15 On 19 October 2021 the Emir issued the Emiri Order No 4 of 2021 reshuffling the Cabinet. As a result, MADLSA was demerged and a new minister was appointed to head the Ministry of Labour. See The Peninsula, *Amir issues Amiri order reshuffling Qatar cabinet*, 19 October 2021, <https://thepeninsulaqatar.com/article/19/10/2021/Amir-issues-Amiri-order-reshuffling-Qatar-cabinet>
- 16 See ILO, *Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO* (ILO Progress Report), 9 October 2020, p. 6, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_757599.pdf
- 17 Interviews with representatives of migrant workers’ rights organizations and embassies in Doha, conducted remotely and in person between September and October 2021.
- 18 Ibid. For further information on domestic workers, see: Amnesty International, *“Why do you want to rest?”: Ongoing abuses of domestic workers in Qatar*, 20 October 2020, <https://www.amnesty.org/en/documents/MDE22/3175/2020/en/>
- 19 Interviews with representatives of migrant workers’ organizations on 25 October 2021.

NO-OBJECTION CERTIFICATE: BARRIERS STILL PRESENT

On 30 August 2020, Qatar became the first country in the region to allow migrant workers to change jobs without their employer's permission after fulfilling certain conditions, including completing a probationary period and serving notice.²⁰ However, a year on, the ability of migrant workers to move jobs freely is still constrained by sometimes insurmountable barriers. Indeed, what initially appeared to be a quick and relatively easy online process has increasingly become cumbersome, complex and open to abuse.

In theory, according to laws No. 18 and 19 of 2020,²¹ all migrant workers can now change employers after their six-month maximum probation period, providing they serve their notice.²² Migrant workers can also change jobs during their probation providing that their new employer reimburses the airfare and recruitment fees to their current employer, an amount that cannot exceed two months of the workers' basic salary.²³ If either the employer or worker terminates the contract without respecting the notice period, they must pay the other party compensation equivalent to the worker's basic wage for the notice period or its remaining time. If workers fail to abide by these provisions, they cannot work in the country for a year after their departure. Migrant domestic workers were included in these provisions, though their probation period should not exceed three months.²⁴

The ability to move jobs is a vital way for workers to avoid abusive circumstances. Take the case of Abel, who is 30 years old and married with one child. He paid more than US\$1,200 to a recruitment agent in his home country to get his job in Qatar. After working four years for the company – often 12 hours every day for just QR1,400 (US\$380) per month - he was promoted. But Abel told Amnesty that despite this, his employer refused to adequately increase his salary, and so, soon after the law changed in Qatar he sought a new opportunity. *"I was among the first people to use the new process and change jobs,"* he told Amnesty.²⁵

In response to a request by Amnesty International for data, Qatar provided partial information that makes it hard to assess the extent of this reform's implementation. The government reported that between September 2020 and August 2021, it had approved 226,840 migrant workers' applications to change jobs, and that decisions on these applications were made within seven to 10 working days.²⁶ But the government did not provide the total number of applications submitted during this period or the number of applications that had been rejected, as requested by Amnesty International.

According to organizations supporting migrant workers in Qatar, the picture has indeed been mixed. They told Amnesty International that following the introduction of the new system many applications were processed despite some workers facing hurdles such as language barriers or lack of access to smartphones.²⁷ However, some employers continued to ask newly hired workers for an NOC, while others used retaliatory measures such as cancelling visas or filing absconding reports after workers told them of their intention to change job, thereby deliberately undermining the new job transfer process.²⁸

20 To change jobs, workers or their new employer must submit a request through MADLSA's electronic system, attaching a copy of their new job offer letter and current contract. MADLSA then processes the request and sends an SMS to the worker informing them whether their application has been accepted or rejected. If accepted, the SMS is also sent to the current employer, and all parties are informed of the notice period to be served. If the application is rejected, only the worker is informed. For more details of the process, see MADLSA, *Changing employers in Qatar: Key information for workers*, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_754403.pdf

21 Law No. 18 of 2020 amended articles 39, 43, 49, 115/bis, 144, 145, 145/bis of the Labour Law; and Law No. 19 of 2020 (removal of No-Objection Certificate requirement), https://www.ilo.org/beirut/projects/qatar-office/WCMS_754882/lang--en/index.htm

22 The notice period is one month for the first two years of service and two months for more than two years. See Article 1 of Law No. 18 of 2020 amending Article 30 of the Labour Law.

23 See: Article 1 of Law No. 18 of 2020 amending Article 39 of the Labour Law.

24 See: MADLSA, *Changing employers in Qatar: Key information for workers*,

25 Remote interview, 5 May 2021.

26 Letter from the Government Communications Office (GCO) to Amnesty International, 4 October 2021. On file with Amnesty International.

27 Interviews with migrant worker organizations conducted remotely and in person between September and October 2021.

28 Amnesty International, *Reality Check 2020*, p.13.

INTERNAL BACKLASH BY SOME EMPLOYERS

The removal of the NOC was opposed by some local businesses, who voiced their concerns about the unfairness of the new regulations for employers.²⁹ Hashtags advocating for the “right of employers” circulated online and opinion pieces appeared in local newspapers.³⁰ Small and medium sized companies argued that they risked losing their workforce at a time when they could not afford to hire new employees, and travel restrictions resulting from the pandemic meant that they were unable to recruit new workers.³¹

In an attempt to ease the business community’s concerns, a MADLSA representative stressed in a television interview in late November 2020 that the rights of businesses would be protected during the job transfer process and that workers were required to attach to their application a copy of the resignation letter submitted to the employer, adding that “signature and stamp of the new company is also needed where a worker wants to transfer”.³² He added that once the employer received notification of their employee’s transfer request, they could inquire about the transfer and raise any concerns they might have about it via email or a hotline number.

Then, in January 2021, in an attempt to further reassure the local community, the Minister of Labour told the Shura Council that “**the transfer of sponsorship has rules, controls and procedures that will preserve the rights of all parties**” and that “**the number of workers who requested a transfer is few and that those whose requests were approved are smaller.**” The minister added that changing jobs was still “**subject to approval or rejection after communicating with the concerned parties.**”³³

Despite these reassurances, the Shura Council issued on 22 February 2021 a series of recommendations aimed at stripping workers of their new rights. These recommendations have not passed into law, however they give a strong indication of the local resistance to change in particular from the business community.³⁴ The recommendations included:

- removing the right of migrant workers to change jobs during their contract;
- limiting the number of times they can change jobs during their stay in Qatar to three;
- restricting the number of workers in a company that can change jobs to 15% unless agreed otherwise by the company; and
- increasing the percentage of workers who require exit permits to leave Qatar from 5% to 10%.³⁵



29 See: The Peninsula, *Qatar Chamber, Ministry discuss businessmen’s demands and grievances on labour law amendments*, 22 November 2020, <https://www.thepeninsulaqatar.com/article/22/11/2020/Qatar-Chamber.-Ministry-discuss-businessmen%E2%80%99s-demands-and-grievances-on-labour-law-amendments>

30 See Blog, *وقفه متأنية بين حقوق العمال وحقوق أصحاب العمل*, 19 October 2020, <https://alwelayalrsheda.blogspot.com/2020/10/blog-post.html> and *مداد القلم.. بروتوكول المنظمات الدولية.. حقوقٌ منتهكة أم تشريع*, 9 November 2020; and Al-Raya, *المسرفة وشريعة الغاب؟*, 16 November 2020, tinyurl.com/74v5zvzy

31 Al-Sharq, *المواطن... بين مطرقة العامل وسندان القوانين*, 22 November 2021, shorturl.at/yGQS2.

32 The Peninsula, *Resignation copy required for job change request*, 28 November 2020, <https://www.thepeninsulaqatar.com/article/28/11/2020/Resignation-copy-required-for-job-change-request>

33 The Peninsula, *Sponsorship transfer rules will preserve rights of all parties, Shura Council told*, 5 January 2021, <https://www.thepeninsulaqatar.com/article/05/01/2021/Sponsorship-transfer-rules-will-preserve-rights-of-all-parties.-Shura-Council-told>. The Shura Council is an advisory body that acts as a quasi-parliament.

34 Amnesty International, *Is Qatar planning a U-turn on reforms?*, 4 March 2021, <https://www.amnesty.org/en/latest/news/2021/03/is-qatar-planning-a-uturn-on-reforms/>

35 The Peninsula, *Shura Council makes recommendations on change of employer and expat worker’s exit*, 22 February 2021, <https://www.thepeninsulaqatar.com/article/22/02/2021/Shura-Council-makes-recommendations-on-change-of-employer-and-expat-worker%E2%80%99s-exit?fbclid=IwAR3nbeG66h6iXrNyKOW7-ctO6GHc1YkOhCFifPgvxo86nQL7wglMguYkZlU>

JOB MOBILITY CURTAILED

“There are very many who want to change job, but they failed. The method was they got a message saying 'rejected'. About 100 could apply but they only approve five or so. The company can then maybe mistreat them psychologically. [The company] get told [by MADLSA] that “so and so is trying to change” and then they harass people.”³⁶

(Ben, from Uganda)



Migrant workers at Al Attiyah Market in Doha's industrial area on a Friday afternoon, October 2012. © Amnesty International

Despite the law remaining unchanged, the reality is that it has become increasingly difficult for workers to change jobs, according to multiple sources.³⁷

Organizations on the ground supporting migrant workers noted they had seen an increase in complaints from workers seeking to change jobs, including workers facing many months of delays in the process, applications being rejected without explanation, and the emergence of a de facto NOC requirement.³⁸ Many migrant workers interviewed by Amnesty International also reported that they or their colleagues came up against great challenges in transferring employers.³⁹ A representative of Migrant-Rights.org, told Amnesty International:

“Job mobility, in the first weeks of the reforms, was indeed smooth. Everything was transparent and online. However, within two months it became chaotic with employers pushing back and filing false cases against workers who wish to change jobs.”⁴⁰

The government told Amnesty International that “a decision on an application to change employer is made within 7-10 working days”.⁴¹ However, some workers said that they had to wait for months, with one even waiting for almost a year to hear back from MADLSA on their job transfer application.⁴²

Jacob, a worker from Kenya, told Amnesty:

“Now it's past more than six months still waiting for the message without knowing, maybe the sponsor of the company has blocked the transfer. These people never want to make things easier for any non-citizens.”⁴³

36 Remote interview, 28 April 2021.

37 Interviews with migrant workers and representatives of organizations supporting migrant workers, conducted remotely and in person between April and October 2021. See also: Migrants-Rights.org, *Job mobility in Qatar is still a mirage despite reforms; domestic workers most affected*, 5 October 2021, <https://www.migrant-rights.org/2021/10/job-mobility-in-qatar-is-still-a-mirage-despite-reforms-domestic-workers-most-affected/>; and Business and Human Rights Resource Centre, *Checked Out: Migrant worker abuse in Qatar's World Cup luxury hotels*, 14 July 2021, pp. 24 – 25, https://media.business-humanrights.org/media/documents/2021_Qatar_Hotels_v547.pdf ;

38 Interviews with representatives of organizations supporting migrant workers, conducted remotely and in person in September and October 2021.

39 Interviews with migrant workers between April and October 2021.

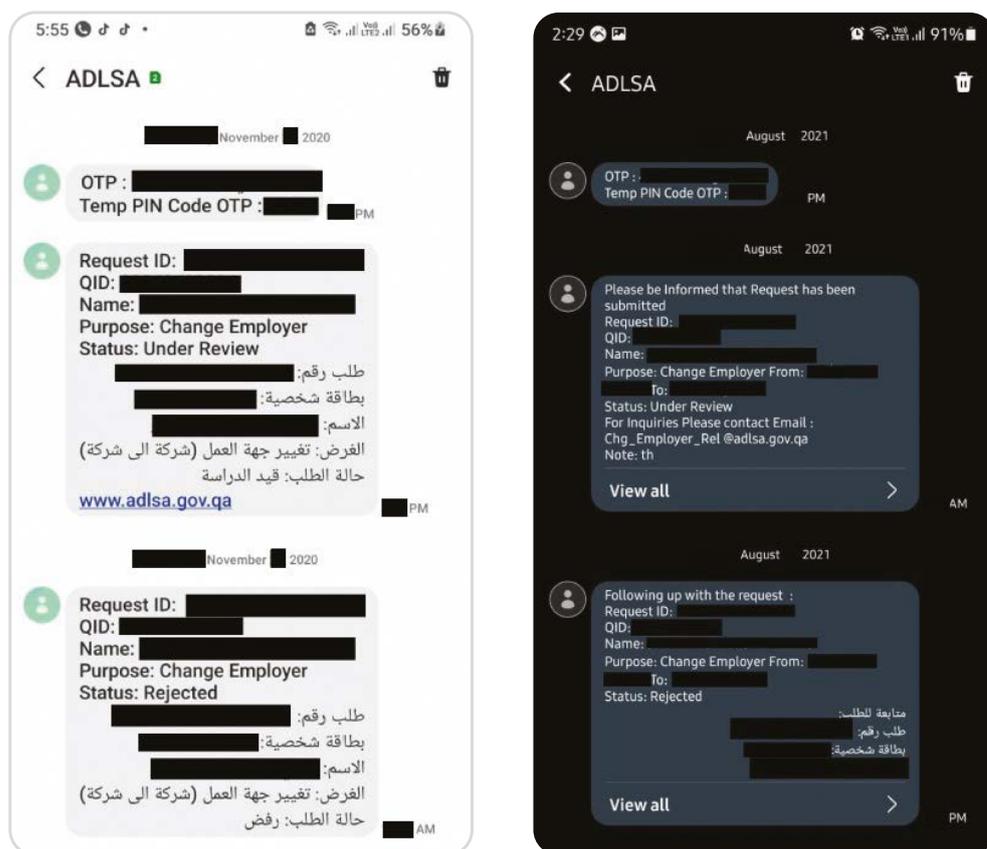
40 Email exchange, 31 October 2021. On file with Amnesty International. Migrant-Rights.org is an advocacy organization aiming to advance the rights of migrant workers in the Gulf region: <https://www.migrant-rights.org/>

41 GCO letter to Amnesty International, 4 October 2021. On file with Amnesty International.

42 Interviews with migrant workers conducted remotely and in Qatar between April and October 2021.

43 Remote interview, 19 August 2021.

According to workers interviewed, and text messages seen by Amnesty International, those whose applications are rejected often receive no explanation for this decision in the SMS they are sent by MADLSA, despite the government's claims otherwise.⁴⁴ In its reply to a request for information from Amnesty International, the government stated that workers could enquire in person at MADLSA about the status of their application.⁴⁵ However, interviews conducted with migrant workers and representatives of workers' rights organizations in Qatar suggest that it is very difficult in practice to go in person due to their working hours and inability to take time off, or because they are turned away by security if they do manage to make it there.⁴⁶



Screenshots of text messages received by workers on the status of their job transfer applications.

The government told Amnesty that an application may not be approved if “a violation has been recorded at the new company; or the required documents have not been submitted; or the new company is either temporarily or permanently banned from operating”.⁴⁷

However, migrant workers, organizations supporting them and embassies in Doha believe that these are not the only reasons why applications are rejected and that in reality, failing to include an NOC or a written approval from their current employer appears to increase the chance of a worker's request being rejected.⁴⁸

44 GCO letter to Amnesty International, 4 October 2021. On file with Amnesty International.

45 Ibid.

46 Interviews with migrant workers conducted remotely and in Qatar between April and October 2021.

47 GCO letter to Amnesty International, 4 October 2021. On file with Amnesty International.

48 Based on interviews with migrant workers and representatives of organizations supporting them conducted remotely and in Qatar between April and October 2021.



Screenshots of job advertisements posted on Facebook in September and October 2021.

Indeed, recently posted job adverts on social media state that applicants must have their NOC to be eligible to apply (see above). Migrant workers, including domestic workers, interviewed by Amnesty International confirmed that new employers still request they provide an NOC or equivalent approval, even though the law no longer requires this.⁴⁹

Caleb, a worker from Kenya, summed up his frustration with the process:

“Those things [about the job transfer process] they just say they are working but the truth is you might get a confirmation message that you have [been approved] but when the Ministry revisits your message back in the system, they cancel [because of the relationships] that the Ministry of Labour has with the companies. And for it to work out you might spend even a year following up and at the end they deny you.”⁵⁰

49 Based on interviews with migrant workers conducted remotely and in Qatar between April and October 2021.

50 Remote interview, 23 July 2021.

Omar said that he had tried in vain to move to a driving job after working for three years as a security guard. He told Amnesty International:

“... it depends on the company you are in... I was not able to change jobs because yes you look for a job and they give you an offer letter, but you have to take that to your company to sign to give you permission to move. But our company was not [signing] this. We tried to go to the Ministry of Labour to say ‘our company won't let us change’ and the Ministry just said ‘come another day’... What happened? I don't understand. The government has passed the law, but the companies don't want to release you.”⁵¹

Jacob, who has lived and worked in Qatar for over five years, said:

“...change came on paper but on the ground it has not changed... When you go inside the company and among the workers [you see that] only a very small change has happened. It is still appalling.”⁵²

Workers who proceed with a request to change jobs without their current employers' permission, face a double risk: delays in the process increasing the chance the new employer will withdraw their job offer after months of waiting for them; and an increased likelihood that their application will be rejected by MADLSA. In both cases, workers face two challenging options: return to a job they no longer want and risk serious retaliation from their employer for trying to leave; or return home and restart the migration process, with all the costs this usually entails.

Father of two, Zeke, described to Amnesty International how he saw his company try to frustrate his colleagues' efforts to change jobs:

“Sometimes the papers get 'lost' and you wait for months. If you are working eight hours and can find jobs, they make you work 12 hours, or they take you very far into the desert so you cannot apply to jobs.”⁵³

According to these accounts, the combination of a lack of transparency, excessive bureaucracy and confusing government messages, coupled with employers' resistance to allowing their workforce to leave is resulting in many migrant workers struggling to change jobs.

The arduous process proves too much for some workers, who end up withdrawing their application. Daniel, told Amnesty International:

“I wanted to change jobs and I passed the interview, and they gave me an offer letter. The [new company] wanted a [signed] resignation letter so I went to the [current company's] office three different days and they just made drama and refused to give me the resignation letter. It was January 2021, after the new law. I got tired so I just left the [new] job [and remained in the current company].”⁵⁴

51 Remote interview, 7 May 2021.

52 Remote Interview, 4 May 2021.

53 Remote interview, 4 May 2021.

54 Remote interview, 26 August 2021.

DOMESTIC WORKERS: EVEN HARDER TO LEAVE

As for domestic workers, the situation appears to be even more complex. Despite being legally allowed to change jobs without the permission of their employers, several complained to Amnesty International that they were not able to do so freely. Seven workers interviewed by Amnesty International said that their employers would not provide them with an NOC compared to only one that had. The women had completed their two-year contracts as live-in domestic workers and wanted to move to jobs in cleaning companies. Their new employers requested an NOC or “release paper” but their current employers refused and sent them back to their home countries instead.⁵⁵

Live-in domestic workers are in an especially vulnerable situation because their workplace – their sponsor’s house – is also where they live. Women who spoke to Amnesty International said they were scared of submitting a job transfer request through MADLSA’s platform because as soon as they did this, their employer would be notified, putting them at risk of retaliatory actions.⁵⁶ Even the one shelter promised by the government to offer refuge to survivors of trafficking closed during the Covid-19 pandemic.⁵⁷



A woman takes a photo at the Sheikh Fazilatunnesa Mujib Mohila Technical Training Center in Dhaka, Bangladesh. © Getty Images

55 Remote interviews conducted in September 2021.

56 Ibid.

57 On 30 July 2019, the authorities inaugurated the first government-run shelter for trafficking survivors, including domestic workers, the Human Care Home. In mid-2020 the shelter began receiving several women, but it was never fully operational and it was unclear on what basis individuals were being offered a place. At some point during the Covid-19 pandemic, the shelter was closed and its current status remains unclear. For more information, see Amnesty International, “Why do you want to rest?": Ongoing abuse of domestic workers in Qatar, 20 October 2020.

As a result, the women said they have been left with no choice but to remain in their current job at the mercy of their employers or leave Qatar and attempt to return back to start their new job.⁵⁸

“I want [to change jobs] but my employer wants me to go back to the Philippines, she did not give me NOC to change to another job... I just follow my employer because I don't like any problems...so I can come back there anytime to Qatar to work again.”⁵⁹

In September 2019, Qatar set up WISA (Qatar Manpower Solutions Co), a public company established by the Minister of Commerce and Industry, to recruit and manage domestic workers in households on a live-out basis, an initiative supported by the ILO.⁶⁰ However Migrant-Rights.org found that WISA was “turning down” workers' requests to change jobs with many complaining about the process.⁶¹ In its reply to a request for information from Migrant-Rights.org, the company did indeed confirm that it “examines the request objectively and rationally to ensure that both the company and the worker aren't negatively impacted”. According to WISA, its ethical recruitment process coupled with the paid training offered to its employers makes it “hard” for the company to allow for job change but if a worker wished to leave the company it will “approve the employee's resignation but return them to their home country in compliance with terms and contracts reached with the recruitment agencies to seek a replacement worker.”⁶² Nevertheless, such practice amounts to denying workers their right to change jobs and is in breach of the Qatari laws.

WOMEN WHO SPOKE TO AMNESTY INTERNATIONAL SAID
THEY WERE SCARED OF SUBMITTING A JOB TRANSFER REQUEST
THROUGH MADLSA'S PLATFORM BECAUSE AS SOON AS THEY DID THIS,



**THEIR EMPLOYER WOULD BE NOTIFIED,
PUTTING THEM AT RISK OF RETALIATORY ACTIONS.**

58 See for example, Migrants-Rights.org, *Job mobility in Qatar is still a mirage despite reforms; domestic workers most affected* and, Migrant-Rights.org, *A Daughter's Plea*, 22 March 2021, <https://www.migrant-rights.org/2021/03/a-daughters-plea/>.

59 Remote interview on 6 September 2021.

60 WISA workers will be provided with accommodation and transportation and will work no more than 10 hours a day including a proper break time. Workers will also be provided with prepaid phone cards to allow them to report any abuses they might face and will be enrolled into the Wage Protection System to allow them to have their monthly wages transferred to their bank accounts. For more information about WISA please see Amnesty International, *“Why do you want to rest?”: Ongoing abuse of domestic workers in Qatar*, p:30.

61 Migrants-Rights.org, *Job mobility in Qatar is still a mirage despite reforms; domestic workers most affected*, 5 October 2021, <https://www.migrant-rights.org/2021/10/job-mobility-in-qatar-is-still-a-mirage-despite-reforms-domestic-workers-most-affected/>

62 Business & Human Rights Resource Centre, *WISA response to allegations workers are unable to change jobs*, 27 October 2021, <https://www.business-humanrights.org/en/latest-news/wisa-response-to-allegations-workers-are-unable-to-change-jobs/>

IN SOME CASES, EMPLOYERS HAVE REQUESTED BETWEEN

QR5,000 -15,000

(US\$1,375 - 4,125, BETWEEN
FIVE AND 15 TIMES A WORKERS'
MONTHLY MINIMUM WAGE)

TO “RELEASE” THE EMPLOYEES



A LUCRATIVE BUSINESS IS STIFLING REFORM EFFORTS

Leaders of migrant workers' communities and representatives of organizations supporting them noted that the “NOC trade” had become a lucrative business for some employers at a time when the NOC was supposed to have been abolished.⁶³

Workers who spoke to Amnesty International and individuals working with and supporting migrant workers said that in some cases, employers have requested between QR5,000 -15,000 (US\$1,375 - 4,125, between five and 15 times a workers' monthly minimum wage) to “release” their employees, even though they had completed their contracts, or could anyway legally change jobs without seeking permission after the first three months of employment.⁶⁴

Employers often argue that they have incurred recruitment fees to get workers to Qatar and should be reimbursed these costs, according to migrant workers who spoke to Amnesty International.⁶⁵ According to the new law, however, recruitment fees should only be repaid to the current employer if the worker wants to move jobs during the first six-month probation period (three months for domestic workers) and even then, such a fee should not exceed two months of the workers' basic salary. Once the probation period is over, workers should be able to move freely without paying any costs.⁶⁶

When Christina finished her two-year contract as a domestic worker for a family in Qatar, she wanted to apply for a job in a cleaning company. She found her job as a domestic worker very demanding, working on average 14 hours a day, with no day off and without overtime pay. Through an online job-hunting process, she secured a job in a cleaning company with better pay and conditions. When she requested an NOC, her employer asked her to pay QR15,000 (US\$4,125). She told Amnesty International, “They said they paid QR15,000 to get me so if I want to work for another, they must pay QR15,000.” As a result she was not able to change jobs and was forced to continue working as a domestic worker.⁶⁷

Another Filipino worker told Amnesty International that despite having worked for her employer for close to five years and receiving a job offer, her employer demanded QR15,000 for an NOC or “permission” to leave. She was so afraid of her sponsor cancelling her ID and sending her back to her home country without paying her the end-of-service gratuity she was due, that she did not submit the transfer request.⁶⁸

63 Interviews with community leaders and representatives of migrant workers' organizations supporting them between September and October 2021.

64 Interviews with migrant workers conducted remotely and in Qatar between April and October 2021.

65 Ibid.

66 See Article 1 of Law No. 18 of 2020 amending Article 39 of the Labour Law.

67 Remote interview, 9 September 2021.

68 Remote interview, 19 September 2021.

AISHA'S STORY

Aisha arrived in Qatar in August 2019. Having been promised a job in the hospitality sector, she found herself working in a small labour supply company where she would move constantly from one location to another and was paid just QR1,300 (US\$360) each month, instead of the promised QR1,600 (US\$440). She told Amnesty International she suffered salary delays and cuts by her employer, shared a room with 12 people in what she describes as “overcrowded accommodation” and was never paid her end-of-service benefits.⁶⁹ Nevertheless, Aisha decided to complete her two-year contract hoping to be able to move to a new job offering her better conditions. Her employer, on the other hand, wanted to renew her contract and when Aisha refused to sign the new contract, requesting instead to move employers, he was “very upset and became angry and threatening”. He told her if she wants to move job she will need to pay QR6,000 (US\$1,650) for an NOC or else he would send her back home. According to Aisha, at least 10 of her colleagues agreed to pay for their NOC and have since managed to move employers.

But Aisha told Amnesty International she does not have the money to pay and chose instead to complain to MADLSA about the labour abuses she suffered. But just a week later, her complaint was closed and she received a text message from MADLSA saying the case was “settled”.⁷⁰ Her request to change employer was also rejected without any explanation and when she and a friend went to MADLSA office to inquire why they had been prevented from moving jobs, she said they were not even allowed into the building.

Today Aisha continues to fight for her right to change jobs. After three months in limbo her employer offered her a ‘discount’ on her NOC, requesting a payment of QR2,500 (US\$687) in exchange for it. But for Aisha this is not even an option, she has not been working for three months and cannot afford to pay such an amount, especially when legally she should be able to move jobs freely.

“The whole situation had a big impact on me but also on my family because as a main breadwinner it is not easy to handle this situation. Sometimes I feel I do not want to wake up in the morning,” she told Amnesty.

For Aisha the solution is simple:

“Abusive employers should be known, not only name the company but also the persons owning it - they too should be blocked regardless of their nationalities. My company was [previously] blocked by MADLSA because of a lot of violations but the owners opened a new one which is my current company. I heard it will go bankrupt soon”.⁷¹

69 Remote interview, 27 October 2021

70 Text messages seen by Amnesty International.

71 Remote interview, 27 October 2021.

A representative of a migrant workers' organization told Amnesty International:

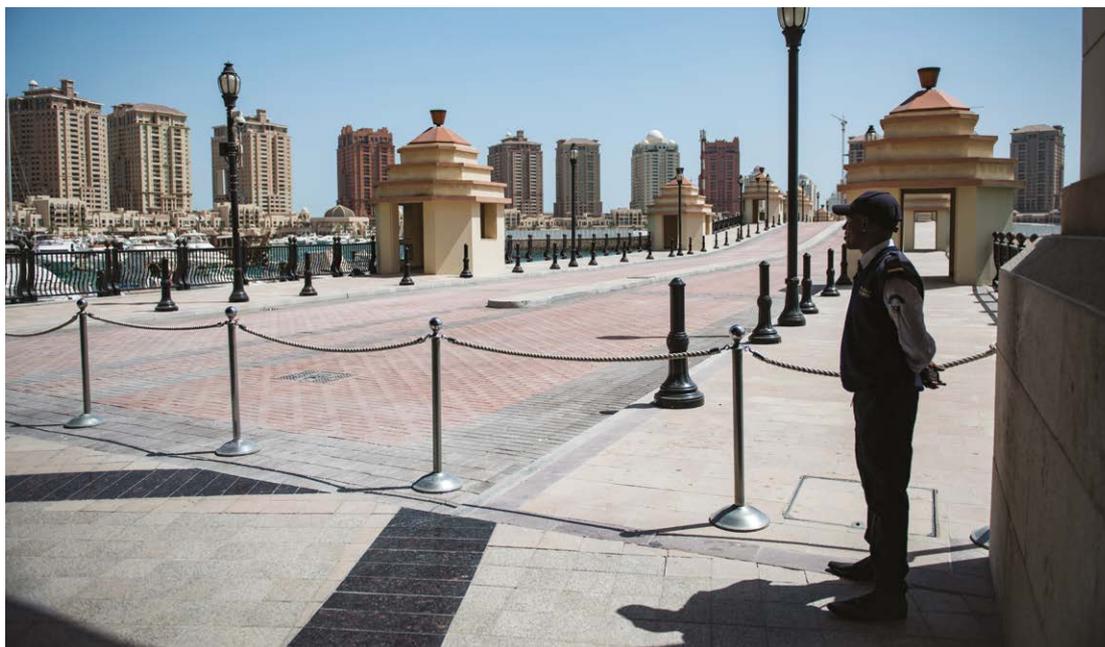
“It is even worse than before the NOC reforms – it is becoming a business. I am angry and frustrated beyond belief. Imagine workers paying as much as QR30,000 just for the piece of paper, even when they have finished the contract. NOC is here, employers are requesting NOCs.”⁷²

Another expert supporting migrant workers echoed this, having noticed the rise of the “NOC trade”.⁷³

AN ARRAY OF OTHER ABUSIVE PRACTICES AND RETALIATION

The official removal of the NOC has given rise to other abusive practices aimed at preventing migrant workers from changing jobs or punishing those who try to do so.

One such practice appears to be an **extensive use of the “non-compete clause”** in employment contracts. Non-compete clauses prohibit employees from working in a new company in the same sector for one year after the end of their contract. According to the ILO, these clauses should only be used in very specific situations “where the nature of the work puts the worker in a position to know the clients of the employer or the secrets of the business”.⁷⁴ However, according to workers in the country and organizations supporting them, some employers are using non-compete clauses freely, even inserting them into the contracts of blue-collar employees who have no access to sensitive information.⁷⁵ The result is to restrict their workers’ ability to change jobs.



A Security guard outside of buildings on Pearl Island, Doha, Qatar, 2018. © Rumbo alo desconocido/Shutterstock

72 Interview with a representative of an organization supporting migrant workers conducted remotely, 27 September 2021.

73 Interview with a representative of an organization supporting migrant workers conducted remotely, 20 September 2021.

74 MADLSA, *Labour Mobility in Qatar – Key information for employers*, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_754450.pdf

75 Interviews with migrant workers and organizations supporting them, conducted remotely and in Qatar between April and October 2021.

DESPITE THE GOVERNMENT'S COMMITMENT TO END THE *KAFALA* SYSTEM,

MIGRANT WORKERS IN QATAR STILL EFFECTIVELY CONTINUE TO BE TIED TO THEIR "SPONSOR" (KAHEEL)

FROM THE MOMENT THEY ENTER THE COUNTRY AND THROUGHOUT THEIR EMPLOYMENT



Another abusive practice reported by the Qatar government itself is employers making their workers **sign five-year contracts committing not to change jobs during this period**.⁷⁶

Other unscrupulous employers have started to **withhold two months' salary** as a form of ransom to prevent workers seeking to change job without their permission, according to migrant workers and workers' rights organizations.⁷⁷ Some workers said that they have had to **relinquish their rights to any end-of-service benefits** if they move jobs.

Despite the government's commitment to end the *kafala* system, migrant workers in Qatar still effectively continue to be tied to their "sponsor" (*kafeel*) from the moment they enter the country and throughout their employment.⁷⁸ Their sponsor, who is often their employer, is responsible for requesting and renewing their residence permits.⁷⁹ However, if they fail to do so, it is the worker and not the sponsor who faces punishment. This dependency gives rise to the retaliatory use of **'absconding' charges and cancellation of residence permits** to which abusive employers resort as a means of controlling their workforce.

Despite MADLSA stating in 2020 that they were working with the Ministry of Interior to cancel the system whereby employers report workers as having absconded,⁸⁰ embassies in Doha, migrants' rights organizations, community leaders and workers told Amnesty International that employers continue to file or threaten to file spurious absconding charges against workers who seek to change jobs without their permission.⁸¹ Such charges and other malicious accusations (such as theft levelled often against domestic workers) trigger legal processes that migrant workers find difficult to challenge because of language barriers and the lack of legal aid and support.⁸²

A representative of Migrant-Rights.org told Amnesty International:

"The Absconding laws must go immediately. It is a powerful and exploitative tool in the hands of employers. There are provisions within the labour law that allow for termination when a worker goes AWOL. The absconding law makes no sense. Particularly for domestic workers, if they are criminalized for just leaving the household, how are they going to access the government services to file a complaint?"⁸³

76 Doha News, *Security company faces penalty for breaking Qatar labour law*, 4 May 2021, <https://www.dohanews.co/security-company-faces-penalty-for-breaking-qatar-labour-law/>

77 Remote interviews with workers and representatives of organizations supporting them, September – October 2021.

78 See Articles 1-4 of the Sponsorship Law (Law No 21 of 2015), <https://www.almeezan.qa/LawPage.aspx?id=6809&language=ar>

79 Under Article 8 of the Sponsorship Law (Law No 21 of 2015), employers must provide migrant workers with a residence permit within 90 days from their arrival to Qatar or expiry of the previous residence permit.

80 According to the MADLSA, employers will only inform the Ministry that workers have left their jobs to "avert future liability" as their official sponsors in the country. The Peninsula, *System of reporting absconding workers to be abolished soon*, 20 October 2020, <https://thepeninsulaqatar.com/article/20/10/2020/System-of-reporting-absconding-workers-to-be-abolished-soon>

81 Interviews conducted remotely and in Qatar between April and October 2021.

82 Amnesty International, *"Why do you want to rest?"*, p. 59.

83 Email exchange, 31 October 2021. On file with Amnesty International.

Similarly, employers can still cancel their workers' residence permit at the push of a button, and some do so after being notified of their workers' intention to change jobs. Such abusive practices jeopardize the chances of workers changing jobs freely, putting them at risk of arrest and deportation, and ensure the status quo is maintained whereby employers continue to hold the balance of power.

MUSA'S STORY

Musa told Amnesty International that he had worked for his company for a year when he sought to change employer in the middle of 2021, seeking "greener pastures" when the job turned out to be not as promised. After handing in a resignation letter and being approved for transfer by MADLSA, Musa's employer immediately stopped him from working for three weeks during his notice period. Musa said he should nonetheless have been paid his basic salary. Instead, the company deducted this amount from the end-of-service benefits he was entitled to. When Musa declined the company's offer to change his working location in exchange for rescinding his resignation, just two days before the end of his notice period his employer cancelled his residence permit. Musa resigned himself to being sent home and having to return to Qatar on a new visa. However, the company had other ideas. In mid-September, Musa discovered his employer had also filed an absconding charge against him, even though he was still living in their accommodation. He told Amnesty International:

"It was too much pressure from the company so I wanted to go home and come back on a new visa. But a [criminal] case on my ID means that I [wouldn't be able to] return... They don't know my pain, they don't know what I sold to come here."⁸⁴

At time of writing, the case against Musa remained open and he was at risk of arrest and deportation, struggling to survive.

"I want them to drop the case so I can stay in Qatar to support my family and my brother who is very sick. I haven't been earning for months. I sold my land. I need compensation."⁸⁵

WILSON'S STORY

Wilson, who worked as a landscaper for a company in Qatar for more than three years, said that he had faced similar problems.⁸⁶ He tried to change jobs several times before the NOC requirement was scrapped, but his company refused to give him the documents.

He told Amnesty International:

"The salary is very small. The work is hard. We are working outside in this harsh climate... I was telling the General Manager, 'I've got my kid, my family'. I was getting very little, QR900 (US \$247). And there was an opportunity to change but they could not release me."

84 Remote interviews between September and November 2021.

85 Remote Interview, 3 November 2021.

86 Remote interview, 30 September 2021.

When the law changed in September 2020, Wilson tried again. Having secured an offer for a higher-paid job, his prospective new employer helped him through the online transfer process at the end of 2020, telling him that he should get his resignation letter stamped by his current company. However, the company refused. After approximately two months, Wilson says he received a message from MADLSA notifying him that his application had been rejected, without further explanation.⁸⁷

A few weeks later, Wilson's company cancelled his residence permit and booked him a flight home, something Wilson had not requested. With no sponsor and an expired ID, he was forced to work undocumented in Qatar. He said:

“They [current employer] don’t want anyone to leave the company and remain in the country with another job. I can be deported any time... If I get the ID renewed, I will have a chance to change sponsor and get a better job.”⁸⁸

Organizations supporting workers on the ground acknowledged the efforts made by MADLSA to support workers when they become aware of cases but noted that such efforts are provided on a case-by-case basis and do not address the issues systematically in order to prevent future abuses.⁸⁹

WHAT NEEDS TO CHANGE

Ultimately, the Ministry needs to take a stricter stance against employers that break the law. Employers who request money to release workers or engage in illegal and abusive practices to stop workers from changing jobs must be punished. Similarly, MADLSA should refrain from encouraging employers to file their objections to transfers, uphold these only in the most limited of circumstances (as per the law), and keep a record of and penalize employers who seek to hinder their workers' freedom of movement. Only by doing so will the government effectively crack down on abusive employers and reform the labour system.

In July 2021, in an attempt to improve the system and address loopholes in the system, MADLSA circulated a memo making the following changes:

- Employers will no longer receive an SMS notification informing them about workers' applications to change jobs. They will only be informed about the final decision at the same time as the worker.
- Once workers submit the request to change jobs, employers can no longer cancel their ID or file absconding cases against them.
- Workers who change their mind during their transfer process can cancel their application.⁹⁰

However, as far as Amnesty International is aware and based on interviews with workers and community leaders in Qatar, the measures detailed in the memo have not yet been effectively implemented. Indeed, in its reply on 4 October 2021 to Amnesty International's request for information, the government said that MADLSA is developing proposals for new mechanisms with the Ministry of Interior to ensure

87 On file with Amnesty International.

88 Ibid.

89 Interviews with organizations supporting migrant workers in Qatar.

90 According to workers' rights organizations the memo was shared privately and circulated in workers' communities.



ULTIMATELY, THE MINISTRY NEEDS TO TAKE A STRICTER STANCE AGAINST EMPLOYERS THAT BREAK THE LAW

EMPLOYERS WHO REQUEST MONEY TO RELEASE WORKERS

OR ENGAGE IN ILLEGAL AND ABUSIVE PRACTICES TO STOP WORKERS FROM CHANGING JOBS

MUST BE PUNISHED

that “employers are not able to cancel a worker’s residency without reason.”⁹¹ However, to date none of these mechanisms appears to have been put in place.⁹² Until this happens, many employers will continue to find ways to deny migrant workers their right to change jobs.

In reality, many legal loopholes continue to allow abusive practices to flourish and make the job transfer process more difficult. The confusing government messages and requirements bewilder migrant workers and embolden abusive employers. Consequently, the practice of having to secure employers’ permission before attempting to move jobs continues to thrive. Be it a release paper, a stamped resignation letter, or an NOC, the need for such documentation has effectively revived a key component of the abusive kafala system. This, coupled with the enduring ability of employers to cancel workers’ ID or file absconding cases, is having a chilling effect on workers, many of whom told Amnesty International that they are now too scared to even try to change jobs.⁹³ As Sara said:

“[There are] a lot of reasons why I'm scared. I'm scared police would catch me. I'm scared they would send me back to the Philippines. I badly need to continuously support my family since I'm a single mom of four and I am also supporting my parents. Honestly I don't know what to do.”⁹⁴

In its reply to Amnesty International's request for information, the government said that workers who have been subject to retaliation measures “may resort to the competent authorities, namely the police or the Human Rights Department of the Ministry of Interior” but did not elaborate on the outcome of such complaints or the process.⁹⁵ It stated that 609 complaints were submitted regarding passport confiscation between September 2020 and August 2021 and steps were taken to retrieve the passports. The government also said it had increased the fine for passport confiscation to QR25,000 (approximately US\$6,800) and that MADLSA stops issuing labour approvals for abusive companies. However, the government did not provide any further details on the number of companies breaching the law or the exact measures taken to further penalize repeat offenders.⁹⁶ While MADLSA's practice of blocking companies is a welcome step, the lack of transparency around the measures taken, the names of the companies involved or the identity of individual abusers makes it impossible to determine whether accountability is truly happening.

91 GCO letter to Amnesty International, 4 October 2021.

92 According to interviews conducted between April and October 2021 either remotely or in person with migrant workers, community leaders, organizations supporting migrant workers on the ground and foreign embassies in Doha.

93 Interviews conducted remotely and in Qatar between April and October 2021.

94 Remote interview, 15 September 2021.

95 GCO letter to Amnesty International, 4 October 2021. On file with Amnesty International.

96 Ibid.

The issue is further exacerbated in the domestic workers sector. As one migrant rights' expert put it:

“The law is beautiful, but it has no teeth. I've not heard of any employer being punished for being a repeat offender. Some employers have been blacklisted – workers say ‘I am working for the son because the father has been blocked’ – they are passing on the sponsorship but the domestic workers are still in the same house.”⁹⁷



Migrants gather at the Search and Follow Up Department in Doha on November 8, 2016. © STRINGER/AFP via Getty Images

As with any crime or human rights violation, accountability for labour abuses remains one of the most critical deterrents of such abuse. It is key to ensuring full implementation of laws and regulations that would see abusers facing the consequences of their actions. This in turn would send a strong message to employers that labour rights' abuses and related crimes will be tolerated no longer. The ongoing failure of the government to hold abusive employers to account seriously undermines the reform process and feeds into the culture of impunity that continues to prevail in Qatar.

97 Remote interview with representative of an organization supporting migrant workers, 27 September 2021.



3. WAGE THEFT

THE PROMISE

Under pillar 1 of the agreement with the ILO, Qatar committed to:

- enhance the Wage Protection System, which monitors monthly electronic payment of workers, and expand its coverage to include small and medium enterprises, subcontractors and eventually domestic workers;
- enforce sanctions for non-payment of wages;
- establish a wage guarantee fund;
- introduce a non-discriminatory minimum wage;
- strengthen the national complaints mechanisms through new monitoring systems;
- support workers submitting complaints, ensure a fair and speedy process, and stop retaliatory action by employers; and
- make migrant workers aware of their rights and obligations when in Qatar.⁹⁸

THE REALITY

“[The company is] cunning... in previous months they have been chopping the salary with no reason. They can try to cheat you more if you are going home because they don't owe you an explanation.”

(Jackson, Uganda)⁹⁹

Late and non-payment of wages and other contractual benefits remain some of the most common forms of labour abuse facing migrant workers in Qatar.¹⁰⁰ Despite the measures introduced to monitor payments and help workers seek remedy, many migrant workers continue to fall victim to wage theft by their employer. The reason most workers migrate is to secure a stable income to provide for their families whilst also having to pay off loans they took out to cover the high and illegal recruitment fees. So, when they do not receive their wages, the impact is felt not just by the workers in Qatar, but also

98 *Technical cooperation programme agreed between the Government of Qatar and the ILO (2018–20)*, p. 31.

99 Remote interview, 14 May 2021.

100 According to interviews conducted between April and October 2021 either remotely or in person with, community leaders, migrant workers, and organizations supporting them on the ground. See also: Business and Human Rights Resource Centre, *Checked Out: Migrant worker abuse in Qatar's World Cup luxury hotels*, pp. 21 – 22; BWI, *Dribble or goal: Tracking the Score for Decent Worker Legacy in Qatar*, July 2021, p. 20; and, Equidem, *The Cost of Contagion: The human rights impacts of COVID-19 on migrant workers in the Gulf*, November 2020, Pp. 78 – 86, https://www.equidem.org/assets/downloads/1837_Equidem_The_Cost_of_Congation_Report_ART_WEB.pdf

their dependents back home.¹⁰¹ In the most serious cases, this abuse puts migrant workers at risk of forced labour.¹⁰²

To tackle the issue, the government promised to strengthen the Wage Protection System and in March 2018 created the Committees for the Settlement of Labour Disputes (Labour Committees) and the Workers' Support and Insurance Fund to expedite compensation of unpaid wages. MADLSA also introduced other measures, including stricter penalties for employers who fail to pay their workers on time. Despite these initiatives, however, wage theft remains rampant in Qatar, exacerbated by the restrictions imposed during the Covid-19 pandemic.¹⁰³ In May 2021, MADLSA also launched a new platform to allow workers to submit their complaints online.¹⁰⁴

In a letter sent to MADLSA, Amnesty International requested disaggregated data related to the number of complaints submitted to the Labour Committees, the issues raised, the number of court decisions issued and the number of cases where workers received their dues in general and from the fund in particular.¹⁰⁵ In its reply, MADLSA said the Labour Committees had issued 10,237 rulings since March 2018 but did not provide any of the further requested information.¹⁰⁶



Migrant workers gather on "Bank Street," in downtown Doha. © Sam Tarling/Corbis via Getty Images)

101 Amnesty International, *Nepal: Turning people into profits: abusive recruitment, trafficking and forced labour of Nepali migrant workers*, 6 June 2017, <https://www.amnesty.org/en/documents/asa31/6206/2017/en/>

102 ILO, *Forced labour, modern slavery and human trafficking*, <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

103 See ILO Progress Report 2020, p.4.

104 Doha News, *Qatar labour ministry's workers' complaints platform goes live*, 25 May 2021, <https://www.dohanews.co/qatar-labour-ministrys-workers-complaints-platform-goes-live/>

105 Amnesty International letter sent to MADLSA on 21 September 2021.

106 GCO letter to Amnesty International, 4 October 2021. On file with Amnesty International.

DESPITE THE MEASURES INTRODUCED TO MONITOR PAYMENTS AND HELP WORKERS SEEK REMEDY,



MANY MIGRANT WORKERS CONTINUE TO FALL VICTIM TO WAGE THEFT BY THEIR EMPLOYER

The ILO office in Doha stated in its 2020 report that it lodged complaints with MADLSA on behalf of 1,896 workers and assisted a further 7,420 workers. This amounts to over 9,000 workers who have faced “a wide range of workers’ issues”.¹⁰⁷ Of these, unpaid wages remain one of the most common abuses. The 2021 figures have not yet been published but reliable figures shared with Amnesty International suggest that the number of cases heard at the Committees for this year could be even higher.

Complaints received by Amnesty International and other organizations such as Migrant-Rights.org, as well as interviews with workers reveal a variety of examples of wage theft.¹⁰⁸ These include delayed salaries, unfair and arbitrary deductions, inadequate overtime pay and, for domestic workers and others who do manage to leave their employer, a denial of the end-of-service benefits they are legally entitled to.¹⁰⁹

WAGE PROTECTION SYSTEM: INADEQUATE TO DEAL WITH LEVEL OF ABUSE

In 2020, the ILO reported that the Wage Protection System had been expanded to cover 96% of eligible workers and 94% of enterprises. The system was reportedly able to detect a broader range of wage-related violations, including payment below the minimum basic wage and the new threshold for food and accommodation allowances. At least 58 companies “deemed at high-risk” were blocked from accessing government services and this number considerably increased during the Covid-19 pandemic.¹¹⁰

Additionally, the government introduced in 2020 new legislation imposing stricter fines on employers who withhold wages,¹¹¹ but implementation remains unclear, despite Amnesty International requesting this information from the government.¹¹²

In its reply to Amnesty International, MADLSA stated that the Wage Protection System unit had accelerated imposing bans on abusive companies, preventing them from using the Ministry’s services, and that more cases were referred to the police. However, it did not provide any information about the number of complaints received and action taken.¹¹³

Domestic workers continue to be excluded from the Wage Protection System despite earlier promises to include them.¹¹⁴ This makes it extremely difficult for the government to monitor payment of their wages and take remedial action when needed.

107 ILO *Progress report 2020*, p. 8.

108 See for example, Migrant-Rights.org, *Letters to MR*, <https://www.migrant-rights.org/series/letters-to-mr/>

109 Complaints received by Amnesty International over email and interviews conducted remotely and in Qatar between April and October 2021.

110 ILO *Progress report 2020*, p. 3-4.

111 Article 145/bis of Law No 18 of 2020 increased the penalties for breaching article 66 of Labour Law related to the monthly payment of wages from one month prison and/or fine between QR2,000 (around US\$550) and QR6,000 (around US\$1,650) to one year prison and/or a fine between QR2,000 (around US\$550) and QR100,000 (US\$27,565).

112 Amnesty International letter sent to MADLSA on 21 September 2021.

113 GCO letter to Amnesty International, 4 October 2021. On file with Amnesty International.

114 Technical cooperation programme agreed between the Government of Qatar and the ILO (2018–20), p.31.

The harsh reality is that six years following its introduction, the Wage Protection System is still failing to secure regular payment for thousands of workers, who are then forced to take their cases to court. Organizations working on migrant workers' issues note the ineffectiveness of the system to prevent wage theft or trigger meaningful action to stop it.¹¹⁵ For instance, Human Rights Watch documented the cases of hundreds of workers from two different companies who suffered months of unpaid salaries despite the authorities being aware of their case.¹¹⁶

Despite clear recommendations from a 2019 review commissioned by MADLSA urging the government to strengthen the Wage Protection System to ensure “that various forms of non-compliance can be identified and addressed more quickly, reducing prolonged instances of non-payment”,¹¹⁷ more work is required for this system to reach its full potential.

LABOUR COMMITTEES: INSUFFICIENT TO GUARANTEE ACCESS TO JUSTICE FOR ALL VICTIMS

One of the most promising reform introduced by Qatar in the early stages of its reform process was the establishment of the Committees for the Settlement of Labour Disputes (Labour Committees) in March 2018. The judge-led “fast track” mechanism aimed to improve access to justice by settling labour disputes within three weeks of a worker filing a complaint. If companies fail to pay workers who win their case, a fund was set up to pay them directly and recoup the money from the companies.¹¹⁸ Domestic workers were also allowed to bring complaints before the Committees, giving them access to justice for the first time in Qatar.

While these tribunals, especially compared to the initial labour courts, have to some extent improved the speed with which workers' complaints are considered, they have failed to deliver fully on their promises.



Workers wait at the Ministry of Justice to sign documents stating, falsely, that they have received their salaries. Qatar, March 2013.
© Amnesty International

115 Interviews conducted remotely and in Qatar, September – October 2021.

116 Human Rights Watch, *Qatar: Wage Abuse Action Shortchanges Workers*, 22 December 2020, <https://www.hrw.org/news/2020/12/22/qatar-wage-abuse-action-shortchanges-workers>

117 ILO *Progress report 2020*, pp. 1-2.

118 Amnesty International, *Qatar: New fund could bring hope to exploited migrant workers*, 31 October 2018, <https://www.amnesty.org/en/latest/news/2018/10/qatar-new-fund-could-bring-hope-to-exploited-migrant-workers/>

Indeed, organizations supporting migrant workers, foreign embassies and community leaders in Qatar told Amnesty International that cases are still taking months to be reviewed by the Committees.¹¹⁹ Collective cases where claims are nearly identical are still not accepted by the Committees, which slows the process considerably. The high volume of cases coupled with the lack of capacity of the three Committees continue to create serious delays in the process. Workers still wait for up to three months for their first hearing to be scheduled when according to the law this should happen within three to seven days from the case being referred to the Committees.

Three years since their establishment, promises to increase the number of judges from three to five have not materialised. The closure of the Committees for many months during Covid-19 restrictions without any alternative measures being put in place further exacerbated the backlog of cases with many workers waiting for months before their first hearing. Even when workers manage to get through the process, many still struggle to have their positive decisions enforced against their companies, leaving them penniless.¹²⁰

Often, when companies cannot or do not pay the amounts ordered, workers have to lodge a case with the civil court, thereby initiating a long, challenging and often unsuccessful battle to secure their dues.¹²¹

WORKERS' SUPPORT AND INSURANCE FUND

The Workers' Support and Insurance Fund became operational in early 2020, but it remains unclear how and when workers qualify to receive money from it. According to the government, the fund distributed QR14 million (around US\$3.845 million) to 5,500 workers in 2020.¹²² However, it is not clear how many workers have benefited from the fund since then.

To date, the decision-making process remains opaque. The government did not respond to Amnesty International's request for information about how many workers applied to this fund and how many to date did eventually receive their dues. Organizations supporting workers on the ground told Amnesty International that many workers who have won their cases at the Labour Committees do not routinely receive their dues from the fund as they should, despite lodging a claim at the civil court to make them eligible to be compensated by the fund.¹²³ "The workers' fund is ineffective and requires a court ruling to be used," said a representative from Migrant-Rights.org.¹²⁴

During 2020, some workers from Nepal and the Philippines employed by Mercury MENA, an engineering company working on projects linked to the 2022 FIFA World Cup, finally received months of unpaid wages from the fund after Amnesty International documented and advocated on their cases.¹²⁵ In September 2020, Amnesty International submitted a list of a further 27 former Mercury MENA workers who are owed money by the company. Unfortunately, more than a year later, despite government assurances that these workers would be compensated via the fund, they are yet to receive their dues.¹²⁶

In short, three years since their establishment, the Labour Committees and the Workers' Support and Insurance Fund are failing to deliver quick and effective justice for many workers, and for many the process of seeking justice and remedy remains tiring and, in some cases, fruitless.

119 Interviews conducted remotely and in Qatar, September – October 2021.

120 Ibid.

121 Amnesty International, *All work, No pay: the struggle of Qatar's migrant workers for justice*, 19 September 2019, <https://www.amnesty.org/en/documents/mde22/0793/2019/en/>

122 ILO Progress report 2020, p. 4.

123 Interviews conducted remotely and in Qatar, September – October 2021.

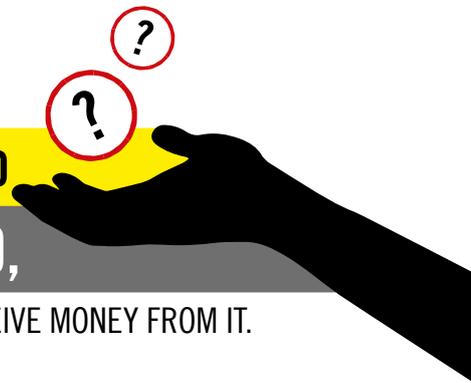
124 Email exchange, 31 October 2021. On file with Amnesty International.

125 Amnesty International, *Unpaid and abandoned: the abuse of Mercury MENA workers*, 26 September 2018, <https://www.amnesty.org/en/latest/research/2018/09/mercury-mena-abuses-qatar/>

126 Exchange between Amnesty International and MADLSA. On file with Amnesty International.

THE WORKERS' SUPPORT AND INSURANCE FUND BECAME OPERATIONAL IN EARLY 2020,

BUT IT REMAINS UNCLEAR HOW AND WHEN WORKERS QUALIFY TO RECEIVE MONEY FROM IT.



MINIMUM WAGE: NEEDS TO BE SUFFICIENT TO SUPPORT ALL WORKERS

On 20 March 2021, the non-discriminatory mandatory minimum wage came into force.¹²⁷ According to Law No. 17 of 2020, the monthly basic rate is QR1,000 (around US\$275) plus allowances of QR300 (around US\$83) for food and QR500 (around US\$138) for accommodation if these are not provided by the employer. In its reply to Amnesty International, MADLSA said that there had been 2,626 recorded violations of the minimum wage law and that these companies were banned from operating in Qatar.¹²⁸ The introduction of the new minimum wage is a step in the right direction, but it must be fully implemented to ensure that all workers are receiving it and is effectively monitored.

In addition, the minimum wage needs to be urgently and then periodically reviewed and revised to ensure that it does in practice improve the lives of migrant workers in Qatar. According to the law, the Minimum Wage Commission should review the rate at least annually.¹²⁹ However, to date no review has taken place.



Government infographic on the new minimum wage.

127 ILO, Qatar's new minimum wage enters into force, 19 March 2021, https://www.ilo.org/beirut/projects/qatar-office/WCMS_775981/lang--en/index.htm and: Amnesty International, *New laws to protect migrant workers are a step in the right direction*, 30 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/qatar-announcement-kafala-reforms/>

128 GCO letter to Amnesty International, 4 October 2021. On file with Amnesty International.

129 Law No 17 of 2020 on national minimum wage, https://www.ilo.org/beirut/projects/qatar-office/WCMS_754880/lang--en/index.htm

4. WORKERS' RIGHT TO ORGANIZE

THE PROMISE

Under pillar 5 of agreement with the ILO, Qatar committed to:

- Establish representative joint committees.
- Improve the functioning and regulation of workers' committees.

THE REALITY

According to Article 116 of the Labour Law, Workers' Committees can be formed in business establishments that employ at least 100 Qatari nationals. Workers' Committees from the same industry may form General Committees, which in turn can become the General Union.¹³⁰ However, this right is reserved for Qatari nationals and does not extend to migrant workers.

Commenting on the issue of nationality and freedom of association, the Committee on Freedom of Association, an ILO tripartite body examining alleged infringements of the principles of freedom of association said that:

“Legislation should be made flexible so as to permit the organizations to elect their leaders freely and without hindrance, and to permit foreign workers access to trade union posts, at least after a reasonable period of residence in the host country. . . The Committee reiterated that freedom of association should be guaranteed without discrimination of any kind based on nationality.”¹³¹

Despite this, when Qatar ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2018, it entered important reservations banning migrant workers from joining and forming trade unions which were criticized by the UN monitoring Committees at the time.¹³² It committed instead to allowing joint committees that include representatives of both the company and its workforce as part of its agreement with the ILO.

The first joint committees were established in 2019 and up until August 2020, 107 workers' representatives were elected representing almost 17,000 employees in 20 companies.¹³³ The 2021 figures have not been published at the time of writing.

130 See Article 116 of Law No 14 of 2014.

131 See ILO, *Compilation of decisions of the Committee on Freedom of Association, six edition (2018)*, para 623-624, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_632659.pdf

132 Amnesty International, *Qatar finally joins two key human rights treaties – but what does it really mean for migrant workers?*, 13 June 2018, <https://www.amnesty.org/en/latest/news/2018/06/qatar-finally-joins-two-key-human-rights-treaties-but-what-does-it-really-mean-for-migrant-workers/>

133 Ibid, p. 9.

While these joint committees provide workers representation, they remain beset with serious flaws including, crucially, the inability of workers to set them up without prior approval from employers. Joint committees that are formed and led by employers lack mechanisms for collective bargaining and cannot provide workers with the crucial protections offered by independent trade unions.

According to a representative of a workers' rights organization:

“Joint committees where workers are not forming and controlling their own organizations are not free from employers’ interference, which goes against the basic principle of workers’ voice. Workers need to be able to set up an organization that they control freely to enable them to collectively negotiate their terms and conditions without any risk of reprisal.”¹³⁴

Consequently, such committees do not equate to genuine freedom of association as explicitly stated in Article 2 of the ILO core convention No. 87 on Freedom of Association and Protection of the Right to Organise, which Qatar has not ratified but which has a fundamental status within the ILO as part of a core set of labour principles:

“Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.”¹³⁵

Another representative of the workers' rights organization highlighted some of the shortcomings of Qatar's joint committee model:

“Qatar’s joint committees act more like mechanisms to gather and deliver workers’ complaints to employers. Workers’ representatives are communicators, they do not have the space, time or protection to analyse complaints, and formulate workers’ collective demands. They also do not have the right to negotiate on issues such as employment contracts and wages. Crucially, without legal protection for worker representatives, they could be at risk of retaliation for advocating for workers’ rights. We have seen this model failing to support workers in bettering their rights in the UAE and we do not want this mistake to be made again in Qatar.”¹³⁶

Responding to reports that these joint committees will be made mandatory for all companies operating in Qatar, the representative raised concern about the risk this would pose for the future of freedom of association in Qatar and the region:

“There is a real danger that by making these flawed joint committees mandatory, they will become a mere compliance tick-box exercise for companies, deflated of any value and potentially depriving workers from their fundamental right to form and join trade unions.”¹³⁷

134 Representative of a workers' rights organization interviewed remotely, 3 November 2021.

135 C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312232

136 Representative of a workers' rights organization interviewed remotely, 3 November 2021.

137 Ibid.

The current protection gap is exacerbated in Qatar where migrant workers – who form more than 90% of the workforce – are governed by a system that favours employers at the expense of workers' rights. In a region where foreign nationals' make up a large part of the population and may be perceived as an existential threat and where businesses try hard to keep their privileges intact, the establishment of joint committees can signal limited progress. However, these are not sufficient to allow workers to collectively re-balance the relationship with their employers to improve their working conditions and combat labour abuses.

Workers in general but especially migrant workers in the specific context of Qatar need to be supported and empowered to be able to stand up to abusive employers confident in the knowledge that they will not face retaliation for doing so. As the body charged with monitoring Qatar's compliance with the ICESR makes clear:

“[T]rade union rights, freedom of association and the right to strike are crucial means of introducing, maintaining and defending just and favourable conditions of work.” – UN Committee on Economic, Social and Cultural Rights¹³⁸

This is all the more important for workers in a vulnerable situation. When examining the exercise and enjoyment of the rights to freedom of peaceful assembly and of association in the workplace, the UN Special Rapporteur on the rights to freedom of assembly and association noted:

“Low-wage migrant workers face severe economic exploitation, social exclusion and political disenfranchisement. They are often denied their freedoms of peaceful assembly and association because of their irregular status or by structural barriers in legal channels that systematically disempower workers... in the destination countries, they are often paid low wages or not paid at all. They are subject to unsafe and unhealthy working and living conditions and gender-based violence... Migrants have become a massive, disposable, low-wage workforce excluded from remedies or realistic opportunities to bargain collectively for improved wages and working conditions.”¹³⁹

138 See General Comment No. 23 (2016) on the right to just and favourable conditions of work (Article 7 of the International Covenant on Economic, Social and Cultural Rights), para. 2, 27 April 2016, <https://undocs.org/E/C.12/GC/23>

139 See Report of the Special Rapporteur on the rights to freedom of assembly and association, para. 28, 14 September 2014, <https://undocs.org/A/71/385>



5. MIGRANT WORKERS' DEATHS

THE PROMISE

Under pillar 2 of the agreement with the ILO, Qatar committed to:

- An Occupational Safety and Health (OSH) policy is implemented with a clear strategy, including with respect to heat related risks and is supported with an awareness raising campaign.
- A system for registering work injuries and occupational diseases is operational.

THE REALITY

Over the last decade, thousands of migrant workers have died suddenly and unexpectedly in Qatar, despite passing their mandatory medical tests before travelling to the country.¹⁴⁰ Yet despite clear evidence that heat stress has posed huge health risks to workers,¹⁴¹ it remains extremely difficult to know exactly how many people have died as a result of their working conditions. This is because Qatari authorities, contrary to international obligations, have failed to investigate these deaths in a way that would make it possible to determine the true underlying causes of death. Instead, death certificates usually report the deaths as due to “natural causes” or “cardiac arrest” – descriptions that are almost meaningless in certifying deaths – and thus no connection to their working conditions is made. As a result, bereaved families are denied the opportunity to know what happened to their loved ones. In a context where many rely on remittances, it also prevents these families from receiving compensation from employers or Qatari authorities.

In the course of its research, Amnesty International interviewed the families of six migrant workers – four construction workers, one security guard and one truck driver – whose deaths in Qatar were unexplained. Their cases highlight the personal stories of the workers and the suffering of their families back home in Bangladesh or Nepal. They also symbolize the tragedies of so many others who went to Qatar to provide a better future for their families but came back in a coffin, and whose deaths remain unexplained.

Four of the men were aged 34 when they died. Mohammad Kaochar Khan, a plasterer on a construction site, was found by his co-workers dead in his bed on 15 November 2017. He was married with a seven-year-old son. Yam Bahadur Rana was a security guard at the airport, a job that involved long hours sitting in the sun. He died suddenly at work on 22 February 2020. He was married with two children. Mohammed Suman Miah (Suman), a construction worker, collapsed and died on 29 April 2020 at the end of a long shift in temperatures that had reached 38°C. He too was married with two children. Tul Bahadur Gharti died in his sleep on the night of 28 May 2020 after working outdoors for around 10 hours in temperatures of up to 39°C.

140 Amnesty International, *In the Prime of their lives: Qatar's failure to investigate, remedy and prevent migrant workers' deaths* (Index: MDE 22/4614/2021), 26 August 2021, <https://www.amnesty.org/en/documents/mde22/4614/2021/en/>

141 The Guardian, *Revealed: hundreds of migrant workers dying of heat stress in Qatar each year*, 2 October 2019, <https://www.theguardian.com/global-development/2019/oct/02/revealed-hundreds-of-migrant-workers-dying-of-heat-stress-in-qatar-each-year>



Relatives and villagers gather around the coffin of Balkisun Mandal Khatwe at Belhi village, Saptari district of Nepal. Balkisun, who had been working with his employer in Qatar for less than a month, died in his sleep. © Narendra Shrestha/EPA/Shutterstock

Sujan Miah was just 32 years old when workmates found him unresponsive in bed on the morning of 24 September 2020. He was a pipe fitter on a project in the desert and had been working in temperatures that exceeded 40°C in the four days before he died. Manjur Kha Pathan was 40 and had been working 12 to 13 hours a day as a truck driver. The air conditioning in his cabin was faulty. He collapsed in his accommodation on 9 February 2021 and died before the ambulance arrived. He was married with four children.

The emotional and economic impact on the families has been devastating. “Now everything is shattered,” said Bhumisara, the wife of Yam Bahadur Rana. “Life itself has become like a broken mirror.” She told Amnesty International that since she was widowed, she and her two children have had to survive on 2,000 Nepali rupees (approximately US\$16) a month provided by the Nepali government. Bipana, the wife of Tul Bahadur Gharti, said, “I have cried many times in emotion. Being alone is very difficult... My husband was set on fire. I feel like I’m burning in oil.”¹⁴²

FAILURE TO PREVENT DEATHS

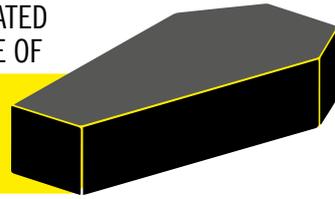
The available evidence shows that Qatar’s extreme climate could play a role in a significant number of these deaths, particularly in light of the absence of adequate mitigating measures.¹⁴³ In an effort to address this issue, the Qatari authorities introduced in May 2021 new legislation on heat protection, with a range of measures. These include an extension of the summer working hours restriction by four weeks, granting workers the right to “self-pace” by taking breaks when needed, and a maximum temperature in the workplace above which all work is prohibited – a wet-bulb globe temperature (which takes into consideration the ambient temperature, humidity, solar radiation and wind speed) of 32.1°C.

142 Interview conducted with the family of Tul Bahadur Gharti 23 March 2021 in Nepal, for more information about his case see Amnesty International, *In the Prime of their lives: Qatar’s failure to investigate, remedy and prevent migrant workers’ deaths*, p:41.

143 The Guardian, *Revealed: hundreds of migrant workers dying of heat stress in Qatar each year*, 2 October 2019.

KNOWING EXACTLY HOW MANY PEOPLE HAVE DIED FROM WORK-RELATED CAUSES AND WHO THEY WERE IS DIFFICULT TO DETERMINE BECAUSE OF

QATAR'S PERSISTENT FAILURE TO UPHOLD ITS DUTY TO PROTECT THE RIGHT TO LIFE



BY ADEQUATELY INVESTIGATING AND CERTIFYING THOUSANDS OF DEATHS OF MIGRANT WORKERS

However, leading experts in environmental health and heat stress have told Amnesty International that much more needs to be done. As one such expert noted, the legislation is “an improvement that falls far short of what is necessary for the protection of labourers who are subject to heat stress exposures of all types.”¹⁴⁴ In addition to enhanced enforcement, they stressed the difficulty faced by workers to “self-pace” given the extremely unequal relationships between employer and worker in Qatar.¹⁴⁵ They recommended that break times should be determined through the use of recognized activity modification guidelines that outline rest times based on the climatic conditions and the nature of the work performed.

FAILURE TO INVESTIGATE AND CERTIFY DEATHS

Knowing exactly how many people have died from work-related causes and who they were is difficult to determine because of Qatar’s persistent failure to uphold its duty to protect the right to life by adequately investigating and certifying thousands of deaths of migrant workers.

Data on the deaths of migrant workers in Qatar have, until recently, been scarce, though Qatar’s Planning and Statistics Authority (PSA) has published figures showing that a total of 15,021 non-Qataris – of all ages, occupations and causes – have died in Qatar in the past 10 years. However, the manner in which they have been collected and presented allows only very broad and tentative conclusions to be drawn. In particular, the lack of meaningful investigations into the deaths makes the data on the cause of death unreliable. In addition, the fact that the cause of a significant number of deaths is categorized as “cardiovascular disease” in official statistics – especially since 2016 – may be obscuring a high number of deaths that remain, in reality, unexplained. For example, the proportion of deaths of working age non-Qatari men categorized as due to “cardiovascular disease” or “unknown causes” is significantly higher than for Qatari men of the same age, and should be investigated further.¹⁴⁶

Similar problems are even evident in relation to World Cup projects overseen by the Supreme Committee for Delivery and Legacy (Supreme Committee), which are subject to higher safety standards and more rigorous processes. Of the 33 fatalities recorded in the Supreme Committee for Delivery and Legacy’s five Annual Workers’ Welfare Progress Reports to date, 18 cases included no reference to an underlying cause of death, instead using phrases such as “natural causes”, “cardiac arrest” or “acute respiratory failure”. Ten of these cases involved men in their twenties or thirties. Likewise, the death certificates of 15 out of the 18 cases reviewed by Amnesty International provided no information about the underlying causes of death, attributing the cause to “acute cardio respiratory failure due to natural causes”, “acute heart failure natural causes”, “heart failure unspecified” and “acute respiratory failure due to natural causes”.¹⁴⁷

144 Professor David Wegman, Emeritus Professor of Work Environment at UMass Lowell and Adjunct Professor at Harvard School of Public Health who is also an expert on health and safety in the construction industry, memo to Amnesty International on 2 June 2021.

145 For more information, please see Amnesty International *In the Prime of their lives*, p. 28.

146 Amnesty International, *In the Prime of their lives: Qatar's failure to investigate, remedy and prevent migrant workers' deaths*, p:45.

147 Amnesty International, *In the Prime of their lives: Qatar's failure to investigate, remedy and prevent migrant workers' deaths*, p:38.

Dr David Bailey, a leading pathologist and member of the World Health Organization (WHO) Working Group on death certification, told Amnesty International:

“These are phrases that should not be included on a death certificate without a further qualification explaining the underlying cause. Essentially, everyone dies of respiratory or cardiac failure in the end and the phrases are meaningless without an explanation of a reason why. ‘Natural causes’ is not a sufficient explanation.”¹⁴⁸

شهادة وفاة
DEATH CERTIFICATE

QID Number : [REDACTED]
Full Name : MOHAMMAD SUMUN MIAH MD SHAH ALAM

Name : MOHAMMAD SUMUN MIAH
Age : 34 YEARS : العمر : Sex : MALE : الجنس :
Nationality : BANGLADESHI : الجنسية : Religion : MUSLIM : الديانة :
Father's Name : [REDACTED] : اسم الأب :
Address : DOHA - QATAR : العنوان :
Place Of Death : QATAR : محل الوفاة :
Cause Of Death : ACUTE HEART FAILURE NATURAL CAUSE : سبب الوفاة :
Date Of Death : 2020/04/29 : تاريخ الوفاة :
Registration No : 797 / 2020 : رقم التسجيل : Date Of Issue : 03/05/2020 : تاريخ الإصدار :

أشهد أن ما ورد أعلاه هو نقل صحيح عن
CERTIFIED THAT ABOVE IS A TRUE COPY OF AN ENTRY IN THE
سجل وفيات قسم الصحة العامة بالدوحة
REGISTER OF DEATHS OF THE PUBLIC HEALTH SECTION DOHA

دولة قطر
وزارة الصحة العامة
2020

Death certificate of Mohammed Suman Miah, a Bangladeshi migrant worker who died suddenly aged 34 after working outside all day in temperatures that reached 38°C. On file with Amnesty International. © Private.

148 Email from Dr David Bailey, 6 April 2021. On file with Amnesty International.



The family of Mohammad Suman Miah, a Bangladeshi migrant worker who died suddenly aged 34 after working outside all day in temperatures that reached 38°C © Private

Only transparent and fully disaggregated data based on proper investigation and classification of the death of non-Qataris will allow Qatar to devise appropriate and adequate public policies to prevent such foreseeable deaths and protect the lives of migrant workers. Until this happens, Qatar will continue to fail to adequately protect the right to life of thousands of workers at risk of unnecessary premature death. By failing to investigate and certify these deaths, it is also breaching its obligation to provide victims of human rights violations and their families with an effective remedy.

FAILURE TO PROVIDE REMEDY

While Qatar's Labour Law does provide deceased workers' families with the right to compensation in the event of their family member dying "by reason of work", its "list of occupational diseases" does not include deaths resulting from heat stress. Most importantly, the lack of meaningful investigations into the causes of many deaths of workers means that any potential link to working conditions – especially in cases where exposure to heat stress may be a factor – is not made. Indeed, none of the family members of the migrant workers interviewed in the course of this research received any compensation from Qatar. As a result, they faced the double blow of losing their loved one and facing severe financial insecurity.

HOSPITALITY AT THE FIFA WORLD CUP QATAR 2022

From the moment Qatar bid for the right to host the 2022 World Cup, it was clear that the tournament's success in this small country would depend on building vast amounts of infrastructure – not only seven new stadiums but also hotels, highways and a metro system – resulting in much attention focused on the workers delivering that construction.¹⁴⁹ But such a huge sporting event also necessitates an increase in business for related sectors, such as hospitality and transport, which serve those who attend. Pre-pandemic, Qatar welcomed just over 2 million visitors in the whole of 2019.¹⁵⁰ During the one month of the World Cup in 2022, Qatar expects to attract 1.2 million visitors.¹⁵¹

This means urgent attention must not only be given to construction workers but also to the human rights and labour standards of the thousands of hotel staff, waiters and waitresses, taxi drivers, cleaners and security guards, among others – in official FIFA World Cup sites and far beyond – who will be crucial to delivering the Qatar 2022 experience for football players, officials and fans alike.

In 2019, in a welcome step, the Supreme Committee for Delivery and Legacy announced that it would extend the scope and application of its Workers' Welfare Standards to include workers "engaged in the provision of services for all sites during the FIFA World Cup 2022™ tournament period".¹⁵² Such an expansion points to a recognition of how essential Qatar's service sector will be for the tournament, and the responsibility that World Cup organizers have towards the welfare of those working in it. Since their inception, the Workers' Welfare Standards have improved the working and living conditions of people contributing to the delivery of World Cup stadiums. However, they are still not fully enforced or universally respected and, in some instances, have failed to protect workers from abuse and exploitation, or provide them adequate and timely remedy.¹⁵³

In 2021, in response to concerns about human rights in the context of the World Cup from national football associations, FIFA listed several further actions it is currently delivering to embed human rights across the delivery of the tournament. These include expanding 'labour rights monitoring systems' to service workers, integrating human rights in tendering processes for and contracts with World Cup service providers, and engaging with Qatari authorities on the implementation of the labour reforms process.¹⁵⁴ To date however, further details of these initiatives and their implementation had not been made publicly available, making it difficult to assess their progress.

149 FIFA, *2022 FIFA World Cup Bid Evaluation Report: Qatar*, 2010, <https://digitalhub.fifa.com/m/3041e390c9c0afea/original/fd4w8qgexnrxmquwsb7h-pdf.pdf>

150 Qatar Tourism, *Annual Tourism Performance Report – 2019*, <https://www.qatartourism.com/en/news-and-media/sector-statistics/tourism-reports>

151 Gulf Times, *Qatar hopes to attract 1.2mn World Cup visitors*, <https://www.gulf-times.com/story/702904/Qatar-hopes-to-attract-1-2-million-World-Cup-visitors>

152 *FIFA World Cup Qatar 2022 Sustainability Strategy*, October 2019, p. 29, <https://resources.fifa.com/image/upload/fifa-world-cup-qatar2022tm-sustainability-strategy.pdf?cloudid=p2axokh26lzaafoutgs>

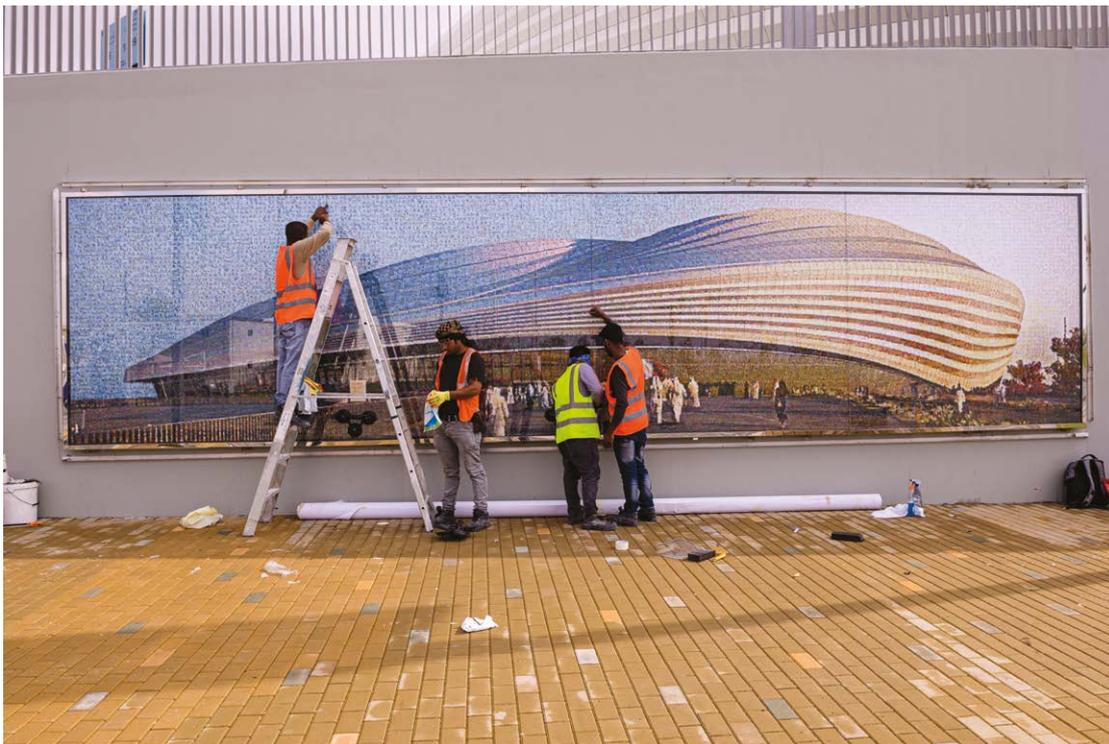
153 A 2020 audit conducted at the request of the Supreme Committee for Delivery and Legacy also showed ongoing compliance issues among contractors on existing World Cup sites. For example, the audit raised concerns about the working conditions of workers employed by security contractors, particularly in relation to working hours and rest days, and advised that "as the demand for security and hospitality services increases, leading up to the Tournament, these non-compliances must be closely monitored and remediated." Impactt, *Annual External Compliance Report of the Supreme Committee for Delivery & Legacy's Workers' Welfare Standards Building a legacy: laying the foundation*, p.7, <https://impacttlimited.com/wp-content/uploads/2020/07/IMPA09-2020-Qatar-Annual-Report-v12-Digital.pdf>

154 Meetings between Amnesty International and FIFA, and between FIFA and national football associations (April and May 2021 respectively), <https://www.fifa.com/tournaments/mens/worldcup/qatar2022/news/fifa-and-qatar-invite-mas-to-discuss-human-rights-with-international-experts-ahc>; letter from FIFA to Norwegian, Danish and Swedish FAs, 7 May 2021: <https://www.fotball.no/contentassets/053c5876e0934405beb8a04036d6e5df/fifa-svar-til-norge-sverige-og-danmark.pdf>

If fans, players, and officials are to travel to Qatar confident in the knowledge that the migrant workers they meet have been paid properly, treated fairly, are not controlled by exploitative employers and are not victims of abusive labour practices, there is no room for complacency by FIFA.

In this regard, it is imperative that FIFA takes swift action to strengthen its own human rights due diligence processes so that it can effectively identify, prevent and mitigate human rights abuses directly linked to the delivery of the World Cup – for example, in FIFA accredited hotels, training grounds and other venues – in a timely manner. This includes carrying out its own independent and regular monitoring of World Cup projects and venues. Where necessary, it must also be able to effectively redress such abuses.

Further, while FIFA might not be directly linked to human rights harm occurring in service sectors operating outside of FIFA accredited World Cup sites, it nonetheless has a responsibility to mitigate human rights risks that arise from the increase in business in these related sectors created by the tournament.¹⁵⁵ At a minimum, this means FIFA should use the full extent of its influence to urge Qatar to urgently implement and enforce the government’s own reforms to ensure that the labour rights of all migrant workers are protected.



A view of workers at Al Janoub Stadium facade putting a Banner on December 16, 2019 in Al-Wakrah, Qatar. © Marcio Machado/Eurasia Sport Images/Getty Images

155 UN Guiding Principles on Business and Human Rights, Principle 13.

6. WHAT SHOULD QATAR DO NOW?

Over a year has passed since Qatar introduced significant legal reforms offering a glimpse of hope for migrant workers, especially those trapped in abusive working conditions. However, the authorities' failure to implement these reforms effectively, particularly by monitoring and enforcing compliance, coupled with loopholes in the system means that little has changed in reality for many migrant workers. Abusive employers continue to adopt a "business-as-usual" mentality to undermine the reform process, reviving key components of the *kafala* system at the expense of workers' rights. Despite the legal changes, old practices are returning, leaving many migrant workers at the mercy of abusive employers and trapped in jobs they no longer wish to stay in.

Despite warnings from Amnesty International and other organizations about the need to take serious action against abusive employers, the government continues to fail to hold perpetrators to account. On the contrary, abusive employers feel empowered by the government's lack of action.

With just a year to go before the 2022 World Cup, the government must take drastic action to protect workers' rights. Issuing laws without proper implementation and enforcement mechanisms will not enable the World Cup to drive positive change for Qatar's migrant workers. Qatar's treatment of migrant workers has been under the spotlight since 2010, yet seven years were effectively lost before the government acknowledged the issues and committed in 2017 to reform the labour system. Today, the urgency required to properly protect migrant workers' rights appears still to be missing, with an apparent sense of complacency giving rise to scepticism about whether the country is genuinely committed to protecting workers' rights and putting their welfare at the centre of this World Cup.

If the country wants to prove its critics wrong, it must adopt a strategy to fully and effectively implement laws and regulations and penalize those who break them. Employers need to realise that they will face consequences for their actions. Only by doing this will the government send a strong message that the reforms are real and that abuse of labour rights and related crimes will no longer be tolerated.

DESPITE WARNINGS FROM AMNESTY INTERNATIONAL AND OTHER ORGANIZATIONS ABOUT THE NEED TO TAKE SERIOUS ACTION AGAINST ABUSIVE EMPLOYERS,

THE GOVERNMENT CONTINUES TO FAIL TO HOLD PERPETRATORS TO ACCOUNT

ON THE CONTRARY, ABUSIVE EMPLOYERS FEEL EMPOWERED BY THE GOVERNMENT'S LACK OF ACTION



TO THIS END, AMNESTY INTERNATIONAL IS CALLING ON QATAR, WITH THE SUPPORT OF THE ILO, TO DO THE FOLLOWING:

PROVIDE PROPER LEGAL PROTECTION

- Fully and effectively **implement and enforce all the legal reforms** introduced to date especially the NOC removal.
 - Ensure that migrant workers are allowed to change jobs freely without the need to provide any form of approval from their current employer.
 - Issue a clear and robust directive instructing both employers and migrant workers that no NOC or other form of approval is required for a worker to change jobs, and that these should not be requested at any point.
 - Accept all workers' applications to change jobs unless they do not meet the appropriate legal requirements; ensure that in practice a lack of current employers' approval does not hinder or slow down workers' ability to change jobs and refrain from permitting employers' efforts to arbitrarily block such transfers.
 - Penalize and blacklist all employers requesting unlawful fees to release workers.
 - Implement MADLSA's memo with immediate effect to ensure that:
 - employers are not notified about a workers' application to change jobs until a decision has been made, and;
 - once a worker has submitted a request to change jobs employers can no longer cancel their worker's ID or file absconding cases against them.
- **Decriminalize the charge of 'absconding'** and in the meantime penalize employers who file such cases as a retaliatory measure, for example when they are informed about workers' intentions to change jobs.
 - Liaise with the Ministry of Interior to ensure that absconding charges filed in response to workers' request to change jobs, and retaliatory theft charges filed, are immediately dropped.
- **Ban employers' ability to arbitrarily cancel migrant workers' resident permits;** ensure proper vetting of all such requests from employers.
- Further **reduce migrant workers' dependency on their employers** by allowing migrant workers to renew their own residence permits.
- **Monitor the excessive use of non-compete clauses** and penalize employers utilising this practice unlawfully.
- **Continue enforcing the ban on passport confiscation** and punish employers who engage in such practice.

PROTECT WAGES

- **Ensure payment of decent wages and tackle worker debt.** This should be done by:
 - effectively implementing the Wage Protection System and extending it to include domestic workers;
 - strengthening measures to protect workers from abusive recruitment practices; and
 - urgently reviewing and raising the amount of the current minimum wage for migrant workers to ensure it is adequate to meet the cost of living followed by regular periodic review.
- **Improve migrant workers' access to justice** and speed up the process by increasing the number of Labour Committees and accepting collective claims; ensure decisions are enforced so that workers receive adequate and timely remedy.
- **Adequately resource and systematically implement the Workers' Support and Insurance Fund**, taking into account the impact of Covid-19, and make it accessible to all workers whose employers have failed to pay them.

END IMPUNITY

- **Strengthen enforcement of labour laws and reforms**, including by ensuring regular and rigorous labour inspections across all sectors including for domestic workers.
- **Thoroughly investigate abusive employers and hold them to account**, including by:
 - following up properly on reports of abuse and exploitation to ensure they are quickly and thoroughly investigated and prosecuted as appropriate; and
 - penalizing and maintaining a public blacklist of employers and sponsors for failing to respect Qatari laws and regulations in ways that deter potential abusers.

PROTECT DOMESTIC WORKERS

- **Strengthen protection of domestic workers**, including by:
 - including domestic workers in the Labour Law and the Wage Protection System, and meanwhile fully and effectively implementing and enforcing the Domestic Workers Law;
 - strengthening inspection and enforcement mechanisms;
 - protecting victims by fully operationalizing the refuge shelter and increasing capacity, including by opening additional facilities;
 - holding abusive employers to account, including through criminal prosecution as required; and
 - keeping a record of convicted employers to prevent them and members of their households from recruiting new domestic workers.

HEALTH AND SAFETY

- **Strengthen the 2021 Ministerial Decision on heat stress** to ensure that employers are required to provide outdoor workers with breaks of an appropriate duration, in cooled, shaded areas, when there is an occupational risk of heat stress; mandatory break times should take into account the environmental heat stress risks along with the exertional nature of the work being performed.
- Establish a specialist team of inspectors and medical examiners, with expertise in the investigation and certification of deaths, to **ensure that all deaths of nationals and non-nationals in Qatar are investigated and certified** in accordance with international best practice.
- **Provide compensation to the families of any worker who has died after being exposed to high temperatures at work**, unless an independent cause of death is identified. Add “diseases caused by exposure to extreme temperature” to Qatar’s list of occupational diseases; and
- **Commission an independent, thorough and transparent investigation** into the causes of past migrant workers’ deaths and establish a mechanism to provide adequate compensation to families of all deceased migrant workers whose working conditions may have contributed to their death.

ALLOW MIGRANT WORKERS’ TRADE UNIONS

- **Respect the right of migrant workers to form and join trade unions** which can collectively bargain on behalf of their members and withdraw the related reservations to international treaties.

AMNESTY INTERNATIONAL IS CALLING ON FIFA TO:

- **Conduct human rights due diligence and publicly disclose its due diligence policies and practices** in accordance with international standards. This should include carrying out its own independent and regular investigations into the working conditions of migrant workers on all World Cup-related sites, as well as before entering into any new contracts with service providers such as hotels or catering and making public the findings and any resulting actions taken.
- **Take action**, in cooperation with the Qatari authorities, international agencies and civil society, **to remediate the harms suffered by workers on all World Cup-related sites and projects, and publicly disclose the actions taken.**
- Continue to **use its influence, publicly and privately, to urge Qatar to fully implement and enforce its labour reforms**, including through enactment of the recommendations in this report.
- **Urgently report on measures taken throughout 2021 to operationalize commitments** towards World Cup service workers and other workers associated with the World Cup. The information provided should be sufficiently detailed to allow for a complete understanding of concrete measures taken or planned to ensure protection of the labour rights of these migrant workers.
- **Increase the frequency of this reporting** (currently annual) from now until the final post-tournament report.

AMNESTY INTERNATIONAL IS ALSO CALLING ON ALL CORPORATE ACTORS INVOLVED IN THE FIFA WORLD CUP QATAR 2022 TO:

- **Publicly commit to respecting human rights** and put in place adequate systems to enable them to **identify, prevent, mitigate and – where necessary – redress human rights abuses** connected to their operations.
- **Review operational practices and policies** to ensure the company does not commit, or materially assist in the commission of, acts that lead to human rights abuses.
- **Comply fully with Qatari and international labour standards**, including with regard to respecting the terms and conditions guaranteed to workers in their contracts, maximum working hours, the payment of workers on time, overtime pay, provision of decent accommodation, protection of workers' health and safety and forced labour.
- **Football Associations** should, in addition to the above:
 - **Actively and publicly call on FIFA to take action** to ensure that the rights of migrant workers are respected in the run up and during the 2022 World Cup; including by calling on **FIFA and the Supreme Committee for Delivery and Legacy** to ensure effective implementation of the Supreme Committee's Workers' Welfare Standards in relation to "service workers", which are the workers that will be serving them, and request regular updates.
 - **Seek meetings with FIFA and the Supreme Committee to discuss their due diligence actions** in this regard, **seek answers and demand evidence** and make these communications and meetings public and disclose the detail of what has been demanded, and answers to these demands.
 - **Ensure that relevant service providers respect the rights of the migrant workers they employ.**
 - **Conduct their own screening and vetting of service providers** to make sure that they abide by, and are effectively implementing, the Workers' Welfare Standards; and
 - If these services are contracted directly, **include contractual clauses and seek other guarantees** to ensure workers' rights are protected; if not, **seek guarantees from the contracting body** that the relevant due diligence checks have been performed, and demand evidence of this.



**AMNESTY INTERNATIONAL
IS A GLOBAL HUMAN
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ONE PERSON, IT MATTERS
TO US ALL.**

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REALITY CHECK 2021: A YEAR TO THE 2022 WORLD CUP

THE STATE OF MIGRANT WORKERS' RIGHTS IN QATAR

The final countdown to football's next World Cup in November 2022 has started. But despite introducing important legal reforms, Qatar has still not delivered on its promise to end labour abuses and exploitation of its more than two million migrant workers. This report demonstrates that the past year has seen an actual erosion of newly protected migrant workers' rights, with old abusive practices resurfacing, reviving the worst elements of the kafala sponsorship system and undermining reforms. The government has failed to rigorously implement the changes, throwing into doubt the pledge by key stakeholders that the World Cup would be a game changer for migrant workers in Qatar.

Index: MDE 22/4966/2021

November 2021

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