

CHAPTER IV

ADVOCACY PROCESS OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN PROTECTING MIGRANT WORKERS' RIGHTS IN QATAR

The winning of Qatar's bid to become the host country for the 2022 FIFA World Cup has brought back again the issues of migrant workers in the Gulf region into the spotlight of world's society. Over the years, INGOs have advocated migrant workers in the Gulf countries, specifically to improve the welfare and protection of governments over the rights of workers by abolishing *kafala* system. It cannot be denied that the presence of non-state actors like INGOs and another self-governing intersociety organization are crucial to eliminating the issue of workers' rights violation in Qatar. Bhowmik argued that non-governmental organizations have several important characteristics in conducting their advocacy such as voluntary, legal status, non-profit oriented, independent, flexible, quicker in decision making, high motivation, freedom in work, catalytic in approach, and people-centered (D'Anieri, 2009). Hence, INGOs have a capability to advocate the issue of migrant workers' mistreatment in two approaches, namely approach to the government and also to the community.

Advocacy is not only aimed to change policy and practice at the local, national or international level and to change the situation for groups of individuals who share similar problems. For a broader purpose, advocacy is also intended to inform people in order to raise their awareness towards the issue, so eventually, it can influence them to act in helping to realize the objectives of the advocacy process (Azizah, 2013, p. 15). In Qatar, advocacy conducted by various INGOs is a continuous systematic effort to improve the living and working conditions

of migrant workers. It also gradually reaps the result which is marked by the Qatari government that starting to recognize the issue and has taken steps since the beginning of 2015.

This chapter will describe how INGOs and other concerned organizations have been involved in the advocacy process in enhancing the protection of migrant construction workers in Qatar ahead of the 2022 World Cup. The advocacy process is as follows:

A. Advocacy of Supporting Units

As supporting units, INGOs carry out the advocacy by providing data and information about the concerned-issue of migrant workers.

The provision of data and information by the INGOs aims to inform about the issue of worker rights violations in Qatar to the government and other key stakeholders such as FIFA, business holders involved in the World Cup, and Inter-Governmental Organizations. In addition, the information is also addressed to the general public in order to raise their awareness and support for the migrant workers.

In providing the information, INGOs generally obtain the data through direct survey and interview with workers in the ‘hotspots’ of abuse, such as the accommodation and worksite. The result of survey and interview are then written into report documents that can be accessed by everyone from the INGOs’ official website. Moreover, INGOs also work with the government agencies such as Ministry of Interior and Labor, and National Human Rights Committee to obtain data on the number of migrant workers’ complaints. While the data on workers’ death is obtained from the embassy of source countries’ records. Complaints and information received by INGOs from the interviews with migrant workers are also conveyed to the government in order to have their response to this exploitation issue.

Human Rights Watch is one of the INGOs which concern the improvement of workers' protection in the country. In 2012, it published a report of "*Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022*" which contains undetected exploitation and abuse of workers in Qatar's construction industry, which allegedly caused by inadequate regulations that grant employers excessive control over workers and prohibits them to joining and forming a union in the country. It also addresses the failure of Qatari government to enforce the regulations which should have protected the rights of workers (Human Rights Watch, 2012).

In 2013, Amnesty International has also issued a special report entitled '*The Dark Side of Migration: Spotlight on Qatar's Construction Sector Ahead of the World Cup*' which documenting all information on any forms of exploitation faced by migrant workers. Besides publishing a report, Amnesty International also provides visual information on the issue through a video uploaded on their YouTube channel.

While to raising the public awareness on this issue, INGO works with journalists to obtain and distribute related information. As did by Humanity United, which works with The Guardian in creating a unique media platform called 'Modern-day Slavery in Focus' in 2013. This platform leverages investigative journalism to look at all the root causes of the issue and potential solutions for modern day slavery. The coverage of Qatar is one of the issues featured on the platform. In the same year, The Guardian published an exclusive investigation on the platform about exploitation of migrant workers who work in infrastructure projects related to the World Cup. During the first month of its release, the publication entitled '*Revealed: Qatar's World Cup Slaves*' gained more than 900.000 readers online and reached 870.000 Guardian paper readers. The story was picked up by hundreds of other media outlets and has also encouraged FIFA to investigate the issue, inspired the appointment of FIFA Executive Committee member to oversee worker issues, and

encouraged Qatar's World Cup organizing committee to develop Worker Welfare Standards. Moreover, the European Parliament called a hearing on the issue of migrant worker rights and has also mobilized society to create multiple online petitions that signed by thousands of supporters calling for stronger protection towards workers in the country (Humanity United, 2013).

B. Advocacy of Ground Underground Works

In the ground underground works, INGOs perform a function to mobilize people's action by creating multiple programs, such as campaigns, petitions, and demonstrations addressed to the Qatari government and other key actors. INGOs also provide education in the form of training for prospective workers in the origin country. The programs are as follows:

1. Playfair Qatar Campaign

Playfair Qatar is one of the biggest campaigns initiated by Trade Union Congress (TUC) aiming to call on Qatari government to immediately end the slavery-like practice towards migrant workers ahead of the World Cup. This campaign has shown that there is a firm connection between the 2022 FIFA World Cup and modern day slavery.

Through the campaign, football fans around the world, unions, and human rights groups are encouraged to raising their voice for migrant workers in Qatar. Fans registered their support for the campaign by taking pictures with posters that read demands like 'Qatar, Play by the Rules' and 'FIFA, Stop Foul Play in Qatar'. They took their pictures at every football games attended in their home countries and sent the pictures to Playfair Qatar's website. The campaign was greatly backed by Football Supporters' Federation of England and Wales (FSF). It emphasized that fans are the key to this because they underpin everything. Through club fans groups and the FSF, they are increasing

the campaigning power which starting to achieve a result (Russel, 2015).

Playfair Qatar also targeted FIFA and the eight big sponsors, which are Adidas, Gazprom, Hyundai, Kia, McDonald's, Budweiser, Coca-Cola, and Visa to use their strategic position and power to urge Qatar to reform its sponsorship system (Wilson, 2015).

Several campaigns initiated by another INGOs are like *Qatar World Cup of Shame* by Amnesty International, *Re-run the Vote* by ITUC that encouraged FIFA to revoke Qatar's bid of the World Cup, and *Red Card for FIFA* by BWI.

2. Online Petitions

Online information technology is one of the media used by INGOs to conduct their advocacy. This kind of technology has helped organizations to create integrated campaigns that build and nurture relationships with the community. It can establish a foundation of engagement by providing useful, relevant, and interesting updates to the community on a regular basis. From this regular communication, it helps the community become more knowledgeable on the issue they care about. So when an issue arises, they will be ready to take an action (Ory, 2015). Moreover, it benefits the INGOs to connect and gain more support from a more diverse population.

With online technology, there are lots of online petitions created by INGOs and the international community to demand a better World Cup in Qatar. These petitions are usually included in campaigns on the organization's websites. In 2014, Freedom United partnering with ITUC created an online petition which resulted in the significant outcome. The goal of this petition is to call on FIFA and its President at that time, Sepp Blatter, to use its influence over the World Cup organizers to ensure all future World Cups are slavery-free, starting

with Qatar as the top priority. From this petition alone, the votes received were impressive. According to the data, there were 141,030 supporters who clicked to sign the petition to FIFA. As the outcome, FIFA finally recognized the issue and pledged to do more to stop the unacceptable situation for workers working in the World Cup-related projects (Freedom United, 2014).

3. Mass Mobilization in Demonstrations

There were widespread demonstrations conducted by INGOs and many other community-based groups, especially in 2013 due to the ignorance of Qatari government. The series of demonstrations is a form of pressure on the Qatari government to improve the protection of migrant workers.

On October 5th 2013, through its campaign *Red Card for FIFA*, BWI, and Swiss union, Unia, raised the pressure to FIFA by rallying at FIFA's office gate in Zurich. They delivered the message by brandishing referee-style red cards, chanting 'Red Card for FIFA' and 'No World Cup in Qatar without workers' rights' (The Express Tribune, 2013).

On October 15th 2013, members of the Nepali community, British labor movement, and migrants' rights activists cast a street protest to Qatari embassy in London to call to end the unsavory treatment. They signed a protest letter and demanded the Qatari government to improve conditions and allow independent trade unions in the country (Workers' Liberty, 2013). A similar demonstration was also followed by Nepali community in Melbourne. Protesters marched in the city demanding the end of ill-treatment and called on the Nepalese government, FIFA, and the international community to pressure the Qatari government to act on the issue. The Melbourne rally was also attended by Ged Kearney, the President of the Australian Council of Trade Unions. She said that

Australia's football team could help to put pressure on the Qatari government by refusing to play in stadiums built on the back of slave labor until the government respects the dignity of people who built the stadiums (Jackman, 2013).

On December 1st 2013, seven members of the ITUC held a demonstration at Sheraton Park in Doha, calling for the re-run of the 2022 World Cup bid. This demonstration was addressing the Qatari government to take an action on granting workers fundamental rights, fair wages, and freedom to go home without the need of exit permit from the employer which ties them in a circle of forced labor (JustHere Qatar, 2013).

4. Training for Prospective Migrant Workers

On the grassroots level, some INGOs work along with the local organizations to educate and raise awareness of the prospective migrant workers and their families about international migration.

In July 2015, Anti-Slavery International established numbers of training sessions with Indian local research center, Centre for Education and Communication (CEC), which funded by UNISON International Development Fund. The training project was called 'Pre-departure training for South Asian migrant workers traveling to the Middle East', which focused on workers who moving from Uttar Pradesh and Delhi to Qatar. The purpose of this project was to provide a safe migration information, such as a) information about their rights as workers, b) how to not engaged in debt bondage, c) and seek help in case of trouble in the destination country, so that the prospective workers are aware of the condition that they may encounter in Qatar and could make an informed decision whether to migrate or not. Easy-to-read manual materials were also provided to workers and their families in this project. With an eye to ensuring the sustainability of the training to prospective migrant workers, the project has also trained

local civil society organizations and trade unions, so that they can provide similar training, information, and assistance in the future (Anti-Slavery, 2015).

In these training, migrants who were on leave and returnees also participated. They shared their experiences of having found a good employer, experiences of being deported, of being cheated by the agent, abused by the employers, denied wages, incomplete migration documents, contracting the disease at the workplace and many more (CEC, 2016).

Within one year of the project, Anti-Slavery and CEC have trained nearly 400 workers, 55 staff, and activists from local organizations and unions to raise awareness in their local community (Anti-Slavery, 2016).

C. Advocacy of Front Line

As front liners, INGOs perform functions to directly lobby the Qatari Government to propose their demands that related to Law No. 4 of 2009 in which the *kafala* system is set out and other disadvantageous regulations for the workers. On March 13th-27th 2014 during the 320th Session of the ILO Governing Body Conference in Geneva, ITUC and BWI officially proposed complaints against Qatar on the issue of restrictions on the right of workers, without distinction whatsoever, to establish and join organizations of their own choosing, to strike and bargain collectively, as well as excessive state control of trade union activities.

With the presence of Mubarak al Hajri, the Qatari ambassador to Switzerland, in the conference, they also proposed the key demands which submitted as follows:

1. Eliminate the *kafala* (sponsorship) system as the source of exploitation and abuse towards migrant workers;
2. Ban the practice of passport confiscation by the employers;

3. Form a financial mechanism to ensure the payment of workers' salaries is not affected by delays in payment
4. Allow migrant workers to join or/and form unions to exercise their right to freedom of association;
5. Improve the effectiveness of the system for labor complaints and independent investigation of violations towards the Labor Law, including health and safety regulations that have been set by the government;
6. Provide detailed data on labor disputes, injuries, and fatalities at construction sites;
7. Require companies to take their responsibility to ensure that migrant workers are not exploited in an unfair recruitment process and to monitor the condition in working site and labor camps;
8. Punish and increase the fine for employers who violate the Labor Law;
9. Significantly improve the enforcement of labor protections contained in the Labor Law and related decrees.

The above demands are the focus of INGOs advocacy that not only voiced through the 'back door' meetings with Qatar authorities but also series of advocacy process discussed earlier. Due to the commitment made by INGOs and the international community in pressuring Qatar to solve the issue, the government were finally agreed to set a reform of the sponsorship system on October 27th 2015 and was enforced on December 13th 2016.

The result of this amendment is Law No. 21 of 2015 in which there are some changes as follows:

Table 4.1: Amendment in Law No. 21 of 2015

Article	Amendment	Note
1	Changed the word ‘sponsor’ to ‘recruiter’	Recruiters have the same role and responsibility as written in the old law
4	Employment Contract regulate the relation between workers and employers	<ul style="list-style-type: none"> • Workers are not allowed to work anything except for what is stipulated in his agreed-upon labor contract • Workers must see a copy of their employment contract while still in the home country
7	Workers can directly request to leave Qatar to the Ministry of Interior, with three days prior notification	<i>Workers still need an approval from their employer upon their request</i>
8	Employers are not allowed to retrain their workers’ passport	An employer can hold workers’ passport if workers <i>specifically request in writing</i> to the employer to hold on to it
21	Workers can change jobs according to the type of employment contract they have	<ul style="list-style-type: none"> • Fixed-term: can change jobs without employer approval after they finish the contract • Unlimited: can change jobs without employer approval after five years working • <i>If workers have not finished the contract, a written notice of the job changing and approval from</i>

		<p><i>the current employer are still needed</i></p> <ul style="list-style-type: none"> • To change jobs immediately, workers need to prove that they have been mistreated and exploited by their employer
39	Increase fine for passport confiscation	Fine up to 25.000 riyals for the employer

Moreover, another change that falls into the crucial category in the amendments of Qatar's Labor Law is Law No. 1 of 2015 which related to the process of workers' payments. As payment issue is one of the highest complaint received from the migrant workers in Qatar, Article 66 of the law provides provisions that requires workers' wage to be transferred directly to workers' bank account at one of the financial institutions operating in Qatar, thus enabling workers to have access to their wage on the due date and government to monitoring and auditing all the wage payments so that late or non-existing payments can be easily identified. Employers who violate this law will be fined not less than 2.000 riyals and not more than 6.000 riyals.

Although these changes have been set by the government, however, INGOs still see the amendments as a failure of the Qatari government to enact a meaningful reform for its sponsorship system. The changed word of 'sponsor' to 'recruiter' does not affect in improving the lives of migrant workers in the country, even until one year of the implementation of the law. In fact, the new law still leaves the fundamentally exploitative characteristics of *kafala* system in place. What is certain in the new law is that the government have not abolished the exit permit system, workers still require existing employer's permission to change job, and employers can legally hold workers' passport under some circumstances.

In which the new law still gives employers an excessive power to control their workers.

On the other hand, the change of this law is seen as an improvement of the government's recognition towards the issue, even though it is only in the minor space. For instance, the government's organizing committee for the World Cup called Supreme Committee for Delivery and Legacy (SC) signed a cooperation with BWI in November 2016 for conducting a series of joint inspections of stadiums and accommodation facilities, starting in February 2017 and in November 2017 (Joint Working Group, 2017). This initiative was seen as an important part to improve the health and safety conditions of workers in Qatar's constructions ahead of the 2022 World Cup.

Due to the failure, INGOs still need to struggle through all the advocacy process to eliminate the suffering of migrant workers in Qatar. Various campaigns and negotiations are intensified to pressure the government. As a front liner, INGOs also act to monitor all progress the government has accomplished in improving workers' conditions and act as the advisor by providing recommendations to the government so that it can create regulations that are comprehensive, enforceable and fully uphold internationally recognized fundamental labor rights.

Until the time of the writing of this thesis, the newest update on the progress to improve workers' condition in Qatar was the agreement made by Qatari government to ILO and ITUC, to fully committed to delivering substantive reform of its sponsorship system. This commitment was showed by approving a new bill to protect migrant workers and also signed 36 bilateral agreements with countries from which it draws most of its migrant workers in October 2017. The objective is to provide legal protection to workers (Al Jazeera, 2017).

This agreement was confirmed by ITUC General Secretary Sharan Burrow after conducting meetings with Qatari Prime

Minister Abdullah bin Nasser bin Khalifa Al Thani in November 2017. Assuming these promises are kept, ITUC argued that this would be a breakthrough from the Qatari government to end slavery-like *kafala* system in the country. Following Qatar's commitment, ILO has also closed workers' complaint against the country.

The commitments made by Qatar include (ITUC, 2017):

1. Eliminating *kafala* system;
 - a. Employment contracts will be lodged with a government authority to prevent contract substitution
 - b. Elimination of exit and changing job permits
 - c. Identification papers will be issued directly by the State of Qatar, and workers will no longer depend on the employer to provide their ID card without which workers can be denied medical treatment
2. Wage system;
 - a. A minimum wage will be set for all workers, ending the race-based system of wages
 - b. Improvements to the existing Wage Protection System
3. Worker representation and complaint procedures;
 - a. The establishment of Workers' Committee in each workplace, in which workers are able to elect their own representative
 - b. A special labor tribunal will be established to resolve disputes within three weeks
4. Support fund from the government;
 - a. The government will provide funding to pay for workers' journey home, after which authorities would have to sue employers to get money back.