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Labour Migrants and Access to Justice in Contemporary Qatar

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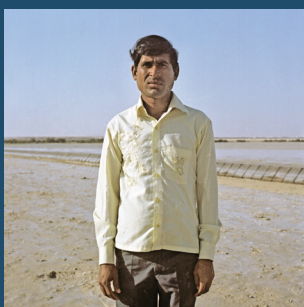
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Middle East
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LABOUR MIGRANTS AND ACCESS TO JUSTICE IN CONTEMPORARY QATAR



Cover Photos: From the exhibit and project 'Skyscrapers and Shadows'. Photographs by Kristin Giordano, 2009.

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Labour Migrants and Access to Justice in Contemporary Qatar

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Although this report is almost entirely focused on Qatar, the research team explored the possibility of conducting a similar and parallel component in Kuwait. In that effort, the research team's thanks go to Farah Al-Nakib, the Director of the Center for Gulf Studies at the American University of Kuwait, to Stanley John, and to Danah Ahmad Dehdary for their advice and contributions.

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This report relied heavily on in-depth interviews with numerous experts, officials, and community representatives in Qatar. All those participants were essential to this research. Most of all, however, a debt of significant gratitude is owed to the many migrants who willingly, and sometimes painfully, shared portions of their lives with us. Our hope is that their stories, via this report, might incrementally improve the justice framework that shapes many migrants' lives in Qatar and throughout the Gulf.

Executive Summary and Recommendations

By many accounts, the Arabian peninsula is, after North America and Europe, now the third largest transnational migrant destination in the contemporary world (ECSWA 2007). Employment in the Gulf states and the remittances it produces has emerged as an important livelihood strategy for households across south Asia, southeastern Asia, Africa, and other parts of the Middle East. Although migration to the Arabian Gulf states has a history that stretches back centuries, only for the last decade have scholars, researchers, and policymakers begun to devote substantial attention to migrants' experiences there. Despite those efforts, many gaps in our understanding of this complex migration system and labour relations in the host states persevere.

Qatar, although geographically one of the smallest states on the Arabian peninsula, has emerged as one of the primary destinations for the flow of transnational labour migrants in the region. It is also, by per-capita calculations, the wealthiest state in the contemporary world. These facts are connected: the Qatari state has routed much its wealth, nearly all of which is derived from its hydrocarbon resources, into construction, infrastructural development, and social development. Most of those efforts have labour requirements that vastly exceed the indigenous labour supply on the small peninsula. As a result, labour migration and the presence of foreigners has become a perennial feature of the region's demography. In contemporary Qatar, foreign workers outnumber citizens more than nine to one.

The status and experiences of this migrant population in Qatar and elsewhere in the region have been a lightning rod for an international human rights based critique. For many migrants, the journey from their homes to the Arabian peninsula is a period characterized by misinformation and disinformation about what awaits them there, by financial exploitation, by unsafe working conditions, by physical abuse, by their segregation in the urban spaces characteristic of the Arabian peninsula, and by a bewildered futility when attempting to address the challenges they often face. These experiences are widespread, but they coexist with those of migrants who find their fortune in the states of the Arabian peninsula, whose families embark on a new economic trajectory as a result of their remittances, and who are energized by the cosmopolitan modernity they encounter while abroad.

This study was led by researchers Andrew Gardner (University of Puget Sound), Silvia Pessoa (Carnegie Mellon University in Qatar), and Laura Harkness. The research team's goal was threefold: to provide an overview of the aspects of Qatar's migration system that produce injustices and a summary of the problems that typically arise in migrants' labour relations; to collate the experiences of migrants in the state-sponsored system designed to evaluate and adjudicate migrant grievances; and drawing upon the experiences of the transnational labourers immersed in that justice system, to propose a set of policy recommendations that might incrementally improve labour migrants' access to justice in Qatar.

Improvements to the state's justice system are needed at this particular juncture in Qatar's history. With its ambitious developmental plans for the coming decade, the number of labour migrants employed in Qatar is expected to grow by a million migrants or more. Qatar has the world's attention. In the last decade, Qatar has assumed a leadership position in the Gulf and in the international arena. It also serves as a beacon of a new kind of modernity in the Indian Ocean world: through its reputation and through the experiences of migrants, Qatar is informing new audiences and constituencies about what new global futures might look like. In Qatar's position of influence and leadership, the experiences of all foreigners on the peninsula need to remain at the forefront of Qatar's attention.

This report examines migrants' access to justice in contemporary Qatar. The research is grounded in the lived experience of transnational migrants and their interactions with the state's system for adjudicating their grievances. This justice system is appropriately framed as one juncture in a complex transnational migration system. Only portions of this migration system are in the domain of the Qatari state's control. But the justice system as a whole, and the adjudication of grievances related to labour relations in Qatar more specifically, are junctures within the state's capacity to control. This is an area of governance where improvements can have a significant impact on the wellbeing of foreign workers, on their experiences and impressions of Qatar, and on the state's reputation in the region and around the globe.

In addition to being *desirable*, improvements to the justice system are also *necessary*. This report begins with the basic assertion, supported by a growing collection of research, that foreign migrants in Qatar and the region can encounter significant challenges, and that these experiences are fairly widespread amongst the migrant population.¹ In part, this reflects the fact that the foreign workforce in Qatar and all the Gulf states is extraordinarily large, complex, multinational, and multilingual. As this report determines, those issues underpin many of the grievances migrants bring to the justice system, and are amplified by the fact that the *kafala* – the sponsorship system by which migration to the region is organized and governed – distributes much of the responsibility for the governance of foreign migrants to individual employer-sponsors. At the junction between labour relations and Qatar's justice system, the central issues explored in this report can be summarized as threefold:

- Labour migrants frequently encounter problematic and sometimes exploitative situations with their sponsor-employers. These problems are often complex and multifaceted, but they typically surface in migrants' experiences as the non-payment of the wages contractually or verbally promised to the transnational migrant.
- The state's system for processing and adjudicating migrants' grievances is extremely difficult for migrants to access and to navigate.
- Migrants who are able to bring their grievances to the justice system are often unable to endure in that system. Instead, they abandon their cases, they seek to return to their homes, or they seek work that is illegal under the strictures of the *kafala*.

Considering the problems transnational migrants in Qatar and the other Gulf states face, this report also makes a series of policy recommendations specific to the justice system and the institutions that comprise it. A brief set of policy recommendations is presented here. These recommendations summarize a more comprehensive and detailed list of policy recommendations presented in the conclusion of this report. This report recognizes that the labour grievances in Qatar often result from the labour arrangements produced by the sponsorship system. While these arrangements (for example, the relative powerlessness of foreign migrants in the *kafala* system, the broad impunity of employer/sponsors, or the omission of domestic workers from the protections offered by Qatar's Labour Law) garner much attention and international critique, the purpose of this report is to produce actionable policy recommendations to the Qatari state in the hope that, through incremental improvements to the state's formal justice system, Qatar can significantly improve the conditions and experiences of the million-plus labour migrants upon which the state and citizenry depend.

¹ See Human Rights Watch (2012), Gardner et al. (2013), Amnesty International (2013).

With that in mind, these policy recommendations provide an ideal starting point for discussions concerning the improvement and coordination of the Qatari justice system:

- The Department of Labour Relations and the Labour Court should coordinate to implement a monitoring programme to generate an internal understanding of the issues that foreign migrants face in the justice system. This monitoring programme could track a portion of the cases or complaints filed in these typical entry points to the justice system, and thereby generate a better understanding of why many complaints and cases are dropped.
- The Labour Court and the Department of Labour Relations should ensure that basic translation services are available at all important junctures in both the Labour Court and the Department of Labour Relations. The population of foreign labour migrants in Qatar speaks more than twenty different languages. Few speak English, even fewer speak Arabic, and a portion of these migrants are illiterate. While the comprehensive provision of translation services is a formidable logistical and bureaucratic challenge, it is a vital juncture in the carriage of migrant justice. At the current juncture, prioritization should be given to Hindi, Urdu, Nepali, Malayalam, Tamil, and Bengali.
- The Labour Court, in coordination with the Ministry of Justice, should significantly increase the speed with which migrants' cases are processed and adjudicated. Migrants interviewed for this project reported timelines to justice that often exceeded a year. Facing a bureaucratic justice system, the process for informing sponsors and/or employers, time spent waiting for the sponsor and/or employer to attend hearings, and an understaffed court system, the justice system could be readily expedited in a variety of ways: these institutions could be expanded, the process migrants follow in the justice system could be restructured, and/or special dispensation for migrants to pursue other work while their cases are active could be established.
- Migrants should have the ability to seek other remunerative work when they have active cases. In the *kafala*, labour migrants who file cases against their employers cannot legally work in a different job while their case is adjudicated or in process, except in those rare cases where the Ministry of the Interior grants a release (the common term for a no-objection certificate, or NOC). For migrants, filing a case often means attempting to survive in Qatar without income or finding illegal employment. This latter option exposes migrants to other vulnerabilities. Facing this dilemma, many migrants opt not to pursue justice because of the long timelines involved.
- Both the Department of Labour Relations and the Labour Court need more punitive measures at their disposal, and both need to implement those measures. These punitive measures can potentially resolve several recurring problems in the justice system. Foremost, with these punitive measures, sponsors, employers, or their proxies would be strongly compelled to attend required hearings and negotiations. Additionally, settlements adjudicated by the Labour Court should include penalties that dissuade employers from continuing to withhold salary. Across the board, stronger punitive measures would ensure that more employers comply with the Labour Law.
- Provisions in the Labour Law that deny labour rights to domestic workers should be removed and domestic workers should be able to utilize grievance mechanisms of the Labour Court and the Department of Labour Relations.

As previously noted, a more detailed list of policy recommendations stemming from this study's findings is presented in the concluding section of this report.

Glossary of Terms

The Justice System

Based upon the interviews conducted with migrant workers in Qatar, this report refers to the Department of Labour Relations and the Labour Court as *the justice system*. In essence, these two avenues provide foreign migrants with the only means of access to a justice system that might adjudicate their grievances.

Kafala

The *kafala*, also referred to as the sponsorship system, is the region-wide system for governing and regulating migration. Although the *kafala* has roots in both law and custom, in practice it consists of three basic features: it establishes that entry for the purposes of work requires a local sponsor; it establishes the sponsor's responsibility for the sponsored migrant's housing, employment conditions, and other benefits; and it establishes that the migrant's exit and the migrant's capacity to change employers is subject to the sponsor's permission.

Labour Broker

While scholars, researchers, policymakers, and migrants use a confusing variety of terms to describe the individuals who connect them to employment opportunities on the Arabian peninsula, this report uses the term *labour broker* to refer to those individuals in the labour-sending states who connect potential migrants with positions, collect fees related to the work visa and other aspects of the potential migration, communicate a basic description of the position abroad, and derive a profit from the transaction.

Manpower Agency

Again, while a confusing variety of terms are used in describing the components of the migration system, this report uses *manpower agency* to refer to those businesses in the migrant-receiving Gulf state that sponsor labour migrants and, under contract, provide labour services to a variety of concerns in Qatar. Because the *kafala* prevents migrants from changing employment, the proliferation of manpower agencies allows for a flexible labour supply without challenging the basic parameters of the sponsorship system.

Placement Agency

These agencies are specific to the "domestic sector" in Qatar and around the Gulf. *Placement agencies* import domestic workers to the Arabian states. Families seeking domestic labour contact these placement agencies, and after a trial period, can opt to hire the domestic worker on a long-term contract.

Mandub

While this term has a variety of meanings in Arabic, in the *lingua franca*s of the migrant population and the occupational sector as a whole a *mandub* is the company's Public Relations Officer whose primary duties concern the oversight and management of employees' visas, documentation, passports, permits, and other immigration matters. For many migrant workers, the *mandub* is often their primary point of contact in the company that employs them.

Domestic Worker

This is the term used by scholars, researchers, and advocates to refer to what migrants and the Qatari public call *housemaids*. *Domestic workers* are employed in most Qatari households and in many foreign residents' households. Domestic workers are predominantly women, but can include men as well (typically, as gardeners or drivers). In Qatar and around the Arabian peninsula, domestic workers are specifically excluded from the Labour Law.

Release

Migrants and experts interviewed for this project frequently refer to a “release.” This is shorthand for a release letter, which is also referred to as an NOC, or “no objection certificate.” An NOC is required for foreign workers to change from one sponsor to another, and it must be approved by the Ministry of the Interior. Without this release letter, employees must leave Qatar for two years before they can seek employment in Qatar with a different sponsor.

Department of Labour Relations

This department is a division of the Ministry of Labour, and is charged with the mediation and attempted resolution of labour disputes in Qatar. As its mission, it seeks to resolve issues without referring the complainant to court.

CID

This acronym is a common misappropriation of the CEID, the Criminal Evidence and Investigation Department, a division of the Ministry of the Interior. Amongst its many charges and responsibilities, the CEID is responsible for the investigation and documentation of criminal activity in Qatar. In Qatar, this criminal activity can include multiple regulations and rules related to foreigners’ sponsorship, employment, and residence.

Community Leaders

We use the term *community leaders* to refer to the individuals in the foreign communities – migrants themselves – who guide and advise labour migrants who seek to address their grievances in the justice system or otherwise. In a transient and cyclical transnational labour force, these individuals and their experience are extremely important elements of the foreign community. These individuals’ roles are almost always voluntary and informal.

Search and Follow Up Department

This department is a specialized subdivision in the Ministry of the Interior whose mission statement is entirely devoted to regulating and organizing entry and residence in Qatar. This includes the provision and management of a detention facility, commonly referred to as the “Deportation Centre”, where persons sentenced for deportation are held in custody while procedures for deportation are pending.

Ministry of the Interior (MOI)

The Ministry of the Interior was formed in 1970, and has a mission and function that stretches from “guaranteeing the protection of national security”, to the organization and management of Qatar’s prison system, to issuing travel documents and organizing foreigners’ entry and residence in Qatar. Amongst its many departments, those particularly relevant to foreign workers in Qatar include *Passports and Expatriate Affairs*, the *Search and Follow Up Department*, and the *Criminal Evidences and Information Department* (CEID).

Free Visa

The “free visa” is not an official category of visa issued by the Qatari state or any Gulf state. Instead, a “free visa” is, typically, a normal work visa accompanied by an understanding between the migrant and the sponsor. That understanding, in essence, is that the actual position described on the visa is a mirage, and that the migrant is expected to locate remunerative work in Qatar. While many variations of these basic parameters can be seen in practice, the highly desirable freedom to move between jobs is the key feature of the “free visa.” At the same time, this arrangement is also illegal under Qatari law.

1. Introduction: Injustice and Migrants to the Arabian Peninsula

An Overview and History of Migration in Qatar

Movement and migration between South Asia, Africa, and other parts of the Middle East to the region that today comprises the Gulf Cooperation Council states (Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, and Oman) have a history that stretches back several millennia. For much of recorded history, commerce, trade, and other forms of inter-connection characterized these states' position in what some scholars refer to as the Indian Ocean World.² Travellers' journals and other historical documents portray the cities and ports of the region as busy, cosmopolitan hubs in this greater maritime region. These pre-existing connections were reinforced and expanded upon by the colonial encounter of these nascent states with the British colonial apparatus, and then further impacted and expanded by the discovery and exploitation of petroleum resources. The long-established conduits of transnational connection and migration included not only populations concerned with trade, but also a population of slaves from the African continent to the southwest. Throughout this long history, the populations of foreigners and migrants were oftentimes intricately interwoven into the social and political fabric of these cities, societies, and nascent states.

Although present-day migration to the region has roots in these earlier eras, contemporary migration to Qatar and the neighbouring GCC states also contrasts sharply with migration in these earlier periods of time. Hydrocarbon resources were discovered in the region over a century ago. In the intervening decades, the GCC states slowly established and constructed the industry to exploit these resources. The pace of this development and resource exploitation varied by country, but uniformly it was in the second half of the twentieth century that this process coalesced and solidified into the migration system we see today. With significant petroleum resources, an OPEC embargo that multiplied the value of those petroleum resources, and newly asserted independence from colonial and imperial control, all the GCC states embarked on significant periods of infrastructural development and growth in the last decades of the twentieth century. This development remains the primary factor behind the region-wide demand for foreign labour.

In Qatar and throughout the GCC, this infrastructural development and growth rapidly expanded the demand for labour. For decades, this demand for labour drew upon pre-existing connections to South Asia, Africa, and elsewhere, but the sustained demand for labour over time resulted in the slow but steady formation of a transnational migration industry that facilitated (and profited) from labour migration to the region. This migration industry not only drew migrants from regions with longstanding migratory connections to the states of the Arabian peninsula, but also expanded the flow of migrants from regions with little or no previous connection to Qatar and the GCC states. This migration industry was the mechanism that allowed Qatar and the neighbouring GCC states to rapidly – and often exponentially – expand their respective foreign labour forces over the previous four decades.

In Qatar today, the population of foreign labour migrants outnumbers the citizenry by more than nine to one.³ While these proportions are now the most extreme in the larger GCC region, the relative size of the indigenous citizenry to the population of foreign labour migrants in Qatar echoes proportions found elsewhere in the region, such as the United Arab

² See Campbell 2003, Kearney 2003.

³ Baldwin-Edwards 2011.

Emirates (85.0% non-citizens in 2008) and Kuwait (83.2% non-citizens in 2008).⁴ Although the proportion of foreigners to citizens is smaller in other parts of the region, in all the states of the GCC foreign workers comprise a majority of the workforce, and all the GCC states are deeply dependent on these transnational flows of labour in order to attain their ambitious national plans for development and infrastructural expansion.

Although the foreign workforces present in the GCC are publicly envisioned as temporary aspects of the social demography of the region, the durability of their presence over time and their integration into the economic fabric of these states suggests otherwise. To date, however, relatively little is known about this migratory population. A small coterie of anthropologists, sociologists, and other social scientists began exploring the experiences of this migrant population in the 1980s and 1990s.⁵ These initial analytic forays were later joined by a more substantial spate of attention and analysis from a constellation of actors, including both the sending and receiving states on both ends of these migration flows, international human rights organizations and other non-governmental institutions, and a larger conglomeration of scholars, academics, and researchers now interested in the region's place in the global flow of migrants and labour.

The Sponsorship System and the Governance of Migration

Labour migration to Qatar and the neighbouring GCC states is structured and governed by the *kafala*, or sponsorship system. In its most basic form, the sponsorship system mandates that all foreign migrants must be legally sponsored by an employer in the receiving state. The *kafeel*, or sponsor, is legally empowered with the right to allow the particular migrant to enter the country for the agreed-upon employment. More importantly, however, foreign migrants must also obtain the sponsor's permission to leave the country (requiring an "exit permit") and/or to transfer his or her sponsorship to another sponsor/employer (a "release" or NOC).⁶ In Qatar, these two components of the *kafala* prohibit migrant workers from fleeing or abandoning employment that, for one reason or another, may be problematic or exploitative. In Qatar, the *kafeel*/sponsor, by withholding the No Objection Certificate (NOC), is also empowered with the right to ban the employee/migrant from re-entering the country for two years after the migrant's first departure. Although parallels to the sponsorship system exist in other migration systems around the world, their centrality and their comprehensiveness in Qatar and the GCC mark the region's migration system as unique.

The sponsorship system, as a whole, is best conceived not as a single law or practice, but rather as a suite of laws, policies, practices, and customs that characterize the governance and accommodation of the foreign workforce in Qatar and throughout the region.⁷

⁴ Ibid. Note that the figures reported by the Public Authority for Civil Information in Kuwait are significantly different, with 68.66% of Kuwait's 2013 population consisting of foreigners.

⁵ For example, see Arnold and Shah 1986, Eelens, Schampers and Speckman 1992, Longva 1997, Nagy 1998, Khalaf and Alkobaisi 1999, Gamburd 2000.

⁶ This particular aspect of the *kafala* has been altered in many other GCC states, but remains in place in Qatar. See Diop, Johnston, and Trung Le (2013) for a valuable discussion of the *kafala* in Qatar, an analysis of its perseverance, and a measure of its importance in public opinion.

⁷ See Gardner 2010a; Gardner, Pessoa, Diop, Trung Le, and Harkness (2013) and Diop, Johnston, and Trung Le (2013) for an overview of this junction between law and custom.

One important component of this system is the legal contract. Many foreign workers sign one or more employment contracts prior to arriving in Qatar. These employment contracts typically establish the basic parameters of employment, including the overall period of employment (in Qatar, typically two years), the level of remuneration, and various other aspects of their employment in the GCC. These employment contracts reinforce the basic principles of the sponsorship system, particularly by locking the employee to a particular job for a particular period of time, and are oftentimes central features in the adjudication of disagreements between foreign workers and their employers.

In addition to these legal contracts, the sponsorship system is also manifest in the customs and culture that undergird relations between employers and employees in Qatar. Ethnographic work concerned with the experiences of the foreign migrant population has long noted that control of the foreign migrant by the sponsor or the sponsor's proxies often reaches a degree and comprehensiveness rarely encountered in other labour markets in the contemporary world.⁸ Over time, these attitudes and practices have been normalized in the sociocultural context of Qatar and the Arabian peninsula. It is commonplace, for example, for foreign workers to have their mobility and freedom of movement significantly constrained by their employers. It is standard practice for sponsors/employers to confiscate the passports of the labour migrants they employ. And it is commonplace for sponsors to disallow domestic workers the freedom to possess a mobile phone or even leave their place of employment during free time. These attitudes and these relations with the large population of foreign migrants are an accretion of longstanding norms concerning the relations between employers and foreign employees, and reflect the tenor of the pre-modern *kafala* in Arabian societies, through which members of the given society, in sponsoring a foreign worker or visitor, accepted responsibility for their actions and potential infractions in the given society.

In its current and contemporary manifestation, the *kafala*, or sponsorship system, is often portrayed as foundational and generative of the injustices borne by the migrant population throughout the region.⁹ The strictures, practices, and norms established by the *kafala* system undergird many of the scenarios observed in the labour relations that characterize the region, and underpin the administration of justice presented in this report.

Anatomy of the Gulf Migration Industry

The migration system that connects labour with employment in Qatar and the other GCC states is a complex collection of institutions, agents, and practices. This report refers to that system as a *migration industry*, terminology that highlights the profit-seeking nature of this migration system and the multiple profit-seeking agents in the transnational movement of labour to Qatar and the Arabian peninsula. Although the diversity of pathways that connect migrants with employment in Qatar and the other GCC states is noteworthy, a common pathway looks something like this:

Potential labour migrants in the sending states make contact with a labour broker in their home country. At times that connection is facilitated by a “sub-agent”, an individual who contacts and communicates with potential migrants on the behalf of the labour broker.

⁸ See Longva 1997, 1999; Gardner 2010a, 2010b.

⁹ Ibid.

1.1 Binod's Story

In early 2008, Binod made the decision to migrate to the Gulf. His father, recently deceased, had steadily whittled away at the family's small fortune through drinking and gambling; more recently, his family had invested heavily in his sister's dowry via a combination of loans and mortgages. As a result, the family faced an economic crisis of spiralling debt. Binod had experience driving large trucks, and after contacting a labour broker in a nearby city, he secured a position as a heavy truck driver in Qatar. The debts incurred to this labour broker for the work visa were substantial, but Binod figured that within a year he could pay off the loan and begin to save some money.

Binod left Nepal almost immediately. Once he arrived in Qatar, he was taken directly to a labour camp at the far end of the Industrial Area, the vast grid of heavy industry, light industry, and labour camps located on the periphery of Doha. Conditions at the camp were difficult: six men to a room, itinerant electricity, and an insecure water supply were at the top of his list of concerns.

For six months Binod drove a water truck to and from various construction sites in and near the city. Then, the company's general manager came and told all the drivers that they were using too much diesel. The manager refused to calculate for the fact that the majority of their time on the road was spent in traffic – and often at a standstill. The manager began to penalize them by deducting money from their salary. In protest, the men refused to drive under the imposed circumstances. Once they stopped driving, the company stopped paying the men their monthly salary.

The men found their way to the labour court and filed a case. The court case took an enormous amount of time and a substantial investment. At one point, Binod persuaded his roommates to sell their collectively-purchased television so he could extract his share for court fees. For six months the men sat in the camp as their case percolated through the legal system. Finally, many months later, the case was resolved in their favour. Binod would be going home with all the salary due to him.

Before he could depart, however, the general manager of the company filed a countersuit claiming Binod had "misused QR 10,000 (USD 2,747) worth of diesel." The manager's intention was to punish Binod: with a new case in the court system, Binod would be prevented from returning home. For months more the spurious case against Binod bounced through the court system in Qatar. Meanwhile, the electricity at the labour camp was turned off during the day, so Binod and the other striking drivers lay about in the stifling heat, awaiting a resolution.

After some months, the spurious case was dismissed. Binod received several thousand Qatari Riyals in back pay, but most of the money went to the various friends and acquaintances who had loaned him money over the many months he went without pay. He boarded the plane home with less than QR 500 (USD 137) in his pocket – his savings after more than two years in Qatar.

Once that connection is established, the labour broker guides the potential migrant to a selection of employment opportunities in Qatar or one of the other GCC states.

The work visas required for employment in Qatar and all the GCC states command a significant and highly variable price on the market, despite the prohibition of recruitment fees established by Article 33 of the Labour Law.¹⁰ The potential migrant often pays USD 2000 or more for the right to work in Qatar or one of the other GCC states for a period of two years.¹¹ This money is received by the labour broker. No reliable data or information are available concerning what portion of these monies remain with the labour broker (as profit) and what portion is transferred to other individuals, sponsors, or other entities in the receiving states. Generally, however, it is assumed that significant portions of these monies remain with the labour broker in the sending state.¹² The fees paid by the potential migrant may or may not include airfare costs to the Arabian peninsula. Considering the substantial sums typically paid for these work visas, it is of note that payments received from potential migrants often involve entire households, substantial loans, household savings, and mortgages of key productive assets.¹³

Potential migrants oftentimes sign a labour contract prior to departure. They then depart for Qatar or another destination in the GCC. Regardless of whether they have or haven't signed a contract prior to departure, they are often required to sign another contract (typically in Arabic) upon arrival in Qatar. Labour brokerages can and do connect potential migrants with direct employment for a variety of sponsors and vocations in Qatar and the GCC. It is also common, however, for migrants to be employed by "manpower agencies" in Qatar and other GCC states. Like any company in the context of the *kafala*, these manpower agencies are the official and legal sponsors of the migrant workers. However, they simultaneously provide an avenue for overcoming the strictures and inflexibility structured by the *kafala*: manpower agencies lease labour to companies, thereby allowing for a more flexible labour force while following the general regulations and strictures imposed by the *kafala*.

Many potential migrants circumvent labour brokers and other portions of this migration industry through direct connections with employers and sponsors in Qatar. These pathways to employment in Qatar typically rely on familial and extended social networks: brothers, sisters, cousins, friends and/or acquaintances help connect potential migrants with sponsors and employers in the GCC. Indeed, this traditional pathway to employment on the Arabian peninsula continues to characterize a significant portion of transnational migration to Qatar and the region as a whole.

The debts typically incurred for migration to Qatar and other destinations in the GCC remain in the sending country. Those debts are incurred either directly to the labour brokers or, more commonly, to the banks, moneylenders, and acquaintances who helped the potential migrant amass the necessary funds to pay the labour broker. For most migrants in Qatar, servicing these debts is their primary concern during the first contracted period of employment in the Gulf. Indeed, payments for these debts often comprise the most

¹⁰ The Government of Qatar (2004); see Koirala 2013 for a discussion.

¹¹ See Gardner, Pessoa, et al (2013) for more detailed data concerning the variability in migration costs to Qatar.

¹² In their recent work, Kavinnamannil and McCahon (2011) report that recruiters in the region typically extract a 50% commission from these transactions.

¹³ See Gardner (2011) for a more detailed exploration of migrant-sending households.

significant portion of the salaries they earn abroad during that first contracted period. At the conclusion of their first contract, migrants who find stable work in Qatar or elsewhere in the GCC often seek additional contracts, explicitly with the idea in mind that their better understanding and knowledge of the opportunities in Qatar and the networks they have been able to establish during that first period abroad will allow them to avoid portions of the significant costs they paid for their initial labour contract.

Justice, Injustice, and Labour Migration in Qatar

Migration to Qatar and the GCC states has emerged as a fairly unique migration system in the contemporary world, a uniqueness characterized by the dramatic proportion of foreigners to citizens and the comprehensive role that the *kafala* continues to play in orchestrating this migration industry. At the same time, the somewhat unique qualities of this migration system ought not to eclipse the characteristics this migration system shares with other transnational labour conduits in the contemporary world. In the most general terms, transnational migration to Qatar and the neighbouring GCC states shares with these other migration systems the characteristic that foreign labour migrants are oftentimes the most marginalized, exploited, and excluded component of the resident population. While the concept of justice is aptly broad, the taxonomy of injustice experienced by this particular migrant population in Qatar and throughout the region can be conceptualized in the following framework. As this report will portray, these aspects of injustice are interwoven, overlapping, and interrelated:

- Those injustices that spring from the unequal and normalized relations between migrants and their sponsors (or that sponsor's proxies);
- The injustices that result from the adjudication of problems in the courts and ministries that govern foreign migrants in Qatar;
- Those injustices that directly result from the complex transnational geography of this migration system, including both the profit-seeking labour brokers in sending states and the sponsors or manpower agencies in Qatar;
- Those injustices that result from the broadly unequal global situation and the neoliberal economic relations that characterize it.

From a case-study approach, many foreign migrants in Qatar experience injustices that are obviously complex combinations of these various aspects. The focus of this project and report, however, is first and foremost concentrated on the process, policies, and institutions in Qatar in which justice is adjudicated and administered. We envision this juncture as one in which incremental and substantial change in the policies and procedures by which migrants in Qatar are governed and regulated can be effectively improved, yielding a better and more just result for the large and growing populations of foreign workers there.

This focal point in the larger field of power relations and injustice naturally results in a partial analysis and discussion of the labour relations structured by the sponsorship system. While we conceptualize many of the injustices encountered in this research as the direct result of the relations and inequalities structured by the sponsorship system, we avoid a wholesale discussion and critique of the *kafala*, and instead treat it as a social and regulative fact in Qatar, at least for the time being. Similarly, while many of the issues and challenges

that fall under the rubric of injustice are directly related to the transnational geography of this migration system, our attention to the *in situ* adjudication of migrant justice in Qatar results in relatively less attention to the transnational arrangements that often generate the problems to be adjudicated. Finally, we spend almost no time discussing global inequality and the structural forces that produce the vast populations of potential migrants who fall into the patterns of injustice that characterize much of the migration experience in Qatar and neighbouring states. While these are important and vital topics in any comprehensive analysis, our focus here is on the practical and processual aspects of the migration experience and the adjudication of justice in Qatar.

In a recent survey predating this study and report, our research team ascertained the frequencies and patterns with which labour problems and labour issues are encountered by the large migrant population of low income migrants.¹⁴ Although this particular survey was consigned to those foreign residents with incomes lower than QR 2000 (USD 549), it reveals a set of patterns and issues that often characterize injustice in scenarios that a wide variety of foreigners face in Qatar.

Salary Non-payment

Researchers working in the GCC region have noted that the non-payment of promised wages is a widespread issue for foreign migrants in the region (e.g. Rajan and Prakash 2014, Gardner et al. 2013, Jureidini 2010). In the surveyed sample of migrants, 21% of the respondents reported that they receive their salary on time sometimes, rarely, or never. The average amount owed to these migrants is QR 1750 (USD 481), an amount roughly equal to two months' pay for those migrants in the lowest income bracket in Qatar. As this report reveals, the non-payment of promised salary towers above the other issues in compelling migrants to seek access to the Qatari justice system.

Passport Confiscation

As many researchers have noted, sponsors, employers, and their proxies often illegally confiscate the passports of the migrants they import to Qatar (e.g. Gardner et al. 2013, Jureidini 2010, Bruslé 2008). In the population of migrants sampled for the survey, over 90% had been required to illegally relinquish their passport to their sponsor or his/her proxies. Indeed, despite its legal prohibition, this practice has been normalized in Qatar and throughout the region. Ethnographic work and the personal experiences of the research team suggest that this is a class-specific issue: elite, professional, and/or middle class migrants are infrequently required to relinquish their passports.

¹⁴ See Gardner, Pessoa, Diop, Trung Le and Harkness (2013). This project and its design are also briefly discussed in the Appendix of this report.

1.2 Ahmad's Story

Ahmad is from the Indian state of Kashmir, but prior to arriving in Qatar he had worked in Saudi Arabia for fifteen years. During his time in Saudi Arabia, one of his children had fallen sick, and although he was able to return home to care for him, his visa was cancelled when he failed to return during the designated time frame. Saudi law prohibited him from obtaining a new visa for five years, so he opted to come to Qatar instead. He paid 100,000 Indian Rupees (USD 1846) to a labour broker for the visa to Qatar. He was told he would be working as a foreman and would earn QR 2000 (USD 549) per month.

When Ahmad arrived in Qatar, he was assigned to do basic manual labour, and his first month's paycheque was half of what he had been promised. In his second month in Qatar, he received no pay at all. Shortly thereafter, Ahmad went to the Indian embassy and described the situation. The embassy gave him a letter and suggested he take his case to the Department of Labour Relations (which Ahmad referred to as the "Labour Court"). After he went to the Department of Labour Relations, his employer delivered his passport to the Search and Follow Up Department (also known as the Deportation Centre).

Ahmad returned to the Indian embassy a few more times. He sought other avenues, and someone suggested he visit the "Human Rights Department" (in the interview, it was unclear if he was referring to the National Human Rights Committee or to the Human Rights Department of the Ministry of the Interior). The "Human Rights Department" told him to return to the Department of Labour Relations and get an update on his case. According to Ahmad, when he returned to the Department of Labour Relations, the staff person screamed at him and told him to go to the Search and Follow Up Department. The staff person added that if he did not follow those instructions, his case would be dropped, the police would be called, and he would be taken to jail. Ahmad suspected his employer had somehow influenced the Department of Labour Relations. He said, "They [the Department of Labour Relations] just get money in their pockets from the *mandubs*. They don't care about us. They just care about the money."

Ahmad felt he had nowhere to turn. He didn't want to return to India, for he had just taken a migration loan there a few months earlier. But going to the Search and Follow Up Department also seemed like a bad idea, as it would likely also lead to his deportation. For two months he slept at mosques, and he survived on small amounts of charity various people would give him.

After some time, a man who attended one of these mosques offered him a job. Ahmad started cutting steel for him, and then shifted to a position in the workplace cafeteria. He earned QR 1500 (USD 412) for his first month's salary. The owner of the new company was willing to be his official sponsor, but he would need a "release" from Ahmad's previous sponsor, and that seemed unlikely. Instead, Ahmad continued working illegally. He had no ID card, and his passport was at the Search and Follow Up Department. He could be arrested at any time.

Lack of Proper Documentation

Sponsors and employers often fail to obtain the proper documentation for the migrants they import to Qatar. In the surveyed sample of migrants, 7% had not been provided with their Qatar identification card (QID) (or residence permit), a document that is required for many aspects of daily life in Qatar. A majority of this same population (56%) had never received the government-issued “medical card” which is necessary to access the public health care system in Qatar.

Jobswitching

Researchers working in the region have also noted the fact that many migrants arrive to find themselves assigned to work different from the work that was described and/or promised to them before migration. In the migrant population surveyed in the aforementioned project, 15% of low-income migrants arrive in Qatar to find themselves assigned to a different job than the one promised to them before departure.

Habitation and Dwelling

The majority of foreign migrants dwell in labour camps assigned by their employers. In the surveyed population of low-income migrants, the average migrant dwells in a room with six other migrants. Furthermore, small proportions of the lowest-earning migrants report insufficient water supplies (5%), insufficient electricity (2%) or insufficient air conditioning (2%) at their labour camp dwellings. Other research in Qatar has reported these issues occurring with higher frequency.¹⁵

Migration Fees

Some foreign migrants to Qatar and the other GCC states pay USD 2000 or more to labor brokers in the sending states for work visas. In the surveyed population of low-income migrants, we found that 71% reported paying for the right to work in Qatar, with an average total migration cost of USD 1031. Our data also revealed significant variation between sending states in terms of the total migration costs borne by migrants and their households. Low income migrants from Bangladesh and Pakistan, for example, pay an average of well over USD 1500 to work in Qatar for two years, while migrants from the Philippines report an average total cost of migration of just over USD 500.¹⁶

It is noteworthy that the sampled population described here consisted of “low income” migrants, arbitrarily defined as those who earn less than QR 2000 per month. This is also the largest component of the transnational labour force in Qatar. This sample population, however, is also noteworthy for its omissions: in addition to these low-income migrants, the foreign workforce in Qatar includes a substantial middle class and an elite class of foreign workers. The foreign workforce also includes 132,000 migrants who work in the domestic sector as domestic workers, drivers, gardeners, and in a variety of other service positions in

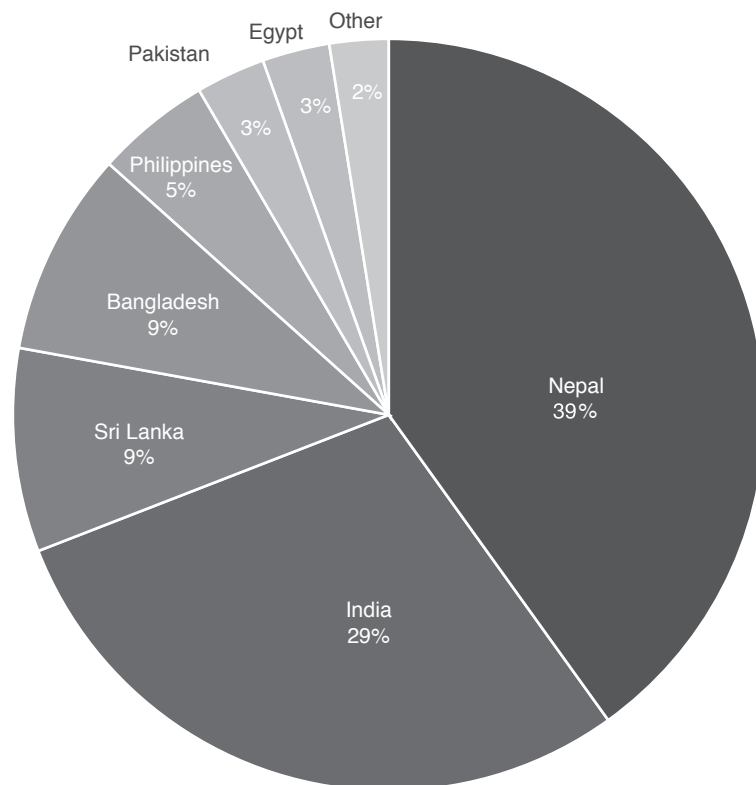
¹⁵ These frequencies were established in the aforementioned survey (Gardner et al. 2013). Other research, often utilizing a haphazard sample, has identified these labour camp issues as well (Human Rights Watch 2012, Amnesty International 2013).

¹⁶ Qatar Foundation’s “Mandatory Standards of Migrant Workers’ Welfare” sets out principles for the ethical recruitment of labour that clearly stipulate workers should not be charged any fees either in Qatar or in the sending country (Qatar Foundation 2013).

the private households of Qatari citizens and elite foreigners.¹⁷ While the labour problems and issues described above are descriptive of recurring problems throughout the foreign workforce in Qatar, some of these issues vary according to the class of foreign migrant. For example, elite foreign migrants almost never pay anything for the right to work in Qatar. Similarly, “salary non-payment” is widely assumed to be a more significant issue in the domestic sector than for the general segment of the foreign labour force.

While multiple factors described above often coalesce and coincide in the experiences of labour migrants in Qatar’s justice system, the majority of men and women interviewed for this report had entered the justice system process as a result of the non-payment of promised salary. Indeed, while a broadly-defined notion of justice provides a useful prism for examining the various and interrelated aspects of the migration experience and the production of injustice, from the perspective of many labour migrants it is first and foremost the non-payment of promised wages that becomes an untenable facet of their time in Qatar.

Nationality of Low Income Migrants in Qatar



¹⁷ Human Rights Watch 2012.

Complex Populations of Migrants

The population of foreign workers in Qatar and throughout the GCC is noteworthy for its diversity and complexity. This complexity underpins many aspects of injustices experienced and endured by the foreign population in Qatar and throughout the region. Migrants arrive from different cultural and social contexts. They are often unable to speak Arabic or English (the two most useful languages in interactions with the state), and typically can also not communicate with other contingents of the foreign labour force. And while some regions of Asia, with long and sustained contact with transnational migration to the region (such as Kerala or the Philippines), have forged a collective knowledge of migration to the GCC and the challenges frequently encountered there, other countries sending migrants to Qatar, like Vietnam and Nepal, have little or no established tradition and collective knowledge of the challenges typical to labour migrants in the region, nor the institutional capacity to regulate these out-migrations. In the population of low-income migrants recently surveyed in Qatar, the low-income population of labour migrants included individuals from twenty five different countries, with the largest populations coming from Nepal (39%) and India (29%).

It is generally assumed that the overall population of foreign workers in Qatar is even more nationally diverse than these data suggest, for the elite and middle class population of foreign workers typically comes from a broader set of sending states. Moreover, while these data describe the population of the largest component of the foreign migrant workforce in Qatar, these proportions are significantly different in the other GCC states. Indeed, we suggest that the pie chart (above) would look substantially different in other GCC states. In part, this variation in the constitution of foreign workforces is a product of each GCC state's particular history, for contemporary labour migration conduits often build upon historically forged relations with states elsewhere in the world: Essentially, the populations of foreign migrants in each GCC state formed upon different starting points. These differences were further enhanced by *chain migration*, the concept used to describe the process by which intrepid first migrants from any particular state or region become the starting point for significant additional migration by family, friends, and acquaintances.¹⁸ Through exponential expansion, chain migration has played a significant role in shaping the demography of migrant populations throughout the GCC.

Demographic variations in the foreign workforces in the various GCC states are also constantly evolving. Indeed, while data are difficult to obtain, significant changes in the constitution of the foreign workforce are observable even over the period of a decade. This can be partially explained by conceiving of the migration system in Qatar and the GCC as a profit-seeking migration industry, for essential to the internal logic of this industry is the continual search for lower-cost labour to import to Qatar and the Gulf. This leads to the expanding geography of outmigration in sending states (for example, the southern Indian state of Kerala, once the dominant Indian sending region, is now joined and surpassed in some states in the GCC by migrant flows from Tamil Nadu and other Indian states). It also leads, however, to migrants sourced from other and altogether "new" national sources for labour in the GCC. In the last decade, for example, Qatar began to receive its first substantial in-migration of Vietnamese and Burmese labourers.

¹⁸ See Banerjee (1983) for a good discussion of the role that social networks play in migration in India.

The rapidly changing demography of the foreign migrant population in Qatar and throughout the Gulf has significant implications that are woven throughout this report. It first suggests that this demography and some of the issues related to justice cannot be straightforwardly extrapolated to other states in the GCC region. Second, it hints at the significant role that this extraordinarily heterogeneous mixture of foreign workers plays in the administration of justice in Qatar. As migrants of different ethnicities and nationalities arrive in Qatar with different cultural traditions, practices, and expectations, the task of regulating and monitoring this population becomes more complex as a result. Indeed, even at the most practical level of administering justice to this population, the diversity of these migrant populations implies the need for documents and translation in a constellation of languages.

The Future of Migration in the GCC

In Qatar and throughout the GCC, the presence of foreign workers is publicly framed as a temporary juncture in the development of the GCC states. In short, the social and cultural friction that results from the ongoing presence of these foreign contingents of workers and professionals is framed as a challenging but temporary facet of the contemporary era on the Arabian peninsula. In conversations in the public sphere, the presence of this labour force is directly tied to the construction of the modern cities and nations that have rapidly arisen in the region. In addition to the vague and generalized sentiment that these populations and their migration for the purposes of labour are a temporary facet of Qatar's development, the purported temporariness of these foreign populations of workers, labourers, and professionals is also reflected in various educational and training plans codified in state policy, and particularly in the GCC-wide plans for the localization of the workforce. "Qatarization," for example, are those plans and policies that, collectively, seek to replace foreigners in the workforce with trained and educated Qatari citizens. These plans for the localization of the workforce have been in place throughout the Gulf states for several decades, and overall seem to have had a minimal effect on the overall constitution of the workforce in the respective GCC states.

The negligible impact of these localization plans on the proportions and constitution of the workforce has partially resulted from the exponential expansion of labour needs throughout the region. In Qatar, those labour needs have been tied to expansive national development plans primarily constituted by urban development. With the 2022 World Cup on the horizon, the flow of foreign workers to the peninsula will most certainly continue to grow as the stadia and other urban improvements are constructed to host the games.¹⁹ The World Cup and other similar events are only singular components of a larger national ambition, partially codified under the moniker MICE (Meeting, Incentive, Conference, and Exhibition), envisioned as an important "sector" of the Qatari economy. In turn, this "sector" of the economy is part of the more comprehensive vision of building a "knowledge-based" society from its hydrocarbon wealth. Indeed, these national ambitions have served as the ideological justification for the astonishing rate of urban growth and development, and illustrate the connection between the state's petroleum wealth and the flow of labour migrants to Qatar.

¹⁹ It has been estimated that hosting the World Cup in 2022 will require over one million additional workers in Qatar. See Human Rights Watch (2012).

Concluding Thoughts: Law, Diverse Migrants, and Access to Justice

What seems clear is that the migration of foreign labour to Qatar will continue — and most likely expand — in the coming decade. With the *kafala* still firmly in place, and with a complex transnational migration system connecting migrants with employment in Qatar, labour problems of the sort described above will most likely continue to play a prominent role in the experiences of migrants on the peninsula. A responsive and proactive justice system for adjudicating these problems will not resolve these issues in their entirety. But in combination with other changes being discussed, explored, and incrementally implemented by the Qatari state, the justice system for adjudicating problems related to labour migration presents an ideal component of the Qatari government's ongoing effort to navigate the complexities of its contemporary era, to attain its infrastructural and developmental goals, to enhance the productivity of the foreign workforce, and to reinforce its place at the vanguard of change in GCC. Improving the regulation and governance of the foreign labour force and ensuring better access to the justice system for foreign migrants both have the possibility of resulting in a series of changes and practices that will cascade into the vast construction sector and, more broadly, into labour relations in Qatar's foreign workforce. Moreover, because the GCC states are politically, socially, culturally, and economically intertwined, decisive specific changes to the justice system in Qatar hold the potential of resulting in substantial change to the migration experience throughout the Arabian peninsula.

2. Migrants, Justice and Qatar's Justice System

The Legal Pathway to Adjudication

The legal rights and remedies available to migrant workers are outlined in Qatar's Labour Law. The process potentially involves several steps, including a written complaint, mediation and arbitration or adjudication. In practice, the process usually starts with the worker filing a complaint with his/her embassy, which then refers the worker to the Department of Labour Relations of the Ministry of Labour. This office tries to resolve labour problems in-house by direct contact with the employer. If the employer fails to address the demands articulated by the Department of Labour Relations, the case is then referred to the Labour Court. Because almost all workers involved in this process are foreign migrants, the Ministry of Interior is also involved, especially in cases related to illegal workers and those involving changes of sponsorship. This section outlines the legal pathway to adjudication in the state of Qatar.

Adjudication in the Department of Labour Relations

This process usually starts with the workers bringing their labour problems to their embassy. According to embassy officials, the most common problems are delayed payment or non-payment of salary, breach of contract, not having a valid Qatar identification card (QID) or Residence Permit (RP), and non-payment of end-of-contract benefits. Embassies sometimes contact employers in an attempt to mediate these problems. If the embassy is not able to mediate the problem, the worker is advised to proceed to the Department of Labour Relations. In addition to their embassies, workers are directed to the Department of Labour Relations from other institutions and entities, including individuals, community organizations, the National Human Rights Committee (NHRC), and the Qatar Foundation for Combatting Human Trafficking (QFCHT). Most referrals, however, begin at the embassy. An embassy official described the process in straightforward terms:

The worker comes to the embassy – comes here to complain. We refer them to the Labour [Relations] Department to register their complaint there, to get their rights. We refer them to the Industrial Area branch on Street 13. There is only Labour Department there. There is not a court there.²⁰

The Department of Labour Relations became a separate department in 2009, with the purpose of addressing labour problems in Qatar through the systematic management of complaints. One expert participant in the project noted that the implementation of this system and the very existence of the department illustrate the increasing attention to resolving labour issues in Qatar. There are three Department of Labour Relations offices located strategically in the Industrial Area (where most low-income migrant labourers live), in Al Muntazah, and in Al Khor. The Department of Labour Relations gives the impression that workers can go to whichever of these offices is most convenient to them, but in reality most workers seem to be told (both by embassy staff and the Department of Labour Relations itself) that they should go to the Industrial Area office first. Workers indicated that if their cases were not resolved there, they were commonly directed to proceed to the Department of Labour Relations' main office in Muntazah.

²⁰ Note that all participants in this study, including expert informants, were promised confidentiality.

2.1 Abdus' Story

Abdus came to Qatar from Nepal to work as a welder. He was told that he would earn QR 1000 (USD 275) per month, but for his first two months he received only QR 800 (USD 220). Then his employer stopped paying him at all and reassigned him to work as a "helper", first in carpentry and then in construction. His manager repeatedly refused his requests to return to Nepal. After two months, he was given a one-time payment of QR 500 (USD 137) for living expenses. Abdus asked his sponsor for a "release letter" to allow him move to a different employer, but this request was also refused.

Abdus's brother lived in Qatar, and Abdus received money for food from his brother's friend. Also through his brother's friend, Abdus met an American man interested in migrant worker issues. The American man talked to him about taking his case to court. Together, they first went to the Department of Labour Relations in the Industrial Area. At that time, his employer owed him five months of salary. After filing his case in the Department of Labour Relations, Abdus stopped work as well. He also moved from the accommodations his employer had provided to his brother's room.

He went to the Industrial Area office of the Department of Labour Relations on seven consecutive days. No one from his company appeared at any of the appointments. His case was then transferred to the Muntazah office of the Department of Labour Relations (which he referred to as the Muntazah Court). He went to the Muntazah office for four consecutive days, but again the sponsor failed to appear. With no translation services provided, Abdus communicated with the staff at the Department of Labour Relations in his basic Arabic and English.

Because his sponsor failed to appear at the Department of Labour Relations, his case was referred to Labour Court. He went to the Labour Court to file his case and was given his first court date for three months later. After that, he was typically given subsequent court dates approximately once per month. At most of these appearances in court, Abdus was simply told to return the following month. Although he generally communicated with court personnel in basic English or Arabic, there was occasionally a Hindi-speaking translator present who provided him more detailed information.

The sponsor almost never attended these hearings, except for a single appearance when the sponsor tried to persuade Abdus to drop the case. His sponsor promised that he would receive all the salary due to him, and that he would extract his passport (which was now at the CID) if Abdus would drop the case. Abdus didn't accept these offers, and didn't trust his sponsor. Abdus knew that other workers who had previously dropped their cases hadn't received the compensation due to them.

The Labour Court eventually required Abdus to pay a QR 500 (USD 137) fee. Abdus understood this fee as a deposit to ensure he would return to the court, but it was actually the fee for the expert who would examine the company's records and, based on his findings, make a settlement recommendation to the court. The American man who had initially talked to him about filing a complaint gave him the QR 500. The same man would often drive Abdus to appointments in the Department of Labour Relations and Labour Court. However, when he was not available, Abdus would have to pay approximately QR 50 (USD 14) for roundtrip taxi fare.

Abdus felt like the case was taking too long. He considered dropping the case and returning to Nepal without any of the salary due to him. However, he decided to persevere. After several months of unemployment, he began working illegally as a gardener for his brother's sponsor. In the end, approximately ten months after he filed the initial complaint, Abdus received the court-ordered QR 4500 (USD 1236) in compensation from the company. Abdus immediately returned to Nepal.

At the Department of Labour Relations, the worker submits a written complaint against the employer. There are no official translators in the office, but the Department claims that translation is regularly available. It also seems that in order to file a complaint the worker must have the proper documentation to work and live in Qatar. For example, Dinesh, a Nepali worker interviewed for this project (see Migrant Synopsis 3.1) had no passport, no copy of his visa, and had not been issued with an official ID card. Without that documentation, and specifically the copy of his visa, the Department of Labour Relations could not forward Dinesh's case to the Labour Court.

If the worker is able to file a complaint with the Department of Labour Relations, the worker then receives two documents. The first contains the worker's information and the nature of the complaint and is used in all follow-up procedures. The other document is for the employer/sponsor: it requests them to attend an appointment with the employee at the Department of Labour Relations. The Labour Department also has a computerized system that sends an SMS to the sponsor. According to an expert, "The company may not listen to or pay attention to the worker when he gives the letter, so that is why they also send the SMS to the owner of the company or sponsor. The sponsor has to attend the meeting or send a representative."

If both the worker and the employer follow up on the case, the Department of Labour Relations claims to try to solve the problem in an efficient and timely manner, as indicated by an official with knowledge of the department's procedures:

If you submit your papers today, they'll fix an appointment today, maximum two days. When the worker comes in to complain, they try to solve the problem within seven working days. If they don't solve it in seven working days, it will be sent to the court... Honestly speaking, all companies try to solve the problem. They don't want to go to the Court. Court is a long process. They have projects to be done.

Ideally, both the worker and the company representative attend the meeting in the Department of Labour Relations. After listening to both, the Department will try to solve the case by requesting that the company take immediate action to compensate the worker or otherwise address the migrant's complaint. If the worker has completed two years and if he or she wishes to depart Qatar, the company is typically requested to facilitate the worker's return home. The capacities of the Department of Labour Relations are not reinforced by legal provision that obligate such actions, but instead by the general power and authority of requests emanating from an official Qatar ministry.

However, problems and delays in the process frequently arise: companies fail to cooperate with the Labour Relation Department's mediation, or simply fail to follow through on promises achieved by mediation. Interviews conducted for this project also indicated that between the time of the filing of the complaint and the requested meeting, workers may be paid a portion of any salary owed to them; they may be threatened by managers, supervisors, or company officials (For example, see Gopal's story in Migrant Synopsis 3.2); or they may be fired and deported by their employer.

One community leader appraised the process:

Many times I have reported and I have also told human rights people that, 'how many cases I have brought to you and within 24 hours, those people were sent back to home!' Because somebody will call to the employer that they received this complaint about them and ask them to come and tell us and after the weekend or one to two days, if we go to their employer to ask for the employee, they will say that they have already gone to their country.

If the company fails to send a representative to mediation meetings after receiving a few requests, the case is then referred to Muntazah, the main office of the Department of Labour Relations. The team at the Muntazah office will immediately contact the company again. If the company still fails to cooperate, the Department of Labour Relations has the capacity to disallow the company from importing additional foreign workers. This system is computer-based and involves a labour problems blacklist.

Although the Department of Labour Relations tries to punish uncooperative companies and employers by blacklisting them, this system is imperfect and accountability remains a problem. One knowledgeable expert interviewee indicated that there are occasional technical problems with the system, so it is hard to keep track of all companies that have received complaints. In addition, the companies involved with the complaints lodged by workers are often extremely dysfunctional. As a result, the consequences of the Department of Labour Relations blacklist have little impact in encouraging compliance. In addition, as another expert interviewed for this project noted, there is still the problem with individual accountability: He thought that owners of blacklisted companies often simply opened new companies under different names, thereby circumventing the blacklist.²¹

Nonetheless, the establishment of the Department of Labour Relations has been a significant addition to migrants' access to justice in Qatar. The office claims to be able to resolve 90% of the 350 - 400 cases they receive monthly.²² One expert with experience in these institutions also indicated that the number of complaints has decreased over the years. From his perspective, this decrease was the result of the computer-based system becoming more organized, functional, and eradicating the "margin for error." For instance, cases are now tracked using the worker's Residence Permit number, which automatically reveals the employer's name.

Despite its existence and these improvements, workers remain sceptical about the capacity of the Department of Labour Relations to resolve their grievances. Even in cases when migrant workers are compensated after making an initial complaint to the Department, non-payment of salary may happen again, leaving workers disenchanted with their prospects in the legal system (see Migrant Synopsis 2.3).

²¹ The same expert noted that companies can be removed from the blacklist fairly quickly after complaints are resolved. The criteria and process for removal from this blacklist are unknown.

²² Interview with officials at the Department of Labour Relations.

2.2 Rajendra's Story

Rajendra came to Qatar from Nepal to work as a driver in a construction company. His salary was supposed to be QR 1500 (USD 412) per month. After sixteen months in Qatar, however, he and his co-workers had only been paid for a few of those months. Their employer owed them a year of salary. Collectively, they decided to stop working. The company then paid them some of the money owed to them, but they were still owed several months' more salary.

Rajendra and most of the other thirty workers remained with the company went to the Department of Labour Relations in the Industrial Area. Like most migrants, Rajendra referred to it as "Labour Court." They went to three appointments there, but no representatives from the company attended any of the appointments. The case was then referred to another branch of the Department of Labour Relations. After three appointments there, the company's owner appeared. He agreed to provide the workers with plane tickets to return home, and he promised to pay them a quarter of their pending salary. The workers agreed to this arrangement. Shortly after this appointment, the owner came to their accommodations and revised his offer: he would pay for their plane tickets, and he would provide them one month's salary total. The workers did not agree to this offer. They reported this to the Department of Labour Relations, and after fifteen days their case was referred to Labour Court. Like most migrants, Rajendra referred to Labour Court as "High Court."

Rajendra and his co-workers went to Labour Court and were given a date to return in two months. When they went to court after two months, they were told to return again after ten days. This pattern continued: several more times they were informed to return again in another ten days. The company owner attended none of these court dates.

While the case was in Labour Court, Rajendra and the other workers went to the Human Rights Department of the Ministry of Interior. There they were advised to continue with the court case for the next three to four months until it concluded. The Human Rights Department told them that they would then be able to secure a release to change their sponsorship. Surviving those four months was difficult, however. To eat, they borrowed money from friends, and the company's owner informed them they had to leave their labour camp. The owner came to the Human Rights Department and agreed to give them a release if they withdrew their case from Labour Court. Rajendra and the majority of the other workers decided to withdraw the case. As promised, their sponsor then provided them with a release.

With the release, Rajendra obtained a job in with a company where his friend worked. The working conditions seemed to be relatively good. Rajendra said that had hoped to get the money his previous employer had owed him. If that had happened, he would have returned to Nepal. He summarized his experience in the justice system with brevity:

I have gained some knowledge from this process that our category of people cannot fight with the Labour Court in Qatar because we could not win the case. I just felt that. So it would be better if we did not think of going to court. I have met some friends here that are still fighting with the court. Some are still fighting after two years... So I realized that we could not win our case against the owner by the court here in Qatar.

Adjudication in Court

If a case is not resolved in the Department of Labour Relations, it may be referred to the Labour Court. Workers can also go to the Labour Court directly, but most of the workers we interviewed seemed unaware of this. In fact, most think they are already at the Labour Court when they go to the Department of Labour Relations. The Labour Court is often referred to incorrectly as the High Court by workers and some experts. This is partly because the Labour Court is currently located in the former High Court building in the West Bay area of Doha. This location is also far away from where most low-income migrants live. The official language of the Labour Court in Qatar is Arabic and language interpreters are provided based upon necessity and availability. Interviews with migrants and experts portray the Labour Court system in Qatar as a financially costly process in which cases may take several months to a couple of years to reach conclusion. This makes workers very hesitant about filing lawsuits against their employers.

According to Article 10 of the Labour Law, the registration of a case at the Labour Court is free. Hidden fees, however, are often involved. In the cases we surveyed, workers typically had to pay QR 500 (USD 135) for an auditor. Appointed by the judge, an auditor is a person who acts as a legal consultant, inspects the company's records, discusses the case with the worker and the company, and ultimately writes a (non-binding) report to the court. According to an expert participant with knowledge of this juncture in the process, the auditors receive a low salary and there is a need to have more qualified experts in this role. It is believed that in almost all cases judges follow the auditor's report and recommendations. Workers who win their case are reimbursed for the fee as part of the compensation received from the company or employer. This is important because the worker is likely to have borrowed money to cover the fee to be able to take the case to the Labour Court in the first place.

When the employee takes legal action against the employer, certain legal procedures need to be followed to inform the employer of court dates. Articles 2 - 14 of law no. 13 of 1990 (amended 2005) explain the notice procedures. According to Article 2, every legal notice must be delivered through a police officer or through any other person appointed by the judge, by the request of the parties, by the court's registry, or by the court's order. According to Article 7, the legal notice must be delivered to the employer himself or delivered to his home. If the court officer does not find the required person available in his home, he must deliver the documents to the place or site of occupation, to someone who works in his service, or to someone who resides with him (such as relatives). If the person works in the public sector, the Court may deliver the notification to his office.

If the Court officer is unable to serve these documents to the defendant in accordance with the articles of the law, or if the defendant (or his relative) refuses to sign the original receipt or receive the photocopy of the legal notice, then the Court officer must document this in the original copy of the "Notification Paper", and must then deliver a photocopy of the notification papers to the police station that has jurisdiction over the employer (based on his location in Qatar). Within twenty four hours, the court officer must also send the notification papers by mail to the defendant, informing him that a photocopy has been sent to the police station. The court may then consider this notification effective from the time that the court officer delivered the papers to the police station, or the court may order that the defendant be notified another way.

These details are vital, because if the notice was not delivered to the employer himself and then the employer did not appear in court, the court session is postponed. There are no details in the law regarding the number of times that the court shall notify the employer, but the employer must be notified properly in accordance with the law. Consultation with local lawyers indicated that, in practice, it may take from two to seven announcements, based on whether employers receive, refuse, and/or ignore receiving the notification. Experts also indicated that approximately a quarter of the cases require two notifications, while more than half of the cases require more than five attempted notifications. According to article 15, if the defendant received the legal notice and then did not appear in Court, the judge shall proceed without him/her. However, the employer/defendant can still later contest any rulings made in his absence.

The process of delivery of the court notice to the employer is the first indication of the lengthy, confusing, and complicated nature of this legal process. There is also no legal requirement for a specific amount of time between Court hearings. Instead, this is determined at the discretion of the Court, which is guided only by the general call for urgency described in Article 10 of the Labour Law (Government of Qatar 2004):

- All lawsuits filed by the workers or their heirs claiming the entitlements accruing under the provisions of this law or the service contract shall be dealt with urgency and shall be exempted from judicial fees.

In practice, that mandated urgency can take months. A worker's initial Court date might be a couple of weeks or months after the case was first filed. After that, Court dates are usually a month or more apart. Delays are caused because the Court system is extremely busy and understaffed, and because employers fail to appear at hearings. In our interviews, many migrants noted that many of their Court appearances often comprised nothing more than being told to return at a later date.

Although defendants' failure to appear seems to be a recurrent problem, there are no apparent consequences for failure to appear. There is no text in the law that gives the Court the right to apply disciplinary sanctions against employers, such as financial penalties, preventing them from bringing new migrant workers to Qatar, or closing the company.²³ Thus, without any legal repercussions to the companies, the failure to appear directly causes the justice process to extend for months or even years.²⁴ Facing this possibility, many workers officially cancel their cases and attempt to return home. Although it rarely occurs in practice, they also have the option of continuing with the case in absentia by appointing a lawyer to represent their interests. As detailed in the next section of this report, attempting to return home is a process that is also fraught with challenges and difficult bureaucracy.

During this lengthy legal process, the migrants usually do not have any source of income and must resort to borrowing money from friends, obtaining assistance from the embassy, staying in the Deportation Centre, or working illegally.

²³ There is, however, an exception related to recruiting agencies: Article 145 of the Labour Code gives the Court the right to close these agencies by revoking their licenses. The Court also has the right to continue the legal process without the employer's appearance in Court.

²⁴ Note that repercussions are more explicitly addressed in cases that fall under Qatar's anti-trafficking law.

As an embassy official explained,

One problem when workers go to Labour Court is that employers stop providing them with food and accommodation. The embassy is providing food to about 200 (...) workers who have cases in the Labour Court. The court takes the paperwork and tells the worker to come back in six months. How are the workers supposed to do this? No work! No money and they cannot pay the loans. Six months for one appointment and six months for another appointment and then one year is gone! What is the point of staying here?

There are no laws that obligate the Labour Court to require employers to pay subsistence money to workers for the period of the lawsuit. And while workers can receive compensation for salary they would have received while the case was pending (in certain cases), this also is a rare occurrence, especially for low-income workers who generally have no legal representation.²⁵ Under the law, the only way that a worker may receive any compensation is if the end of service for the employee can be defined as “arbitrary dismissal.” In such cases, the Court may order the employer to return the employee to his job and support his entitlement to full payment for the entire validity of the contract, in according with Article 64 of the Labour Code. For example, if a worker completed seven months of a two-year contract and then was wrongfully dismissed, he would be entitled to compensation for the remaining seventeen months.

Despite the challenging structure of this system, some indicators suggest the increasing effectiveness of Qatar’s Labour Court system. An expert participant interviewed for this project indicated that she has records of many migrants’ success in addressing their grievances in this system. In most judgements, workers received between QR 3000 to QR 5000 (800-1400 USD). Elaborating on this, the official indicated that,

The legal system is good. I have witnessed humble people win in court against VIPs. Judges won’t ruin the reputation of the legal system by deciding unfairly in these simple cases. They even welcome the opportunity to decide against a VIP to demonstrate that the system is good. But the system is still not perfect and of course there are sensitive cases, but they aren’t going to ruin the system for simple cases.

However, even after migrants win a case, their financial welfare is not guaranteed. A victory in court can give way to difficulties with obtaining compensation, a no objection certificate (NOC), and a change of sponsorship. If the employer does not give the worker the payment after the final judgment, the worker can file an implementation lawsuit against the employer for the execution of the court judgment. In an appointment between both parties involved, the company must declare the legitimacy of the worker’s right to receive the adjudicated compensation. The worker can also file a lawsuit to receive additional compensation for moral damages and suffering due to the mistreatment by the company.²⁶

²⁵ While most workers are not legally entitled to any support from their employers during these periods, some are able to receive limited support from a variety of sources (detailed in Section 3 of this report). As one example, if a case falls under the definition of human trafficking, the Qatar Foundation for Combating Human Trafficking may provide the migrant with assistance for the duration of the court case in the form of food, shelter, and sometimes money.

²⁶ A legal consultant for this project noted that while this is legally possible, it is a difficult and rare occurrence, particularly for low-income migrants in Qatar.

2.3 Rakesh's Story

Rakesh came from the Indian state of Kerala to work in Qatar as an electrician. Although he signed no contract before boarding the plane to Qatar, the labour broker told him his salary would be QR 1600 (USD 439) per month. When he arrived in Qatar, he was informed that his salary would be QR 850 (USD 233) per month with a QR 150 (USD 41) food allowance. After five months of work, Rakesh had received a single QR 200 (USD 55) "advance" and his monthly food allowance. Although the months slipped by, he hadn't received any of the promised salary.

After those first five months had passed, he and four of his co-workers finally made their way to the Department of Labour Relations (which he referred to as the Labour Court). The rest of the workers were afraid to join them, as they were afraid of being sent back to their home countries. Rakesh was willing to take this risk. At a shop outside the Department of Labour Relations they paid a typist who could take their problem, described in Malayalam, and prepare the Arabic document they would need. At their appointment, the Department of Labour Relations relied on a "tea boy" to translate from Malayalam to Arabic. Rakesh noted that he was unsure if either of these men had accurately translated their complaints. On the following day, the manager of the company attended their appointment at the Department of Labour Relations. He and the others received an additional two months of the salary owed to them, and another month's salary arrived shortly after that. Although they were still owed a few months' salary, they began working again. Just as before, however, the company failed to pay them, and they worked another five months without any salary.

The problems with inconsistent payment of salary continued for Rakesh and his co-workers. Three years after their first visit to the Department of Labour Relations, Rakesh noted that he was still owed four months' salary. He had never returned to the Department of Labour Relations – he felt they had not been very helpful. He added that, "there are also problems with long queues. Two hundred fifty people a day go there. Other people have said that sometimes they tear up the papers that people give them or don't call back or give information properly." Rakesh noted that he also never went to his embassy: he had heard that they were not helpful either.

Rakesh said that he hoped to obtain a release to work for another company. He had been offered jobs with a salary of QR 3500 (USD 961), but the company that had brought him to Qatar was unwilling to grant him a release, and he was unaware of the possibility of obtaining a release from the Ministry of Interior. He said, "No one knows about the rules here. They should tell everyone the rules when they come here." In the larger scheme of things, he added, he was also sceptical about getting help from any governmental entity since the owner of his company was an important government official.

In addition, Rakesh said that he did not have time to file complaints. At the time of the interview, he was working every day of the week. His workday began at 5:00 am, and both his work and accommodations were in Ras Laffan, an industrial city located 80 km north of Doha. This distance posed another barrier to any further attempts to address his problems in the justice system. He had previously also attempted to relate his problems to one of the companies that had contracted their services. When his employer discovered this, the boss became angry and threatened to cut a month of his salary if he broached this subject again.

Amidst ongoing problems, Rakesh hoped he could return home in a few months. He held on to the hope that he would receive the remainder of his pending salary before he left.

Regardless, even when the worker manages to obtain his compensation, there is still the problem of change of sponsorship. Many employers resist granting employees the no-objection certificate needed to change sponsorship (and hence change employment). This resistance is particularly acute when the employee has just successfully sued his employer in court. No law grants the Labour Court the right to transfer the litigant worker's sponsorship.²⁷ Only the Ministry of the Interior is charged with the capacity to allow a change of sponsorship without the sponsor's permission.

The Ministry of the Interior and its Role

The Ministry of Interior is heavily involved in the regulation of migrant labour in Qatar due to the migrant workers' status as foreigners in the *kafala*. As soon as migrants become illegal or undocumented for any reason, they fall under the jurisdiction of the Ministry of Interior, which is empowered to take the worker to the Search and Follow Up Department (also known as the Deportation Centre) and to subsequently deport the foreigner unless he or she has proof of a pending case in the Labour Court. Unlike the Ministry of Labour, the Ministry of Interior is also empowered to grant workers the release necessary to leave the country or to change sponsorship (and hence employment).

Illegal workers fall directly under the purview of the Ministry of Interior. Workers usually become illegal when they lack a valid Qatar ID, or when an "absconding" charge has been filed against them. Many of the workers interviewed for this project never received a valid Qatar ID from their employer. These foreign workers lived in fear of being caught by the police and had little hope of resolving their problems in the legal system. Although workers do run away from their employers – typically to flee abusive or exploitative circumstances – some workers become "illegal" when their employers give their passports and identification information to the Search and Follow up Department of the Ministry of Interior. For instance, after Ahmad (see Migrant Synopsis 1.2) went to the Department of Labour Relations, his employer gave his passport to the Search and Follow Up Department. Only later did he learn that this was a branch of the Ministry of the Interior. In practice, reporting a worker to the Ministry of the Interior as having "absconded" is a strategy for employers to shed unwanted workers via deportation.

If an absconding worker is caught by the police, he or she is transferred to the Search and Follow up Department (Deportation Centre). The penalty for absconding is QR 6000 (USD 1600). If a worker pays this fine, he or she can go back to work for the sponsor, if the sponsor acquiesces, or the migrant can opt to return home. If the latter option is chosen, the migrant is allowed to return to Qatar for work after two years. In most cases, absconding workers do not wish to return to employment with their sponsor, so they opt to return to their home countries. If the worker does not pay the QR 6000 fine, the worker is prohibited from ever returning to Qatar. Thus, the penalty is viewed as a settlement with the Ministry of Interior.

²⁷ A complex exception to this occurs when there is a written agreement between the worker and employer regarding the transfer of sponsorship. That agreement fulfills the requirements of Article 12 of Law No. 4 of 2009, which allows the Labour Court to instigate this transfer of sponsorship.

The legal system in Qatar does allow for “illegal” workers to file a case against an employer in the Department of Labour Relations or the Labour Court. Workers who do not have a valid Qatar ID sometimes receive a letter from the Labour Court that they can show to the police in case they are stopped and asked for official identification. The letter is valid until their next court date, and is intended to prevent the police from detaining them for lacking an official ID. Although the provision of this letter seems to be a common practice in Qatar, there is no mention of this document in the law.²⁸ In practice, however, the migrant workers interviewed for this project had a very difficult time navigating the legal system in Qatar, particularly in those cases where they lacked identification (see Migrant Synopses 3.1 Dinesh and 3.2 Gopal).

In addition to its role in governing the legal status of foreign workers, the Ministry of Interior has the power to grant workers’ release from their sponsors. Article 12 of Law No. 4 of 2009 (Government of Qatar 2009) regarding the Regulation of Expatriates’ Entry, Departure, Residence and Sponsorship stipulates that:

- Should any legal action be pending between a sponsor and an employee who is an Expatriate, the Minister or his appointed deputy may temporarily transfer the Employee to another sponsor.
- The Minister or his appointed deputy may approve the transfer of the residence of an Expatriate employee who is not subject to the Labour Law to another employer in the case that the sponsor in question proves to be abusive or if public interest so requires.
- An employee who is subject to the Labour Law may, on request, for the same reasons, and subject to the approval of the Minister or his appointed deputy and the approval of the Ministry of Labour, have his residence transferred to another employer.

As a result of this Article, the Ministry of Interior has the right to temporarily transfer worker sponsorship if there is a lawsuit between the worker and the employer, if the employer proves to be abusive, or if the transfer of sponsorship is in the interest of the public good, even in those cases of workers not subject to the Labour Law (such as domestic workers). It should be noted that the concept of public interest is ambiguous, and interpreting the public’s interest is the purview of the Ministry of the Interior.

In situations of non-payment of salaries and illegal termination of a contract, the Ministry of Interior may grant immediate release and change of sponsorship, particularly if the National Human Rights Committee pleads for the release of the worker on humanitarian grounds. However, if there is a Court case pending in any of these situations, the Ministry of Interior prefers to wait for the court ruling.²⁹ As previously noted, however, the Ministry of the Interior is not obligated to transfer the sponsorship of workers who have won their case against their employer in Labour Court. The Ministry of Interior can also grant a temporary release, allowing migrants to work until their court case is finished, after which they are required to leave the country.

²⁸ The project’s legal consultant noted that this letter from the Court is non-binding to the police.

²⁹ The details regarding the Ministry of the Interior’s procedures relative to active cases in the Labour Court were inconsistent, and the assumption used here is the result the patterns observed or noted by a handful of the experts interviewed for this project.

There are noteworthy aspects to the implementation of these regulations and rules. According to an expert interviewed for this project, the Ministry of Interior will not grant release and change of sponsorship in those cases where it is clear that the worker has started working for a third party without legal transfer. The expert explained that,

The Ministry of Interior will grant release in court cases where people have not been paid their salary. But the problem is that in court cases the person has often not been paid their salary in so long that Ministry of Interior won't grant release because they assume that they have already been working for someone else to survive. The Ministry of Interior will grant release when someone hasn't been paid for two or three or at least up to five months.

To request change of sponsorship, migrants can go to the Human Rights Department of the Ministry of Interior or to the National Human Rights Committee, which pleads the worker's case to the Ministry. The Ministry of Interior allows no appeal: decisions are final. If a worker receives a release, he or she is allowed 90 days in Qatar to secure a new job.³⁰ However, this information is not promptly available to workers, as noted by Rakesh (see Migrant Synopsis 2.3): "No one knows about the rules here. They should tell everyone the rules when they come here." There is a great need to inform workers about the possibility of obtaining a release and a change of sponsorship from the Ministry of Interior, as there seems to be lack of information and some misinformation about this process amongst the migrant communities. Our project encountered no low-income migrant workers who had been granted a release or change of sponsorship without the employer's consent (with the sole exception of the individual described in the footnote below).

Concluding Thoughts: Qatar's Justice System

In this section, we have tried to outline the process by which migrant workers can access justice in Qatar's legal system. Although the process seems straightforward – from the embassy, to the Department of Labour Relations, and ultimately to the Labour Court – there is great confusion and lack of information about what each of these entities can do to facilitate migrant workers' access to justice. While the embassies frequently direct workers to the Department of Labour Relations first, the embassies' power and resources are limited. The Department of Labour Relations seeks in-house solutions to the problems workers bring to them. If the employer cooperates, cases can be easily resolved. If not, cases are referred to the Labour Court. Given the bureaucratic process by which employers must be informed of the case, the high number of cases relative to the understaffed Court, and the capacity of employers to further delay cases simply by not attending hearings, pathways to justice in the Labour Court require endurance from employee-litigants. If workers make it through this lengthy process, they may receive compensation, but this result is not guaranteed. Because of their foreign status in the *kafala* system, the Ministry of Interior is also heavily involved in the regulation of the migrant labour force. The Ministry of Interior has great power in ensuring the detention and subsequent deportation of illegal workers, in granting workers' releases, and in requests for changes of sponsorship. However, their work and this regulation is parallel but separate from the Labour Court. Consequently, many workers relinquish their cases and, instead, seek simply to return home.

³⁰ One worker interviewed for this project reported that he was only given 30 days to secure a new position in Qatar.

Considering Qatar's rapid development and the larger context of the GCC states, the provision of these legal pathways to justice can be framed as an important and progressive improvement over the ad hoc status quo. However, despite some reported instances of migrant workers successfully challenging their employers' practices through these channels, there remain significant hurdles to the overall effectiveness and accessibility of this system. Among the many reasons why the number of cases of abuse or breaches of Labour Law pursued through the Labour Court remains so low are: extremely challenging bureaucratic procedures; the time and costs involved in migrants' pursuit of justice; migrants' fear of jeopardizing their employment and income; the capacity of employers to derail migrants' access to justice with threats; migrants' lack of documentation; and a general lack of knowledge of legal forms of redress. Because of these challenges, an array of informal and unofficial institutions, networks, and processes underwrite migrants' pursuit of justice in the state's justice system. These supports are the subject of the next section.

3. Beyond the Courts: Underwriting the Justice System

Introduction: Support, Information, and Advocacy for Foreign Workers

In the previous section, we sought to delineate Qatar's formal justice system, as described and utilized by the migrant workers interviewed for this project. In practice, however, this project's interviews revealed that the formal justice system – comprising, at its minimum, the Department of Labour Relations and the Labour Court – are merely the foundational components of migrants' experiences in the Qatari justice system. Atop that foundation, migrants' pathways to justice often involve a series of other organizations and institutions, including the National Human Rights Committee and the Qatar Foundation for Combatting Human Trafficking, the migrants' respective embassies, and a variety of formal and informal outreach groups. These institutions and organizations provide information, advice, material support, and accommodation for some migrants amidst the justice system and its process.

Beyond those institutions, however, our interviews also revealed the important and integral role that migrants' social networks play in their pathways to justice. Indeed, the important role that friends, migrant community leaders, and other personal contacts played in the migrant experiences collated for this report was formidable. Collectively these networked resources help migrants gather information about the structure of the justice system, its norms, and the role that its various components play in adjudicating the issues they face. In addition to experience and information about the Qatari justice system, these diasporic networks also yield a constellation of more practical and material assistance: it is from these networks that money is borrowed to buoy migrants through long periods without income, it is via these networks that transportation to and from appointments is often arranged, and it is these networks that yield accommodation for foreign migrants who have nowhere else to stay. These ad hoc support networks are essential to the limited functionality of Qatar's formal justice system.

While the information and support provided by these institutions, organizations, and networks are critical in helping migrants navigate the Qatari justice system, there is by no means sufficient support to overcome the problems in the system for many migrants. In the end, many foreign workers opt to return home rather than remain in Qatar to address their grievances and await justice. Even arranging for a return home, however, can be a lengthy and draining process, for it means more waiting, more advocacy and more support. In the final accounting, in the absence of a fully comprehended, trusted, and functional legal system for the adjudication of justice, the large population of foreign workers in Qatar relies heavily on these formal and informal institutions and networks in seeking justice.

Support from Friends

Generally speaking, labour migrants are geographically, linguistically and socially isolated from other segments of the population in Qatar. Their experience of Qatar is typically constricted to their work site(s) and the area around their assigned accommodation. Because of this spatial segregation, and because few of these foreign migrants are fluent in Arabic, most of their interactions are with other low-income migrants. As a result, when they face difficulties, they frequently first turn to their friends and acquaintances in the migrant community.

3.1 Dinesh's Story

Dinesh, a twenty year-old Nepali migrant, had previously spent four years working in India before he left for Qatar. His brother was already here, and helped Dinesh obtain his job. He borrowed money and paid QR 2000 in Nepal for his ticket and his work visa. The agent told him he would be a custodian in an office, and that his salary would be QR 950. When he arrived in Doha, however, he realized he worked for a manpower agency and that his work would vary. He was told that his salary would be QR 900 and that he would begin working as a manual labourer. For the first four months he received the lower salary he was promised upon arrival, but then the company stopped paying him at all. Since then, six months have passed and no salary was forthcoming. Compounding the issue, his employer fled Qatar.

The owner had also never arranged for Dinesh and his co-workers' ID cards. Prior to his employer's departure, the manpower agency employing him contracted them to work for a new company. When the boss of the company that had contracted them discovered they were undocumented, however, he ceased employing them and they returned to camp. Their calls to the manpower agency yielded nothing.

Together, the men went to the Nepali embassy. The embassy called the manager of the manpower agency, and he promised to be at the embassy shortly. But he never arrived. The embassy gave them a paper and instructed them to bring it to the Department of Labour Relations. The manpower agency had his passport, he had no copy of his visa, and he had never been issued an official ID card. This visa was the sticking point for Dinesh: without that documentation, the Department of Labour Relations could not file his case. The men with documentation were given a letter to give to the manpower agency, but nothing happened, so the Department of Labour Relations referred the case to Labour Court.

Without documentation, he was omitted from the case forwarded to the Labour Court. As a result, he did not attend court on the appointed date. And he had no money for transportation anyway. His friends who did attend were given an appointment two months in the future. To make matters worse, the company that brought Dinesh to Qatar stopped paying rent to the owner of their accommodation. The owner has told them they'll have to leave.

Dinesh's roommate summarized their situation: "We are in a very bad situation. I don't understand what will happen next. We just borrow food from our friends and then we eat that food. We are helpless. There is no help for us here." Although Dinesh took a loan to come to Qatar, he hopes that he can simply leave soon. If he is able to leave, he plans on migrating to another Gulf country and, if things go well, paying back the loans he has taken. His dream, for now, is to work for a good company in another country.

In the first instance, these networks of friends, co-workers, and fellow countrymen are a vital source of information. Through these contacts, migrants learn what steps they must take to address their problems, the location of relevant ministries and institutions, and how to go about filing a case. Without a doubt, this information is vital to workers who have no other source of information about the justice system in Qatar. However, the information they receive can also be inaccurate. There is a widespread misperception, for example, that the Department of Labour Relations is the “Labour Court.” A misunderstanding of the difference is a serious matter, for it impedes the adjudication process. Workers who are not satisfied with the outcome of a case brought to the Department of Labour Relations, for example, are less likely to proceed to Labour Court since they believe they have already filed a case there. This particular piece of misinformation was almost ubiquitous in our interviews with migrant workers. Gopal (see Migrant Synopsis 3.2) explained how he received advice from friends after his employer ceased paying his salary:

When the company stopped our salary... we talked with friends who had been here longer and got some advice from them. Then we went to the embassy... They [our friends] advised us to go to Labour Court [Department of Labour Relations], too.

Gopal’s experience demonstrates how migrants’ friends provide potentially helpful information, but it also demonstrates how they can provide misinformation. In Gopal’s case, for example, the “Labour Court” to which they directed him was actually the Department of Labour Relations. The information that workers receive from friends may also discourage them from pursuing justice. They may hear stories of people who have spent significant time and money pursuing their claims and for whom the cost of this pursuit has outweighed the benefit. Given the isolation of migrant workers, friends and migrants’ social networks play a critical role in providing information and advice to migrants. The inaccuracies and misinformation in these networks, however, can hamper migrants’ attempts to address their grievances.

When turning to friends and others in these networks, migrants often end up requiring more than information: when experiencing labour problems, they also often rely on these friends and acquaintances for financial support. Workers whose income has ceased depend on others for money, often for food. Shanti, a migrant who had been in Qatar for over three months without receiving any of his contractually-promised salary, explained how he and others in the same company managed: “Every Friday, we meet our friends and they give us some money, like QR 20 (USD 5) or QR 50 (USD 14). From that, we buy the *khubz* [Arabic bread] and eat. This is how we survive.”

If migrants decide to bring a case in the justice system, their need to borrow money increases. They often require money for transportation to appointments at various offices and courts where claims are filed and subsequent appointments must be attended. At the beginning of the process, the fees associated with seeking justice are relatively small, aside from the cost of transportation. Migrants usually pay small fees for their complaints and other documentation to be typed in Arabic, and they pay additional fees for photocopies of relevant documents to be made. While these fees appear small, they can still be significant for migrants who often have no source of income. If the case continues in the Labour Court, they eventually must pay QR 500 (USD 137) for an “auditor’s fee.” The amount of this fee varies depending upon the case, but is typically at least QR 500 (USD 137) for low-income migrants.

This amount is equal to a month's salary or more for many of the lowest paid workers in Qatar, and it is a substantial sum to borrow for migrants who, by the time their case reaches court, have often been dependent on borrowed money for several months.

These same networks are also an important resource for finding accommodation during the justice process. In many cases migrants are forced to leave their employer-provided accommodation after filing a complaint or lodging a case. When these migrants are ousted from their employer-provided accommodation, they use these same networks to find accommodation in the rooms of friends and acquaintances. Considering the fact that these cases can often take many months, and considering that the accommodation of most migrant labourers are already extremely crowded, this is a significant travail for the population of migrant labourers as a whole. What is clear, however, is that these networks, as essential sources of information, monetary support, and accommodation, are integral to the capacity of these migrants to bring their grievances to the state's justice system.

Support from Embassies

Aside from the support and advice they receive from friends, the first institution at which many transnational labour migrants seek assistance is their embassy. In the embassy, they are usually able to easily communicate with staff, which can be a significant advantage in a country where Arabic and some English predominate. While the embassies encounter many more problems amongst their migrant constituencies than they are capable of resolving, the embassies nonetheless provide forms of assistance and support that are integral for migrants' access to justice.

Embassies often seek to contact employers when migrant workers report problems. Occasionally the embassies are able to successfully resolve workers' problems with their employers. However, there is also some perceived risk associated with this approach. As an embassy staff member explained, an employer will sometimes come to the embassy and agree to the worker's demands. Later, however, the same employer will then pursue retaliatory measures against the worker, typically by filing false absconding charges against him or her. According to the same embassy staff member, workers have few options in this scenario since the Department of Labour Relations will not hear a worker's case if an absconding charge has been filed.³¹ Embassies attempt to take these risks into account when addressing migrants' labour problems.

Embassies commonly refer workers to the Department of Labour Relations, and often provide migrants with a letter explaining their case in Arabic to facilitate the process. Ahmad, an Indian migrant who had never received his official ID and experienced problems and delays receiving his salary, explained how he first went to his embassy and learned of the Department of Labour Relations, which he referred to as the "Labour Court" (see Migrant Synopsis 1.2). As he recalled, "I went to the embassy first. Once I went there, I got a paper from the embassy, which I gave to the people at the Labour Court [Department of Labour Relations].

³¹ We received contradictory information as well. According to another expert, a complaint may be filed with the Department of Labour Relations even if the employer has filed an absconding charge against the migrant. The charge will, however, be taken into consideration as part of the "facts of the case" when the Department of Labour Relations assesses and attempts to settle the complaint.

3.2 Gopal's Story

Gopal came from Nepal to work for a small construction company in Qatar. His sponsor did not arrange for his residence permit or ID card, and after receiving a monthly salary of QR 800 (USD 220) for the first three months of work, no more salary was forthcoming. After four months without salary, he and six other fellow construction workers went to the Nepalese embassy. The embassy contacted the company, who then paid them the salary they were owed.

Although they thought their issue had been resolved, the company again ceased paying them their salary. Another three months passed, and Gopal and the others again went to their embassy. They were also preparing to take their case to the Department of Labour Relations [like most migrants, Gopal referred to the Department of Labour Relations as the "Labour Court"]. The manager of the company came to know of their plans to go to the Department of Labour Relations. He convinced them not to go by telling them that he would not pay them if they went. He added that he would pay them in full if they abandoned their plans.

After few additional months they received a portion of their salary, but their employer still owed them a total of four months' salary. They decided to walk to the Department of Labour Relations, approximately twelve kilometres from their labour camp. When they arrived, they were eventually given a letter and instructed to deliver this letter to the company. The letter requested that a company representative come to the Department of Labour Relations. When the manager learned that they had filed a complaint, he paid them their two months of the salary owed to them. Gopal recalled the manager telling them, "[if you] aren't ready to work, then I will call the police. Then you may go to jail." Fearing this warning, Gopal and the others never returned to the Department of Labour Relations.

Gopal and his co-workers continued to be paid inconsistently for their work over the next several months. The amount owed to Gopal by the company eventually increased to eight months' salary. Then they were told that the company no longer had any work for them. Seven months passed without any work or any salary. Gopal and the others pleaded with the manager for the salary owed to them, but they also started asking him to send them home. They were concerned about the logistics of returning home – would they be allowed to leave without having received their official residence permits? They were also afraid to seek other work without any official identification. One of their co-workers had been picked up by the police, and lacking any official identification, he was arrested. After that event, Gopal and the rest of the men were even afraid to leave their labour camp.

Having skipped their follow-up appointment, Gopal and his friends were also afraid to return to the Department of Labour Relations. And since the manager had previously told them not to go, they were concerned that he would be less likely to pay them if they went. Their embassy had informed them that the Department of Labour Relations could no longer address their case, anyway. Too many months of salary were due to them, so their case now belonged with Labour Court. They had heard that the process in Labour Court was very long and very expensive, and the men were unsure what they should do.

I didn't know that they made cases at the Labour Court [Department of Labour Relations].” As Ahmad makes clear, the embassy often refers migrants to the state's formal system for adjudicating labour problems, and serves as an important source of information in migrants' understanding and access to Qatar's justice system.

Various embassy staff members interviewed for this project also clarified that they encouraged migrants to file cases at the Department of Labour Relations instead of at the Labour Court. As they explained, cases in the Labour Court take a considerable amount of time, and it is consequently best to see if cases can be resolved in the Department of Labour Relations before involving the court.

In both the Department of Labour Relations and the Labour Court, embassies at times are able to provide some advice or legal consultation in specific cases, particularly those cases that involve a large number of workers. However, low-income migrants do not generally have any legal representation in court. The one notable exception to this is in certain cases in which a migrant is seeking compensation for injuries. In the more complicated of these cases, an attorney is considered necessary. The embassy can refer the migrant to a private attorney who collects his or her payment from the settlement if the case is won. This arrangement mostly occurs in cases involving injuries because the settlements are typically larger (and therefore more lucrative) for private attorneys.

Finally, embassies are also capable of providing migrants with other forms of assistance in order to meet their basic needs. This assistance primarily takes the form of the provision of food to migrants who are without any source of income while they are pursuing their claims. As our research also revealed, embassies provide valuable sources of information, referral, advocacy, and some material support. Overall, while foreign embassies are not part of the Qatari state's formal system for adjudicating migrants' claims, the support migrants receive from their embassies is integral in their pursuit of justice in Qatar. Given their resources, their role, and the large number of foreign nationals experiencing problems, however, embassies can only provide a certain, limited level of assistance.

Support from Community Leaders

Migrants also receive support from community leaders. These individuals typically occupy professional positions in Qatar and make efforts to support low-income migrants of the same nationality. This support can be given through organizations or through individuals. Indeed, this line is often blurred: professionals involved in organizations also, at times, may assist migrant workers as individuals. Overall, however, while embassies often provide a first point of contact for migrants seeking justice, migrants also often approach diasporic community leaders in Qatar to seek advice and guidance. These points of contact help to bridge the segregation and isolation that many migrants experience in Qatar.

Like embassies and social networks, these community leaders often provide migrants with guidance, advice, and advocacy. At times, these community leaders may contact the company with whom the worker is having problems. In doing so, community leaders may put themselves at some risk, for they have no official authorization to do so. One community leader explained their precarious position when talking to companies: “The law does not allow us to do all of these things. Anytime, we can be caught... when we are talking with

companies, how do we know that they won't put us in jail?" Whether or not these risks are significant in reality, they were frequently verbalized by community leaders. Their conceptions of this risk speak to the perception of risk by all foreigners in Qatar, regardless of their economic status.

Community leaders also sometimes accompany migrants when they interact with the justice system. Their reason for accompanying migrants partially stems from their general awareness of the difficulty that migrants will face in these institutions due to language barriers. One community leader said of the Department of Labour Relations: "They require some translators there instead of a community man going."

In addition to helping labour migrants navigate the challenging bureaucracies of the Department of Labour Relations and the Labour Court, community leaders also provide some financial assistance to migrants who are experiencing labour problems. The Indian Community Benevolent Fund (ICBF), for example, provides financial assistance to migrants to help them with living expenses while their cases are in Labour Court, among other forms of assistance. ICBF operates under the umbrella of the Indian Embassy, but was established and is run by members of the Indian diasporic community. Individual community leaders also provide financial assistance, often at their own expense. One community leader recalled his efforts with one migrant with a case in the Labour Court,

It took two years to settle. Until that time, I was paying his room rent... So he has to pay me now about 4500 Riyals [USD 1236]. He has to pay me personally. After settling the case, he's gone. Then he thought he could come back with another employment visa. Unfortunately there is a travel ban so he's not returning. So who lost the money? Just as a community man, I lost 4500 Riyals.

As both individuals and in organizations, the limited assistance provided to labour migrants by community leaders underwrites the formal justice system in Qatar. These networks, however, are mostly organized by national communities, and it is noteworthy that the resources and capacities of these various community leaders and organizations are not evenly distributed. The Indian community, for example, is well established in Qatar, and includes many successful professionals. As a result, there are many Indian nationals in Qatar with the resources to contribute to an organization like ICBF and to provide other forms of assistance to Indian migrant labourers. The Nepalese community in Qatar, on the other hand, is overwhelmingly made up of low-income migrants. While there are Nepalese in professional positions who are capable of providing assistance to migrant labourers, the proportion of Nepalese professional migrants to the Nepalese labouring class is much smaller than the Indian one. The same can be said for other communities of foreign migrants in the region. So while these community leaders contribute to the underwriting of the Qatari justice system, the social and financial resources are unevenly distributed in the population of foreign communities in Qatar.

Support from Other Organizations

In addition to organizations of different nationalities in Qatar, there are other organizations that provide assistance to migrants experiencing labour problems. The National Human Rights Committee (NHRC) and the Qatar Foundation for Combatting Human Trafficking (QFCHT) are the two most prominent examples. These organizations have distinct roles but there is also some overlap in the support and assistance they provide to foreign communities in Qatar.

The NHRC is an official commission that is administratively and financially independent of government agencies. They work on issues relevant to migrant workers, as well as a number of other human rights issues unrelated to the migration. One of their contributions in the area of migrant workers has been to distribute information related to workers' rights. The NHRC's Workers Rights Book, published in seven languages, explains the Labour Law in simplified terms. In collaboration with the Solidarity Center,³² the NHRC has also offered training sessions on workers' rights for community leaders. The NHRC also fields complaints related to labour problems from migrants. They are able to resolve some of these complaints amicably with the companies in question. In other cases, migrants with labour problems are assisted in identifying the appropriate government entity to adjudicate or resolve their issue.³³

QFCHT is a private foundation that was established by the government. It provides assistance to victims of human trafficking. QFCHT uses the definition of human trafficking from Article 3, paragraph (A) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercions, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Migrant workers who approach the QFCHT for assistance but do not meet these criteria for human trafficking receive consultation and referral to the appropriate authority. Those workers who do meet criteria for human trafficking are eligible to receive legal assistance and advocacy with governmental authorities. These workers are also eligible to receive financial assistance while their cases are in court. Additionally, the QFCHT operates a shelter for female victims of human trafficking (QFCHT 2011).³⁴

³² The Solidarity Center is a global organization, funded by The American Federation of Labor and Congress of Industrial Organizations, whose mission is to strengthen the economic and political power of workers around the world through formation and support of independent, democratic unions. The Qatar office has established a long and sustained working relationship with Qatar's NHRC.

³³ See NHRC 2010, 2011.

³⁴ See QFCHT 2011.

Although NHRC and QFCHT differ somewhat in terms of their target populations and the services they provide, both are capable of providing beneficial advocacy and assistance to migrants entering Qatar's justice system. While both organizations operate independently from the government, they also have strong working relationships with the state. This strong relationship seemingly facilitates the provision of effective advocacy to migrants who seek their services. The number of migrants who seek assistance from these organizations, however, is relatively small when compared with the number of migrants approach their embassies. Lack of awareness about these organizations and language barriers likely prevent more migrants from accessing these institutions' assistance. At the same time, the level of attention and advocacy that both the NHRC and the QFCHT provide seems a direct result of the small pool of migrants seeking their assistance. An increase in the number of migrants requesting help from these organizations would be likely to overwhelm their capacity to provide the same level of support.

Concluding Thoughts: Giving Up on Justice and Returning Home

The central contention of this section is that the Qatari state's justice system is underwritten by the social, political, and economic capital of the communities of migrants in Qatar. While the formal justice system provides some avenues by which their grievances can be addressed, the obstacles in that system result in many migrants being turned away at its entry points. It is through the efforts and energies of migrants' social networks, the embassies, migrant community leaders, and a miscellany of quasi-statal institutions that migrants are enabled to engage in the justice process. While this informal collection of resources is essential to the limited functionality of the justice system for migrants, it is often insufficient to encourage or even allow migrants to persevere in their attempts to address their grievances. Instead, many simply abandon their claims and seek to return home.

By deciding to go home, they forgo any chance of receiving any monies owed to them or otherwise addressing their grievances. From the labour migrant's perspective, however, this is a rational decision: even with brief experience embarking on a path through the justice system, most can ascertain the length of time it will take for their case to reach any resolution. Conversely, others may lack of any awareness of how to access justice through the court in the first place. For most, however, these pathways to justice lead in a singular direction: by bringing a case to the justice system, they will face months of survival without income. Or they will have to seek illegal work. Rajesh, a migrant who had decided to try to return home as soon as possible rather than wait for the outcome of his court case, encapsulated this dilemma: "I need to get back to Nepal as quickly as possible whether I get the money or not... It's really very hard to survive here without a job and money."

Once migrants make the decision to abandon their goal of having their grievances adjudicated and simply return home, they face several additional obstacles that must be overcome before they can depart. Their passport is typically in the possession of their employer, and they must obtain an exit permit in order to leave the country. In addition, they also need a plane ticket. Although few labour migrants are aware of the full constellation of options at their disposal, embassies, the Department of Labour Relations, and the Search and Follow Up Department can all potentially play a role in obtaining an exit permit.

3.3 Manoj's Story

Manoj left Nepal in 2012. In Qatar, he worked for a labour supply company that provided custodial and cleaning services. For the first five months, he cleaned schools. Although Manoj and the other men did not receive their residence permits, medical cards, and fingerprinting, the company paid their salaries as promised. But one day they were told there was no more work: instead, they were instructed to simply wait at the labour camp until the labour supply company found a new contract for their services. Facing no incoming salary and with migration-related debts in Nepal to pay, Manoj and his co-workers went to the Nepali embassy, where they were told to file a case at the Department of Labour Relations' branch in the Industrial Area.

At their second meeting at the Department of Labour Relations, an agreement was reached with the company's foreman, himself an Egyptian migrant: the company would pay for their tickets back home, and they would be able to depart soon. Although there was some translation in Hindi, Manoj and his co-workers do not know how this agreement was reached, as they could not understand what the Egyptian foreman and the ministry officials said in Arabic. But they were satisfied with the outcome. They simply wanted to return home.

When they returned to their labour camp, however, the foreman accused them of stealing his money – QR 2000 or QR 3000, as Manoj recalled. Unless one of the men signed a paper written in Arabic, the foreman threatened to call the police. Manoj's co-worker signed the paper. Shortly thereafter, the foreman promised to help this co-worker depart for Nepal, and they got in a vehicle together. The foreman instead drove the migrants to the CID where, according to Manoj, their co-worker was jailed on account of the document he had signed – a written admission of theft in Arabic. When the foreman returned to the labour camp, he told the other men that if they did not drop their case against the company, he would file a case with the CID against them as well. They too would be jailed, he threatened.

When interviewed for this project, Manoj and the others had been told by the foreman and the *mandub*, also an Egyptian, that if they brought the money for their tickets home the company would arrange for the necessary exit permits. The *mandub* also demanded they bring QR 200 (USD 55) for the exit permits. When they visited their Qatari sponsor's house, the foreman's offer was confirmed.

All of this left Manoj puzzled and frustrated. Mulling over his situation, and the offer for an exit permit, Manoj noted, "We are poor. How can we arrange the money for a plane ticket? We are in trouble and request him to help us." And considering the challenges he had already faced, he feared more trouble. "The foreman is very clever", Manoj noted. "He can do anything."

Both the embassies and the Department of Labour Relations are known to contact sponsors and request an exit permit, and embassies often issue letters of explanation (in Arabic) to facilitate migrants' interactions with these other departments. The process often concludes with the Search and Follow Up Department, and migrants report that consecutive appointments there often require months of time before an exit permit is procured. In cases where the original sponsor is unwilling to relinquish the migrant's passport, the Search and Follow Up Department also has to request that the embassy issue a travel document.

Obtaining funds for the plane ticket home presents a different set of hurdles for the migrant. Some migrants from some countries arrive with a form of required insurance that, in theory, can be utilized to pay for the ticket home. Funds in these insurance policies are limited, however, and other options are pursued and exhausted first. The embassies often contact the sponsor and/or the recruitment agency to request the funds for the ticket. The sponsor is normally obligated to pay for the ticket if the migrant's contract period has been completed, but the completion of the contract period is often a point of contention in cases in the Qatari justice system. Recruitment agencies are also technically obligated to provide a ticket in many situations. In practice, however, neither of these options reliably occur with any frequency. Instead, diasporic community organizations provide funds for "stranded" workers, embassies collect donations from community members, or community leaders help low-income migrants purchase the tickets with their personal funds.

This final form of financial support should be understood in context. As one community leader explained,

So nobody wants to fight. They know going to the court, "We will win the case, we will get our standing dues from the employer." But how do you reach there? Who is going to help you? Because if anybody approaches me, I will say, "Okay, I will give you a single ticket to go." From the embassy or from any other organization, we will request, "This poor man wants to go back, give ticket" because we don't have time to fight for him.

His comments reveal how donations for these tickets home from Qatar often derail the operation of the state's justice system. With no salary and no financial support, and facing long timelines to justice, community leaders and even embassies often encourage migrants to simply return home. It should also be noted that while the more established embassies and diasporic communities are capable of procuring these funds, the number of migrants in need of plane tickets vastly overwhelms available resources. Yet despite the formidable challenges that inhibit migrants' departures home, this is often perceived as the path of least resistance in resolving their dilemmas. It also suggests that Qatar's justice system, in context and as it is structured, only processes a fraction of the cases that require adjudication.

4. Migrants, Justice, and the Domestic Sector

Migrants and the Domestic Sector

“Housemaids”, gardeners, drivers, and other domestic workers are a substantial component of the foreign workforce in Qatar and the neighbouring Gulf states. Because of their work in the domestic sector, however, they are excluded from coverage by the Labour Law, and hence lack the option of accessing the Department of Labour Relations and the Labour Court, the central features of the Qatari justice system described in this report. Because of their unique position in the law, and because of the working conditions typical of much of this migrant population in Qatar, these migrants have fewer options when they experience problems, and only some aspects of the support systems described throughout this report are available to them. From another angle, the informal support system (described in Section 3) is particularly vital to the population of migrants in the domestic sector, largely because it is their only option when seeking to address problems. Moreover, the undergirding issues that connect many migrants’ challenges and problems described in this report – including in particular the absence of any free time and the lack of mobility in the modern city – are often acute amongst this population of transnational migrants. This section is devoted exclusively to an analysis of the population of transnational migrants in Qatar’s domestic sector. We seek to describe the particular challenges they face, and to succinctly portray how they go about seeking justice to remedy those challenges.

Domestic Works: Similar Problems, Different Problems

In the interviews conducted for this project, it was readily apparent that many of the labour problems encountered by “regular” labour migrants in the nation’s foreign workforce were also commonplace amongst migrants in the domestic sector. The non-payment of the contractually promised salary, for example, was frequently described as a common feature of domestic work in Qatar. Some of these domestic workers – including those from the Philippines, a recurrent and historical source for domestic workers throughout the region – fall under the parameters of bilateral agreements designed to protect and insulate these migrants’ wage levels. The government of the Philippines established a USD 400 minimum wage for its domestic workers abroad in 2007.³⁵ As a result of that policy, migrant domestic workers sign a contract in the Philippines before departure that stipulates their salary in Qatar will be, at a minimum, USD 400 per month. Nonetheless, many domestic workers, even those from the Philippines, arrive to find that their salary level will be less than what was contractually promised before departure.

These alterations to their salary level are usually instigated by the “placement agencies” that import the migrants to Qatar. According to our interviews, these placement agencies typically set the monthly salary levels for domestic workers at QR 800 (USD 220) or QR 900 (USD 247). Moreover, even these salary levels are often ignored by the families that sponsor them, as many of the domestic workers interviewed reported monthly pay levels of QR 800 (USD 220), QR 700 (USD 192), or even less. Because of their position in the domestic sector and the particular challenges they often face, they see few options in addressing these injustices.

³⁵ Gulf Times. ‘Qatar-Philippines meeting set to tackle labor issues’. June 15, 2013.

4.1 Malini's Story

Malini came from Sri Lanka to work as a housemaid. According to her contract, she was supposed to be paid QR 950 (USD 261) per month, but once she started working only received QR 650 (USD 179) per month. She had to start work at 4:30 am every day. Her sponsor was a Qatari woman, and Malini's responsibilities included all the cooking and all the cleaning in the home. After finishing that work at her sponsor's house, she was told to go to her sponsor's brother's house where she had to do all the cleaning, cooking and laundry. By the time she returned home each night to sleep, it was past midnight. Moreover, she received only bread to eat.

After seven months of this, Malini told her sponsor that she wanted to quit. Her sponsor started shouting and said that she had to finish her two-year contract. Malini told her, "If I work here for two years, maybe I will die, working in two houses like this with no food." Her sponsor's brother then threatened to beat her and she ran away. She went to the Sri Lankan embassy where she was told to work somewhere else until she had enough money to purchase a plane ticket back to Sri Lanka.

Malini started working for another family where the conditions were much better. She worked for this family for nine months, but they then left Qatar. Around that same time, her husband was injured in an accident in Sri Lanka. He was no longer able to work, which only reinforced the fact that she needed to stay in Qatar. Her income was needed to support her husband, her daughter, and her mother. With this plan in mind, she paid a Qatari couple QR 8000 (USD 2197) to obtain a free visa. The couple told her that they would obtain a release from her original sponsor and transfer her visa to their names. With a free visa, Malini believed that she would be able to work for different families and change employers if she encountered more problems.

Malini began working for another family but there too she faced problems. The mother of the family continually shouted at her. The woman falsely accused her of eating their food even though Malini was careful to always purchase and consume only her own food. The woman also once pushed Malini out of the house during the night. Malini decided to leave this family, and she started looking for other opportunities for domestic work.

She finally found some families who were willing to hire her, but they wanted to see evidence that she had a valid visa. She attempted to contact the couple who had supposedly arranged a free visa for her, but they would never answer their phone. She eventually learned that they had never even bothered to contact her original sponsor for the letter of release. In fact, her original sponsor had given her passport to the Search and Follow Up Department when she had run away, and now refused to give her the letter of release she so desperately desired. Without having a valid work visa, she was unable to obtain full time employment and struggled to meet her living expenses with part time employment in various homes.

Claudia, a domestic worker from the Philippines, said her salary was supposed to be the “USD 400 [she was promised in the Philippines], but they didn’t follow it when I came here... I can’t complain because I have no choice. Whatever amount they give to me, that’s it.” Furthermore, the non-payment of the contractually promised salary should be differentiated from the simple non-payment of salary – those situations where domestic workers, like other migrant labourers, simply are not paid at all.

In addition to these salary issues, many domestic workers also struggle with extremely long working hours. It is not uncommon for these migrants to work twenty hours a day – and sometimes even more. The difficulty of these daily work schedules is often compounded by the fact that many also do not receive a day off, and are unable or actively prevented from leaving the house of their employment. Other domestic workers noted that their sponsor/families disallowed their use of mobile phones. Due to customary norms and practices throughout the region, this population of migrants is almost impossible to survey.³⁶ As a result, little is known about how widespread these issues are. But in qualitative work, ethnographers have long noted the perseverance of these issues, and domestic workers themselves often frame these problems as something that is clearly associated with work in the domestic sector throughout the region. What is most noteworthy here, however, is that these issues have two manifestations: they are injustices in-and-of-themselves, but are simultaneously the forces that prevent domestic workers from accessing justice, seeking adjudication, and pursuing a remedy to their situation(s).

While the non-payment of salary and long working hours are issues common to all sectors of the foreign labour force in the region, domestic workers have a particular vulnerability to forms of emotional, physical, and sexual abuse. In the interviews conducted at one of the shelters for “runaway housemaids” in Qatar, these themes were echoed in several of the women’s descriptions of the problems they encountered in the households that had employed them. These forms of abuse are certainly tied to these migrants’ vocations in the domestic sphere, in homes, and the enforced isolation and governance many of them encounter there. In the interviews conducted for this project, female domestic workers described family patrons and matrons who shouted and verbally abused them in a variety of situations. Some also described episodes of sexual advances and abuse. Perhaps more importantly, these relations were often framed as issues inherent to the vocation – not as unusual or unexpected problems, but rather as problems that are well known in the collective experience of domestic workers in the region. While we know of no research that attempts to ascertain the frequency with which these issues occur, they are often central junctures in domestic workers’ attempts to enter Qatar’s justice system.

³⁶ In Qatar and throughout the GCC, research amongst the population of foreign workers has been expanding exponentially, partially as a result of their accessibility. The same cannot be said of domestic workers. In Qatar and in the neighboring states, the home is understood to be an inviolable space, and is not the sort of location at which surveys can be administered or ethnographic research can occur. As a result, there is relatively less information available about domestic workers in Qatar and the region as a whole.

Domestic Workers and Difficult Paths to Justice

Underpinning the difficulty of domestic workers' access to justice is the relative isolation of their work. Employment and residence in a private household often results in a lack of mobility in the urban context, which leaves these transnational migrants unable to establish or connect with a network of other migrants. While labour migrants in the "regular" labour sector can readily benefit from the experiences and knowledge of other migrants, this is typically much more difficult for migrants in the domestic sector. Without that social network, and residing in the home where they have encountered problems, they have very limited options, and their path to justice typically begins with "running away."

For some of these domestic workers, their first point of contact is their embassy. Embassies sometimes contact employer/host families and seek to address the problem. Embassies also might request that the family give a release (NOC) to the domestic worker, thereby allowing her or him to change sponsorship to another family. Most of the time, however, domestic workers who have absconded are reported to the Search and Follow Up Department by their sponsor. Embassies themselves are also required to report "runaway" domestic workers to the police, at which point they are often taken to the Search and Follow Up Department. Once there, domestic workers languish as the department determines who is responsible for purchasing their ticket home.

With experience or under advice, many runaway domestic workers learn to avoid their embassy. They know or come to understand that by contacting their embassy, they will likely end up in the Search and Follow Up Department for some time, and that eventually they will be deported. To avoid this eventuality, they instead often stay with friends and try to obtain other (illegal) work. The friends with whom they stay take on some risk by allowing runaway workers to stay with them. Ines acknowledged the risk her friends bore when she ran away from her sponsor's home. "If I get caught", she noted, "I know it will be a problem for the people where I stay." She recognized her vulnerability and the impermanence of her situation, but like many other domestic workers in her situation, she hoped with sufficient work she might save enough money to purchase a plane ticket home. In her calculation, this path would be quicker than arriving penniless for detention at the Search and Follow Up Department; the pathway that often results from contact with the embassies.

Placement agencies are also a point of contact for some domestic workers. Not all domestic workers in Qatar migrate through a placement agency, as many are able to arrange employment directly or, from abroad, through their social networks. But for many domestic workers, the placement agency that brought them to Qatar is their first – and sometimes only – point of contact. When they encounter issues in the household of their employment, they often return to the agency and seek placement with a different family. Ideally, this move takes place in the first three months of their time with a family, for during that period the family is able to obtain another domestic worker from the agency without having to pay a second placement fee. And only certain sorts of problems can even be brought to the placement agency's attention. These agencies cannot, for example, generally field grievances concerning the non-payment of wages contractually promised before departure, as it is typically the placement agency itself that is ignoring the terms of the contract.

According to the domestic workers interviewed, the ineffectiveness of these strategies primarily resulted from the fact that the agencies simply gave the domestic workers' claims no credence. In situations where the sponsor was contacted by the placement agency, the domestic workers interviewed noted that little or no significant change in the sponsor's behaviour resulted. And while there is likely considerable variation from one placement agency to the next, women's experiences with the placement agency can at times be as bad or worse than their experiences in the households of their employment. Ines, for example, recounted what she experienced and observed at the placement agency's temporary accommodation. She resided there for her first two months in Qatar as she awaited placement with a family:

We ate only once a day with bread only... They [the agency's management] said, "It is better for you to suffer so you go to your sponsor." Some of the other girls there were returned by the sponsor... He let us suffer so we will not go back to the accommodation... The Egyptians [the managers of this placement agency] paid some of the women to have sex... He [one manager] said he would pay me 1000 Ri-yals [USD 275]. I said, "I don't need your money. Even though I'm not eating and I will die, I will not do that." That's why they make us suffer... Sometimes when the housemaid was returned by the sponsor, they sleep for two days or three days in the office, not in accommodations. They used the girl in the office... An Indonesian lady also told me that she was punched by the manager when she went to the office. She was working under a Qatari for three months without pay. The Qatari paid her salary to the agency but the agency did not give it to her. After the Qatari man left her at the agency, the agency said they will give her another sponsor but she wanted to go home. So the manager got angry and punched her.

Given these types of experiences that domestic workers can have at placement agencies, it is understandable that many women are reluctant to approach placement agencies with their problems. Those who do so might not receive any response, might find themselves in yet another situation of maltreatment, or might otherwise exacerbate their situation. It is also noteworthy that, from the placement agency's perspective, domestic workers are the essential profit-generating activity of their business concern. While several of the domestic workers sought a solution to their challenges with their placement agency, this project's interviews corroborate what these women seemed already to intuit: at best, their placement agency is of limited value in resolving their concerns.

In cases involving physical or sexual abuse, domestic workers have the option of seeking justice in the court system. While this avenue is open to them, multiple factors mitigate its potential value to domestic workers. First, because these migrants often face constrained mobility in the urban context of Qatar, few would be able to actualize this process even if they desired to do so. Second, to pursue this avenue, a domestic worker would need to report the offence to an appropriate authority (for example, the police), who would then need to refer the case to the Public Prosecutor's office, who would then take the lead in moving the case forward. This chain of communication and events would have to occur against a climate that is generally reluctant to deal with migrants' cases. In addition, considering the constrained mobility and time typical of domestic workers, many domestic workers are unable to establish a network of other migrants who might facilitate this process, or even inform them that a criminal case is a possibility.

Furthermore, many domestic workers are reluctant to file these cases even when they are capable of doing so (or to continue with cases that have already been filed). As with the Labour Court, cases can take a considerable amount of time to resolve, and domestic workers must typically weather that period without work and without income. Often during these periods they reside at the Search and Follow Up Department detention facility (also known as the Deportation Center).³⁷ Essentially, domestic workers in this scenario must weigh their desire for justice against the loss of a year or more of income that they (and often their families) depend upon. Finally, another impediment to filing cases of physical abuse is that criminal cases require evidence of the abuse, such as bruises or a medical examination. Because domestic workers' mobility in the city is so frequently constrained by their employers, they often cannot leave the homes of their employment immediately after an incident occurs. Without evidence, their prospects of their cases are often bleak.

Even with a significant grievance, domestic workers are often hesitant to file cases against their sponsor/employer because they fear legal retribution. The women interviewed for this project noted that in these situations, domestic workers are often accused of stealing from the household or of some other crime. While this concern is heightened when filing a criminal case, false accusations can be levied at other times as well, including those situations where domestic workers attempt to exert their basic rights in some way. Vanessa, for example, shared her story of going to jail as a result of her sponsor's false accusations. She was accused of stealing a watch after she expressed her wish to return home upon the completion of her contract:

I stayed in the jail for four months. You just sit in the jail and you keep thinking and asking yourself how long will I stay here? And every time I go to the court, I don't have any attorneys or representatives to fight for me. I went to the court nine times... In these nine times I went to the court, I never saw him [her sponsor never appeared for the proceedings].

Vanessa's story illustrates the lack of power that domestic workers experience in Qatar, and the powerlessness they feel, experience, and perceive in the justice system. In her case, her sponsor never appeared in court, but simply by accusing her of theft he was able to have her jailed for four months. At the time of her interview, she was no longer in jail, but she still awaited her departure for home. Others are hesitant to file a case because they hold onto the hopes that their original sponsor will grant them a release of sponsorship. In those cases in which the employer does agree to grant a release (NOC), the original sponsor reportedly often requires a payment of QR 8000 to QR 10000 (USD 2197 to USD 2747) from the new sponsor to cover the placement fee that was originally paid to obtain the domestic worker.

With few viable pathways to address their grievances and problems, domestic workers often tolerate extremely difficult circumstances before they "run away." Some domestic workers who tolerate salary problems, long working hours and/or verbal abuse, make the decision to leave when their employer becomes physically or sexually abusive. Monica, a domestic worker who left her employer's home after she was physically abused, said, "Shouting at me is okay. I accept it. But not beating." Other domestic workers tolerate physical abuse but

³⁷ While in some cases domestic worker are allowed to transfer power of attorney to someone else, thereby allowing the domestic worker to return home, in practice this seems not to occur.

make the decision to leave when sexual abuse becomes a concern. Michelle told us how she and two other domestic workers worked for almost a year for a family that was verbally and physically abusive, forced them to work twenty or more hours a day, and paid them only QR 750 (USD 206) per month (despite them being promised USD 400 per month in the Philippines). The three of them finally decided to leave together after their sponsor attempted to sexually assault one of them.

Even running away can be difficult for some domestic workers. Ines, in describing her eventual escape from her employer's household, had waited weeks for the right circumstances before she managed her escape.

After I got my salary, I told the sponsor that I want to go out and buy soap and shampoo, but they did not allow me. They locked the door whenever they went out. Once when the sponsor was not there, she left the key in the door. That was the time I left the house.

Many runaway domestic workers are unable to obtain a release from their original sponsor. Many of them simply want to return home, although without money for a plane ticket, this can be a difficult venture, for without a release from their original sponsor, the only work available to them is illegal by the strictures of the *kafala*. As Malini's story indicates (see Migrant Synopsis 4.1), runaway domestic workers' illegal status makes it extremely difficult for them to obtain steady work. Some of them, like Malini, try to obtain a "free visa", but as her story demonstrates, "free visa" sponsors often charge substantial sums of money and fail to fulfil their promises.³⁸

Some women who have experienced extreme maltreatment are referred to the QFCHT by their embassy or by the police. They might be able to stay at the QFCHT shelter and receive advocacy to help them with criminal cases. However, many migrants not willing to wait in Qatar for the time required for a criminal case, particularly with their lack of understanding and general distrust of the justice system. Advocacy provided by the QFCHT can also help domestic workers obtain a sponsorship release from the Ministry of Interior. Although this advocacy is often welcomed, the Ministry of Interior's decisions about releasing migrants' sponsorship is perceived as inconsistent and unpredictable.

38 See Pessoa, Harkness and Gardner (2014) for an explanation of the "free visa" system in Qatar.

Concluding Thoughts: The Unique Position of Domestic Workers in Qatar

Although domestic workers in Qatar work in a variety of situations and circumstances, two general aspects of their migration and work in the domestic “sector” shape their experiences. First, they remain in exceptional spaces within the framework of the law. Without access to adjudication at either the Department of Labour or the Labour Court, domestic workers are left with significantly fewer options by which they might address problems they encounter at work. Second, domestic workers often work in circumstances where their time, mobility, and access to social networks comprising other migrants are significantly constrained. As a result, in addition to their “exceptional” place in the law, their capacity to address the challenges they face is also impaired. In practice, aside from absconding – or “running away” from the home of their employment – migrants in the domestic sector have almost no viable options for addressing their grievances. As a result, labour migrants in the domestic sector remain one of the most vulnerable subpopulations of labour migrants in contemporary Qatar.

5. Concluding Thoughts and Detailed Policy Recommendations

The transnational migration of workers to Qatar seems destined to continue for decades, perhaps even longer. At the current historical juncture, the Qatari state has designated a variety of institutions, ministries, and plans to help address the recurring and widespread grievances found in the population of foreigners working in this small state. Pieces and components of a viable and efficient justice system are already in place, but a variety of factors and forces continue to impede foreign workers' access to justice, and are described throughout this report. This concluding section of the report presents a series of recommendations organized by the portion of the state that has the power and capacity to implement them.

Overarching Recommendations to the Qatari State

1. All government agencies dealing with migrant workers should develop a strategy to more effectively disseminate information about redress mechanisms to migrants. This information should be presented in languages that labour migrants can understand. The presentation of this information about Qatar's justice system could readily be integrated into the extant process for obtaining a residence permit (which includes fingerprinting and a medical examination already). This juncture would allow information to be disseminated to large portion of the migrant population.
2. Legal protections for domestic workers need to be expanded. Article 3 of the Labour Law should be amended to ensure that domestic workers have their labour rights protected. Domestic workers should also be permitted to have their cases heard in the Labour Court. In the current arrangement, impediments to domestic workers' access to the justice system are significant (as detailed in Section 4).
3. Issues arising from the recruitment process are at the root of many migrants' legal complaints. Expanding the state's capacity to regulate the labour brokerage system in sending states could significantly remedy many issues that currently tax the justice system. This could include an internet-based recruitment system, accreditation for agents and subagents, the standardization of labour contracts, and other changes outlined in the Qatar Foundation's *Migrant Labour Recruitment to Qatar* report (Jureidini 2014).

Recommendations to the Department of Labour Relations

1. The Department of Labour Relations needs the capacity to compel employers and/or sponsors to appear for proceedings and negotiations.
2. The Department of Labour Relations should develop a more streamlined case management system to process and track migrants' cases in an expeditious manner.
3. It should be the responsibility of the Department of Labour Relations, not the migrant, to pass the documentation from the Department of Labour Relations to employers.
4. The Department of Labour Relations should endeavour to establish a follow-up meeting with some of the migrants whose cases it negotiates to assess how often employers fulfil agreements negotiated there.
5. Signs in the Department of Labour Relations should be in multiple major languages.
6. Translators and/or multilingual staff who speak the major languages spoken by migrants (Hindi-Urdu, Nepali, Malayalam, Tamil, Bengali and Tagalog) should be available as a matter of routine.

Recommendations to the Labour Court

The Labour Court should endeavour to expedite the adjudication of the cases it hears.

1. Signs and instructions in the Labour Court should be printed in multiple major languages. Translators and/or multilingual staff who speak the major languages spoken by migrants (Hindi-Urdu, Nepalese, Malayalam, Tamil, Bengali and Tagalog) should be readily available as a matter of routine. This multilingual capacity of the court should extend to those desks and places where migrants must file documents and check on the administration of their cases.
2. Upon winning a case, migrants should be able to quickly receive compensation. Typically, migrants need to file a separate case in order to receive the compensation determined in the initial case. This seems unnecessary and causes delays. The court should also be able to take faster action to ensure that companies pay migrants the money that they are owed. For example, the Court should have access to companies' commercial registration information so that they can take steps to seize companies' assets if they are not paying the compensation. The current procedure is that the Court requests this information from another branch of the government, which delays the process considerably.
3. Low-income migrants are typically not represented by attorneys in the Labour Court except in those rare cases involving claims for substantial compensation. Most cases brought by low-income migrants involve amounts of compensation far too low to justify the payment of an attorney. It would be beneficial to migrants' access to justice to allow foreign attorneys to provide pro-bono legal services in standard labour-related cases, a practice which is currently disallowed.
4. Migrants need to have some way to survive in Qatar while their cases are in court. An expedited and efficient justice system would help significantly with this issue. This issue could also be addressed by allowing migrants to legally obtain permission to work under a different sponsor while court proceedings were pending. Alternatively, migrants could be provided with some type of stipend for living expenses or provided with shelters for accommodation while their cases are pending.
5. Migrants should not be required to pay the fee for the Court's auditor/expert who evaluates their case. Requiring migrants to pay this fee appears to be in violation of Article 10 of the Labour Law, which states that "All lawsuits filed by workers or their heirs to claim the rights arising from the provisions of this Act, or the employment contract shall be decided expeditiously and shall be exempt from court fees." Although the Court views this fee as distinct from court fees (as it is for a service that the migrant is supposedly requesting), to foreign migrants this appears a standard and required fee.
6. Migrants should be entitled to compensation beyond the wages for the time that they worked and were not paid. At a minimum they should receive compensation for the salary that they would have earned for the time that the case was in court. Punitive damages would dissuade employers from repeating these offenses. The court should also introduce significant fees or penalties for employers who file false absconding reports.

Recommendations to the Ministry of the Interior

1. The Ministry of the Interior should clearly articulate the criteria by which it decides whether a release of sponsorship will be granted to foreign migrant workers. This release of sponsorship is a critical juncture in many migrants' journeys through the justice system. Explicit criteria would be of benefit to all parties involved.
2. The Ministry of the Interior should broadcast this capacity to grant a release of sponsorship, and needs to ensure that migrants know when this process can occur and how it works. Few foreigners are aware that the Ministry of the Interior has this capacity.
3. Migrants should be able to quickly return home or receive a No Objection Certificate to change sponsorship (depending upon their preference) after they win a case. This change would facilitate migrants' interest in accessing the justice system, and would prevent employers from filing spurious cases simply to prevent migrants from leaving the country. Winning a case in the Labour Court should be sufficient grounds for obtaining a No Objection Certificate.
4. Foreign workers should be granted more time – at least four months – to locate new employment and a new sponsor after receiving a No Objection Certificate from the Ministry of the Interior.
5. The Ministry of the Interior should bar employers from ejecting workers from Qatar once a complaint has been lodged in the justice system by workers.

Appendix: Methodology and Design

In 2012, the Open Society Foundation's International Migration Initiative launched a study to examine migrants' access to justice in Qatar. This study was led by researchers Andrew Gardner (University of Puget Sound), Silvia Pessoa (Carnegie Mellon University in Qatar), and Laura Harkness. Khaled A. Mohamed also served as the project's legal consultant in Qatar. The study was built on the foundation of the team's large, three-year research project funded by the Qatar National Research Fund (QNRF).³⁹ That project administered Qatar's first large-scale survey devoted solely to exploring the migration experience. Of the 1189 migrants surveyed for that project, the research team was able to identify those individuals who had reported some interaction with Qatar's justice system during their time on the peninsula.

For the Open Society Foundation's project, entitled *Labour Migrants and Access to Justice in Contemporary Qatar*, the research team began by arranging follow-up interviews with those labour migrants who had reported interaction with the justice system in the survey. The pool of interviewees was further expanded to include additional labour migrants with experience in the justice system, domestic workers (or "housemaids"), as well as a variety of experts, legal consultants, and community leaders with an understanding of the processes and challenges labour migrants face in Qatar's justice system. The research team also conducted numerous interviews with a handful of transnational migrants and experts in Kuwait. Those interviews served as a point of reference, and potentially provide the starting point for a more comprehensive and ethnographically empirical comparison between the two GCC states.

In total, the research team conducted 25 semi-structured interviews with transnational labour migrants who had some interaction with the justice system. The research team also conducted 24 semi-structured interviews with "experts", a term which included individuals who worked as lawyers, ministry officials, advocates, community representatives, and embassy personnel. Collectively, these migrants came from 14 different countries. In the case of both "workers" and "experts", members of the research team first contacted potential subjects by mobile phone, described the goals of the project, and sought an in-person meeting at a location of the potential subject's choice. For "workers" in the GCC states, the selection of an interview site can be a difficult and complex juncture, as their labour camps and other dwelling spaces are often both monitored and public. As a result, the interviewers and potential subjects often settled on other sorts of interview locations, including restaurants, cafes, and most commonly, automobiles. Our "expert" subjects were often met and interviewed at offices and a variety of other locations in the city.

With all participants, the initial phone call provided the research team with an opportunity to assess the linguistic capacity of the subject. Based on that phone call, the interviewer sought a translator/research assistant to assist with the interview. When possible and with the interviewee's permission, interviews were recorded, translated and transcribed. During the translation and transcription process, pseudonyms were integrated into the transcript and other identifying details – including employers' names, company names, and specific locations – were adjusted and altered to bring the transcriptions into compliance with the confidentiality procedures promised to the subjects in this study. The recordings were subsequently destroyed.

³⁹ See Gardner, Pessoa, et al. (2013) A Portrait of Low-Income Migrants in Contemporary Qatar. *Journal of Arabian Studies* 3(1): 1-17.

These methods, processes and procedures were established over the course of the larger project predating the project underpinning this report. Between 2010 and 2013, members of this research team designed, managed, and implemented Qatar's first large-scale survey of low-income migrant workers based on a random sampling frame. That project was funded by the Qatar National Research Fund (QNRF) as part of its National Priorities Research Programme (NPRP) in the 2010 cycle. A description of that research design and an overview of the survey findings were published in 2013.⁴⁰ In a survey administered to the 1189 migrants surveyed for that project, subjects were asked if they had any experience or interaction with the justice system in Qatar. That provided a starting point for this study: survey subjects who had responded affirmatively to that particular question were contacted again when this project commenced, and if they remained in Qatar, the research team inquired about their potential interest in participating in this new project. As a result, we were able to quickly delineate a pool of potential participants, seek their participation, and interview them when possible. We built upon our pre-existing networks, knowledge, and experiences, as well as those of the worker-subjects interviewed, to delineate the pool of "expert" participants as well.

⁴⁰ See Gardner et al. (2013).

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