Human Rights Council

The Rights of Migrant Workers in the Gulf Region

Research Report

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Introduction

Millions of people around the world have left their home countries in search of employment. In 2005, there were 191 million migrants, or about 3% of the world's population, living in other countries, and that number keeps on growing even today. The Gulf region is no exception to this phenomenon: there are about 30 million migrants working in the Arab Gulf states as of 2022. The violation of non-national labourers' human rights in the Gulf region is becoming more and more urgent with the growth of the situation's severity. Although there have been many attempts trying to diffuse the problem, the cases of the diverse and systematic crimes committed against migrant workers did not decrease over the years.

Definition of Key Terms

Migrant worker
A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State in which they are not a national

Gulf Cooperation Council ("GCC" or "the Gulf")
The council of the Kingdom of Bahrain, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates (UAE), established in 1981; cooperates on issues related to economy and politics, and the subject of migrant workers

Universal Declaration of Human Rights ("UDHR")
The Universal Declaration of Human Rights was adopted by the UN General Assembly in 1948; describes the 30 basic human rights to which every human being is entitled; is still the international moral and judicial standard; most human rights activists depend upon the declaration

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ("CRMW")
A convention adopted by the United Nations General Assembly in 1990 (18th of December), dealing with the rights of migrant workers and their families and the laws and legal processes to be applied to them

Sportswashing
used when authorities in totalitarian regimes utilize sporting events to present themselves in a better light

The *kafala* system

The kafala, or sponsorship, system gives private citizens and companies in Jordan, Lebanon, and most Arab Gulf countries almost total control over migrant workers' employment and immigration status

General Overview

Migration in the Gulf region has been present from the beginning of the known history of the region up until today. During this large period, we identify three waves of migration in the Gulf: the first was a result of trade relations between the Gulf and Asia and it lasted until the General Maritime Treaty of 1820 and the arrival of Great Britain in the Persian Gulf; the second wave was due to the industrial economy gaining more space in the area and it ended in the 1960s with the rapid economic growth related to the discovery of large quantities of crude oil in the region.

The Gulf as we know it today, featuring futuristic skylines and unparalleled luxury, is mostly the result of the events of the third migrational wave in the region, and more specifically a result of the extremely rapid and expansive development plans that were financed through oil wealth. Because Gulf countries hosted small local population sizes, they found that they could not supply the labour that these projects demanded. As the demand for labour increased, migration evolved to be the most efficient solution for balancing the labour deficit.

This ended in the region having become more appealing to people living in neighboring countries - especially in South and Southeast Asia, such as India, Bangladesh, Pakistan, Nepal, and the Philippines. For those who have debts, they could possibly not pay due to poor working environment or lack of job opportunities moving to a GCC state to find an occupation there and to support their families in a long-distance form is a common decision - and a seemingly good one.

The number of migrant workers in the Arab States has been increasing in recent years, thus reaching one of the highest proportions of migrant to local labourers in the world - with an average of 70.4 percent, ranging from 56 to 93 percent for individual countries. Many of these migrant workers are low-skilled workers, in sectors such as construction and hospitality, or domestic workers.

However, every year, some 10,000 low-paid migrant labourers return home to Southeast Asia from the Gulf in body bags. Half of these deaths are unexplained, and with no labour laws in place — nor any will from home nations to investigate — the cycle of exploitation continues unabated. As summer begins, more and more of these vulnerable workers are succumbing to heat-related illnesses.

The underlying cause of the high rate of death in the region can be traced back to several factors:

- migrant workers in the Gulf are systematically overworked, notably domestic workers;
- the report of workers in the region also uncovered one of the main causes being heat stress and
- inadequate working environments (resulting from high air pollution and unsafe and not secured tools for work);
- inaccessibility of health care provided for the labourers (lack of health cards, fear of being docked pay, lack of proximity of clinics);
- physical and psychological abuse by the superiors of the employees;
- psychosocial stress causing anxiety, depression, and suicide;
- long-term exposure to stressors leading to diseases, and conditions like hypertension.

Based on evidence, the most likely reason for the high rate of unexplained deaths are serious and systematic issues in the way the Gulf states investigate migrant worker deaths. No investigation means that the deaths are attributed to meaningless terms like "natural causes" and "cardiac arrest".

Government data is generally very poor regarding the issue. Some report no data, some report raw numbers, none disaggregate properly, and most publish in a way that precludes useful analysis. The "best" data in terms of simple raw numbers are arguably from India, but there are also inconsistencies in those. There is a systematic issue with the investigation of the deaths of migrant workers in the GCC states, and this is resulting in a high rate of unexplained deaths. No investigation means that the deaths are attributed to meaningless terms like "natural causes" and "cardiac arrest".

A highly at-risk category (besides construction site workers) is the domestic field. Domestic workers make up the majority of registered women migrants in the Gulf Cooperation Council states - as well as Lebanon, Jordan, and Yemen - where they earn less than half of average wages, experience long and unpredictable working hours, and remain one of the least protected groups of workers under national labour legislations.

A huge factor deepening these issues is the so-called *kafala* system. The *kafala* system is the framework that defines the legal status of most migrant workers in the Gulf region. Local sponsors are responsible for foreigners' employment, living expenses, and general well-being.

However, this arrangement contributes to inefficient labour force dynamics. Migrants are recruited on time-limited contracts to work for a specific employer and cannot easily switch jobs. Employers frequently withhold compensation and food allowances, confiscate workers' passports, require them to work overtime without compensation, and prevent them from leaving their residences outside of work hours.

According to the International labour Organisation (ILO), low labour mobility keeps wages low, leading to poor productivity and investment. This fuels two persistent economic challenges facing the region: employed citizens prefer higher wage 'safe' jobs in the public sector and the growth potential of private sector companies remains narrow. These negative economic consequences of the *kafala* system are coupled with deep-seated humanitarian concerns.

Another violation of the rights of these people is the condition of the accommodation. The majority of migrant workers in the Gulf countries are low-paid labourers and they are often accommodated in dormitory-style "labour camps". In general, they are provided small rooms as housing which are typically shared between six and 12 people who sleep in bunkbeds.

As for solutions, the UN General Assembly adopted Resolution 45/158 without a vote on December 18, 1990. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW) is a global diplomatic deal to guarantee dignity and equality in an era of globalisation. The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is the mechanism to monitor and measure the national agencies and actors responsible for the implementation of the CRMW articles.

Other steps were made which can be brought into the picture when discussing the situation of migrant workers in the Gulf region when in 1966 (16th of December), the UN General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR), and when on the same day the International Covenant on Economic, Social and Cultural Rights (ICESCR) had been adopted, as well.

Major Parties Involved

Bahrain
Migrant workers make up over half the country's workforce and face labour abuse and exploitation. Some have been stranded after their companies failed to pay them their wages. In June 2018, a group of mostly Indian and Bangladeshi workers took part in protests demanding salaries owed, despite Bahrain imposing heavy restrictions on the right to free assembly.

Kuwait
Among these countries, Kuwait puts its female domestic workers in the most vulnerable position and also at risk of physical, sexual, and psychological abuse by their employers. Following the murder of a Filipina domestic worker by her employers in February 2018, the Philippines imposed a ban on the deployment of Filipino workers to Kuwait and facilitated the voluntary repatriation of thousands of migrant workers. The ban was later lifted and a new agreement was signed between both countries.

Oman
Migrant domestic workers are also denied effective legal protection in Oman. they are excluded from the provisions of the labour law while not benefiting from any meaningful protection under the current domestic workers' law. A plan to introduce mandatory health insurance for all residents in the country has been discussed but not implemented to date.

Qatar
Despite some recent promising measures, the majority of the more than 1.9 million migrant workers in Qatar continue to be at serious risk of exploitation and abuse by their employers. This is due to lack of protection in Qatar's laws, coupled with poor implementation and enforcement.
Qatar's poor human rights records have become a more often discussed topic connected to the country's *sportswashing* phenomenon regarding the 2022 Qatar World Cup. This has become a golden opportunity for countries to apply more pressure on Qatar to respect the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which the country signed in 2018.

Saudi Arabia
With 11 million migrant workers living under the kafala system, Saudi Arabia has the largest migrant population in the region and the fourth largest in the world. The kingdom is the only Gulf state that continues to require all migrant workers to obtain an exit permit in order to leave the country. This requirement, combined with the difficulties workers face in switching employers, makes them dependent on their employers and increases their vulnerability to abuses, including forced labour. They are also subjected to unfair trials and the death penalty.

UAE
Migrant workers in the United Arab Emirates are the fifth largest migrant population in the world. Despite a few recent labour reforms introduced by the government with the stated intention of improving workers' rights, migrant workers, who make up the majority of the population, remain bound by the kafala system, exposing them to labour abuse.

The UK
For a period of over 150 years, from 1820 until its withdrawal in 1971, Britain was dominant in the Gulf, but the nature of British domination evolved from economic influence to political

control, particularly on the Arabian side of the Gulf.
More recently, the UK has redoubled its efforts to nurture relations with a number of countries beyond Europe. The Gulf States have received particular attention, with official pronouncements, trade deals, and deeper military cooperation underlining the region's importance in the eyes of British policymakers.

Timeline of Events

from the Beginning of the Known History of the Gulf	First Wave of Migrant Workers in the Gulf Region
1820	Arrival of the British in the Gulf Region
from 1820 until the 1960s	Second Wave of Migrant Workers in the Gulf Region
1948 (10th of December)	the Adaptation of the Universal Declaration of Human Rights
from the 1960s until the 1980s	Third Wave of Migrant Workers in the Gulf Region
1966 (16th of December)	the Adaptation of the International Covenant on Civil and Political Rights (ICCPR)
1966 (16th of December)	the Adaptation of the International Covenant on Economic, Social and Cultural Rights (ICESCR)
1970s	"Oil Boom" in the Gulf Region
from the 1970s	Acceleration of the Migrational Wave in the Gulf Region
1971	End of British Dominance in the Gulf
1980s	End of the "Oil Decade" in the Gulf
1990 (18th of December)	Adaptation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW)

Possible Solutions

The lack of regulations and protections for migrant workers' rights often results in low wages, poor working conditions, and employee abuse. Racial discrimination and gender-based violence are endemic. To fight the systematic oppression of migrant workers and even governmental criminal acts against this group of people is the root of solving the problem.

Furthermore, the *kafala* system has become increasingly controversial, and there is growing recognition that it is rife with exploitation; global anti-racism protests, the COVID-19 pandemic, and preparation for the 2022 FIFA World Cup in Qatar have exposed the system's flaws. These reasons support the idea of reformation of the *kafala* system.

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