



**Written Statement of Sunjeev Bery
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**Before the United States Senate
Committee on Commerce, Science, and Transportation
Subcommittee on Consumer Protection, Product Safety, Insurance,
and Data Security**

"Examining the Governance and Integrity of International Soccer"

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Chairman Moran, Ranking Member Blumenthal, distinguished members of the Subcommittee, and distinguished guests: On behalf of Amnesty International, thank you for the opportunity to address the issue of human rights in Qatar and the 2022 FIFA World Cup.

My name is Sunjeev Bery, and I serve as Amnesty International USA's Advocacy Director for the Middle East and North Africa. Together with our researchers, volunteer leaders, and millions of members and supporters, Amnesty International works to advance human rights worldwide.

Amnesty International's Research on Qatar

The 2022 FIFA World Cup has brought into global focus the shocking conditions that are routine for migrant workers in Qatar. Through multiple on-the-ground investigations and human rights reports, Amnesty International researchers James Lynch and Mustafa Qadri have closely documented an array of human rights violations, how private companies take advantage of Qatar's abusive Kafala labor system, and the failure of the Qatari state to protect migrant workers from abuse.

Amnesty International has investigated the on-the-ground realities for thousands of foreign migrant workers at corporate construction sites and in Qatar's homes, where foreign nationals are employed as domestic workers. We have engaged with dozens of companies involved in construction from India, Lebanon, South Korea, Japan, Spain, France, and Qatar itself. We have spoken to hundreds of migrant workers in the construction sector from Bangladesh, Egypt, India, Nepal, Pakistan, the Philippines and Sri Lanka. We have held more than twenty meetings with Qatari government representatives and directly engaged FIFA officials.

The Scale of the Problem

Well over 90 percent of the total workforce in Qatar consists of foreign nationals. There are over 1.5 million foreign nationals working in Qatar today. And that number has increased at a dramatic rate, with Qatar's population growing by a staggering 43% since the country was awarded the World Cup in December 2010.

Under Qatar's Kafala employment sponsorship system, foreign migrant workers cannot change employers or leave Qatar without the permission of their current employer. Even if an employer is not paying the employee, the employer can still block the employee from changing jobs or leaving the country. As noted by the Qatari government's own review of its migrant labor system, conducted by the international law firm DLA Piper, this system gives rise to abuse.

In addition to the restrictions placed by the Kafala system, foreign migrant workers are forbidden from forming or joining trade unions, denying them a key avenue for advocating for their rights. While Qatar does have labor laws which should offer some protection for workers, these are not enforced effectively. In particular, there are not enough inspectors, and inspection is not stringent. When abuses do occur, access to justice for victims of labor exploitation is difficult, time-consuming and expensive.

In the most extreme examples, foreign migrant workers have become suicidal after being trapped without pay by employers in Qatar. They have been forced to depend on charity from others simply to eat. Meanwhile, their family members in poor

communities in their countries of origin can face eviction and other serious challenges because a family member is trapped in Qatar and not being paid for work they have done. The ordeal sometimes only ends when workers agree to sign documents that falsely state that they had received all their pay, simply to get their passports back and go home.

When foreign migrant workers decide to stop working under abusive circumstances, employers sometimes levy the threats of penalties to prevent work stoppages, creating conditions that amount to forced labor.

Companies from around the world – Europe, the Americas, Asia, and the Middle East and North Africa – are working in the construction industry in Qatar and have been involved in projects in which abuses were documented by Amnesty International. In some cases, these companies were the direct employers of workers, while in other cases they were acting as main contractors that had subcontracted parts of a project to smaller companies. These subcontractors in turn were subjecting their employees to exploitation.

All of this is occurring in the context of a massive construction boom in the country. The Government of Qatar is spending hundreds of billions of dollars in a massive infrastructure development program. The new construction goes well beyond stadiums. It includes new roads, thousands of new hotel rooms, a new airport which opened last year, and a metro system and railway system. Roads are being overhauled, sewage systems are being revamped, and a new port will open - in part simply to cope with the massive demand for raw materials on other projects. Many of these construction projects aren't solely for the World Cup, but they remain central to the success of this event and the overlapping effort to make Qatar a global destination for tourism and commerce.

Measuring the Abuses

The size of the problem is staggering. In 2012, the Qatar National Research Fund funded a survey of some 1,000 low-income labor migrants.

- 90% of migrants said their employers possessed their passports, a violation of Qatari law.
- 20% said their salary was different than the salary they had been promised prior to leaving their home country.
- 21% said they “sometimes, rarely, or never” received their salary on time.

According to the 2010 census, the last year for which a detailed breakdown is available, construction companies in Qatar employed over a half-million foreign national workers. This number has without doubt risen significantly over the last five years. If you extrapolate the above polling numbers across the vast numbers of foreign workers in Qatar, it suggests that there are many thousands of foreign migrant workers who have been abused in Qatar.

The human rights violations and abuses go beyond forced labor:

- Migrant workers frequently go into debt and pay substantial fees to recruitment agencies in order to obtain work in Qatar. Often the recruitment agencies make false promises about salaries or the type of work on offer. This can amount to human trafficking.
- Employers can leave workers "undocumented" by not issuing them the residency papers they need. This leaves them at risk of being detained by Qatari authorities when they leave their physical workplace.
- Employers can house workers in squalid and unsafe accommodations.
- On-site conditions for construction workers can be harsh and dangerous. Workers face barriers in accessing health care.

To make matters even worse, thousands of migrant domestic workers are specifically excluded from the protections set out under Qatar's poorly enforced Labor Law. These migrant domestic workers, who are mainly women, are generally based within their employers' homes. As a result, and because they are excluded from the

protections of Qatar's Labor Law, migrant domestic workers are exposed to even greater labor exploitation and abuse, including sexual violence. Women migrant domestic workers can even face prosecution and imprisonment for "illicit relations" if they report sexual abuse by employers. In addition, all women in Qatar face the heightened risk of abuse due to the absence of a law specifically criminalizing domestic violence.

Migrant workers may also fall victim to the flaws in Qatar's criminal justice system. In 2010, the government arrested Ronaldo Lopez Ulep, from the Philippines. He was convicted of espionage after being held for one month in incommunicado detention. To date, the government has not rebutted allegations of torture during the first eight months of his detention. In 2011, Columbian national Juan Pablo Iragorri was arrested and faced serious violations to his right to a fair trial and due process.

It is worth briefly noting that the same flaws in the administration of justice negatively impact Qatari nationals. In 2011, the Qatari government unfairly arrested and convicted poet Mohammad al-'Ajami for the peaceful expression of his conscientiously held beliefs. Al-'Ajami had published many poems, some of them in praise of Gulf leaders, and others critical of other poets or the authorities.

Al-'Ajami was convicted of breaking vaguely worded laws that did not constitute internationally recognizable criminal offences. Interrogators forced him to sign a document used to convict him. The investigating magistrate served as presiding judge, trial sessions were closed and he was forced to change lawyers. Al-'Ajami, whose trial was flagrantly unfair, is serving a 15-year prison sentence.

Qatar's Claims of Reform: The Reality

Despite repeated announcements to the contrary, the Government of Qatar has failed to address the problem of labor exploitation. In May of 2014, the Qatar government promised some limited reforms to address the widespread exploitation of migrant workers in the country. But one year later, none of these reforms have

been implemented. It remains unclear whether there will be any new legislation relating to Kafala in 2015.

Since the issue of labor abuses in Qatar first achieved significant national and international attention, there have been some limited steps taken by the government. These include an increase in the number of labor inspectors, a new law requiring that companies pay wages electronically rather than in cash, and a commitment to building new decent accommodation for workers. Some major Qatari institutions, including the Supreme Committee for Delivery and Legacy – which is organizing the construction of World Cup stadiums – and the Qatar Foundation have introduced mandatory “Worker Welfare Standards” which they require contractors to observe. If these standards were implemented in full, conditions for workers on these specific projects would be significantly higher than for the average migrant laborer in Qatar.

These various steps, while positive in and of themselves, do not address the fundamental structural factors that facilitate abuse in Qatar. Our on-the ground research in 2015 has found that the violations continue, and that state authorities are still failing to address these violations when workers raise grievances.

In particular, despite some promises, there has been no concrete progress whatsoever on the following issues since Qatar was awarded the 2022 World Cup:

- Abolishing the exit permit system so that foreign migrant workers can leave Qatar without being blocked by their employers.
- Ending the restriction on foreign migrant workers changing employers without the permission of their current employer.
- Establishing basic legal protections for the labor rights of domestic workers.
- Lifting the ban on foreign migrant workers forming or joining a trade union.

FIFA and the World Cup

While the ultimate responsibility for the rights of workers in Qatar rests with the Qatari authorities, FIFA has a clear responsibility as set out by UN and OECD guidelines on business and human rights. This responsibility is to act when there is a clear risk of abuses in the staging and hosting of a World Cup. Migrant construction workers and migrant service industry workers are on the frontline in delivering the World Cup experience in Qatar.

FIFA makes frequent public reference to its concerns about migrant labor conditions in Qatar. According to FIFA, concerns over migrant worker rights have been raised with senior Qatari officials, including the Emir. While this engagement is welcome, FIFA's efforts fall far short of the concrete action needed to ensure that the World Cup in Qatar is not based on labor exploitation. This engagement also pales in comparison to the focus FIFA has placed on the issue of Qatar's seasonal temperatures and tournament scheduling in relation to the 2022 World Cup. When FIFA awarded the 2022 World Cup to Qatar, it assumed a responsibility for the human rights impact of that decision.

The Solution

Government of Qatar:

The solution, of course, is for the Qatar government to fix its deeply flawed Kafala sponsorship system and address the many other problems that have been highlighted above. It is ultimately the obligation of the Government of Qatar to protect the migrant workers who are constructing its World Cup vision.

As a first critical step, Qatar must abolish the inherently abusive Exit permit, which can enable abusive employers to trap foreign migrant workers in Qatar for months on end. Foreign migrant workers shouldn't need the permission of their employers to leave the country and return home. Qatar and Saudi Arabia are the only countries in the Gulf region that still have this requirement in place.

Second, the Government of Qatar must abolish the requirement for foreign migrant workers to obtain their current employer's permission before changing jobs. This is known as a "No objection certificate" or "NOC."

Third, the Government of Qatar must enforce the protections for workers that are already written into Qatar's laws. The government must strengthen the labor inspection system, ensure that workers do not have their passports confiscated, and abolish fees charged to workers filing cases of abuse against employers in the courts.

Finally, the Government of Qatar must fix the country's flawed Labor Law. Domestic workers and other categories of workers should no longer be excluded from its protections. Foreign migrant workers must be allowed to form or join trade unions.

FIFA:

It is not enough for FIFA officials to simply accept the verbal commitments of the Government of Qatar, especially given Qatari officials' record of failure when it comes to actually turning promises of reform into any kind of reality. FIFA must send a strong public message to the Qatari authorities and the construction sector that human rights must be respected in all World Cup-related construction projects. This includes not only stadiums and training facilities being managed by the Qatar 2022 Supreme Committee, but also increased hotel capacity as well as key transport and other infrastructure that will support the staging of the World Cup. The organization should also work closely with the Qatar 2022 Supreme Committee and the Qatari authorities to ensure that the protection of migrant workers is addressed as a matter of urgency.

FIFA has said that for the 2026 World Cup, it will include human rights requirements in its bidding process. Any such initiative must result in FIFA having adequate human rights due diligence systems in place that would enable FIFA to become aware of and prevent human rights abuses as a consequence of the staging of World Cup events in the future.

Companies in the construction sector:

The weaknesses in Qatari law do not absolve companies of responsibility to respect the rights of foreign migrant workers and to ensure that subcontractors do not abuse their workers. Major companies managing projects in many cases appear to lack effective policies and procedures to prevent labor exploitation.

Companies and employers have a responsibility to prevent abuses even if they did not directly contribute to them. This is true both for major corporations who own or manage large projects as well as for small contractors who are often the direct employers of migrant construction workers.

Sending countries:

Finally, governments of countries from which migrant workers come (“sending countries”) also have responsibilities for protecting migrants from abuse. In our 2011 report, *False Promises: Exploitation and forced labor of Nepalese migrant workers*, Amnesty International documented the failure of the Government of Nepal to properly implement its own laws to stop trafficking and forced labor.

The US Congress and Executive Branch:

There are several key steps that the US Congress and the Executive Branch can take to help address labor exploitation in Qatar today.

First, US officials can ensure that commercial promotion activities in the Gulf region are not ignoring the real risks to workers. Any US trade delegation going to Qatar to push for World Cup construction contracts should be fully briefed on the risks of abuses in their contracting chain, and informed of their responsibilities to address this risk. The US should be aspiring to lead in terms of the way in which its multinational construction firms deliver on human rights throughout their contracting chain.

Second, the US can make the reform of migrant labor a key US foreign policy goal and convey that message to partners in the Gulf. The US Senate has many opportunities to build support for such a priority. One key opportunity is in the context of confirmation hearings for US diplomats appointed by the White House to serve in the Middle East.

Finally, US officials should raise this as a public issue. The US State Department's Trafficking in Persons (TIP) report is an important instrument for applying pressure, but it is released once a year. The same is true of the US State Department's annual Country Reports on Human Rights Practices. When it comes to the 2022 FIFA World Cup in Qatar, Congress has an opportunity to institutionalize the spotlight of today's hearing by establishing a more frequent public report from the US State Department that focuses on foreign migrant labor exploitation in Qatar. Such a report could shine a regular and ongoing public spotlight on the key issues raised in my testimony today. Qatari officials' rhetoric on reforms to the Kafala system and related labor violations could be matched against the ongoing reality. In addition, related issues like international media and NGO access to foreign migrant workers and foreign domestic workers in Qatar could also be documented.

Conclusion

When World Cup fans arrive in Qatar in 2022, it would be troubling for many to learn that their experience there was built on the backs of abused migrant workers. If reforms are not put in place soon, the facilities for the 2022 World Cup will carry the permanent stain of forced labor and human suffering.

On behalf of Amnesty International, thank you for the opportunity to testify today.