

‘MY SLEEP IS MY BREAK’

EXPLOITATION OF MIGRANT
DOMESTIC WORKERS IN
QATAR

**AMNESTY
INTERNATIONAL**



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1: INTRODUCTION AND OVERVIEW

"No day-off and no mobile if you don't want to give. It is as you like madam, the same with working hours, it is as you like, no problem about hours."

A representative of a popular Doha recruitment agency, answering questions about how domestic workers should be treated by their employer, March 2013¹

"Lola and her distant children were dependent on our family's good graces to pay her regularly, treat her fairly and honor our commitments in her contract with us. Yet we could have just as easily denied her basic human and labor rights—and no one would have known, or acted to stop us if they had."

Former employer of a migrant domestic worker in Qatar, December 2013²

"We have to protect families, and when we say family we don't mean Qataris, we mean all members of the family."

Senior official, Supreme Council of Family Affairs, to Amnesty International, March 2013³

'Victoria' had not been particularly unhappy with her job until it came to the December holidays.

She had arrived in Qatar in August 2012 from her home in the Philippines to work for an expatriate family in their Doha home, cleaning and looking after their children. Her hours were very long, starting at 05:00 every morning and working until about 20:00 in the evening, sometimes later. But, she told Amnesty International, she had a day off work every Friday, and she always got her monthly salary of 1,000 riyals [US\$275] a month.

However, in December 2012, Victoria's workload increased to extreme levels. Twelve family relatives from Australia came to visit for the month, and she had to work flat-out to serve the house, with virtually no rest and no days off. Four of the group stayed for a further month and a half. When they left, she asked her employers to increase her wages for this period, to reflect the additional work she had done. Their response, according to Victoria, was to make her working conditions worse. For a month, she was not allowed out of the house, had no days off and was not allowed to speak to her friends. Her salary was docked.

"Because I answered back I was punished. They removed 100 riyals [US\$27.50] from my monthly salary. Now I am only allowed a day-off twice a month. I have said to her, 'if you

*don't want me, send me back [home].'.... I am supposed to have a holiday after I have worked for one year but I don't know if they will let me yet.*⁴⁴

Working in a family home in a foreign country is, for millions of men and women around the world, a potentially attractive opportunity to find work, sometimes at higher salaries than they can earn at home.

But it is not without risk. Because migrant domestic workers are often isolated in the home and heavily dependent on their employer, they are at particular risk of exploitation and abuse. Women in such roles are additionally more exposed to abuses linked to their gender, including gender-based violence.⁵

Victoria's story is, unfortunately, by no means the most extreme case of abuse heard by Amnesty International researchers investigating the situation of migrant women working as domestic workers in Qatar. It is rather a case that illustrates how exploitation of domestic workers in Qatar is at once part of a global phenomenon - an expatriate family can choose to discipline their expatriate employee for simply seeking adequate compensation for a brutal period of work - and is also very specific to Qatar's context.

Like all migrant workers, domestic workers in Qatar are subject to the highly restrictive *kafala* or sponsorship system, which gives their employer excessive control over them, including the power to deny them the right to leave the country or change jobs. Like all other foreign workers, they are barred from forming or joining trade unions.

In addition, domestic workers cannot challenge their employers if their labour rights are abused, because Qatar's laws specifically prevent them from doing so. Victoria could not take her employers to the authorities for docking her wages or asking her to work such extreme hours. It is probable that they were well-aware of this fact.

The system thus conspires on three levels to leave migrant domestic workers in Qatar open to exploitation and abuse: their isolation in the home; the excessive powers of their employers; and a legal system that is not designed to help them.

As a result, domestic workers are susceptible to serious abuses if they are recruited into the homes of families or individuals who seek to take advantage of this permissive environment. The abuses can be extreme. They include, but are not limited to:

- Deception about what their working conditions will be when they start work, particularly salary;
- Extreme working hours and lack of rest days, including seven-day, 100-hour working weeks;
- Severe restrictions on freedom of movement and communication, including not being able to leave the house or make mobile phone calls;
- Verbal harassment and dehumanising treatment; and
- Physical and sexual violence.

Some domestic workers interviewed by Amnesty International in Qatar are victims of forced labour and human trafficking; recruited with false promises of good salaries and decent working hours, compelled to work for employers who would not let them leave and facing – in several cases – the threat of physical abuse or lost wages if they challenged the employer.

Qatari officials have stressed to Amnesty International that migrant domestic workers are treated with respect, like "members of the family", by their employers.⁶ In a response to allegations of abuse against domestic workers made by the *Guardian* newspaper in February 2014, the government stated that the "vast majority" of domestic workers "work amicably, save money and send this home to improve the economic situation of their families and communities in their home countries".⁷

Amnesty International has interviewed women who said their employers respected their rights. The organization does not claim that all domestic workers in Qatar are poorly treated or that all employers are abusers. Researchers met employers who were angered by cases of abuse and who had attempted to assist domestic workers in other households who were in distress. Nevertheless, the organization does not accept government claims that abuses against domestic workers in Qatar represent exceptional or isolated cases. This assessment is made on three main grounds.

Firstly, Amnesty International's interviews with migrant domestic workers demonstrate significant consistencies in the types of abuses experienced. These accounts are consistent with assessments made by others, including government officials, about the main reasons that domestic workers leave their employers, described in Qatar as "running away".

- *"Why do women run away? Often they're not paid their salary. Or they're working all the time. They have too much work, like five children to take care of. Ramadan is the worst time of year; more people run away then, because there's so much work":* Doha resident who assists domestic workers in distress, March 2013.⁸

- *"A large number of migrant women who are working as domestic workers 'run away' due to difficult working conditions and abuse":* UN Special Rapporteur on the human rights of migrants following visit to Qatar, November 2013.⁹

- *"We have found during investigations with housemaids and drivers who escaped from their sponsors, that maltreatment, domestic violence, over-work (in Ramadan) and no day-off in the week are some of the major woes that prompt household hands to escape":* Senior Ministry of Interior official, quoted in local newspaper, 2011.¹⁰

Secondly, the numbers of domestic workers seeking assistance in connection with poor working conditions are significant. The representative of one labour sending country's embassy in Qatar told Amnesty International that around 90 per cent of the approximately 50 labour complaints the embassy receives every week are from women working as domestic workers. The abuses reported to the embassy include "maltreatment, no rest, unpaid salaries, sexual harassment and rape".¹¹ In 2013 the Indonesian embassy told local media that between three and five domestic workers sought shelter every day, with the main complaints

being "long working hours, lack of days off, low salary or non-payment of salary". The embassy briefly stopped endorsing new contracts for domestic workers to highlight the high number of women making complaints of abuse and the pressure this was placing on the embassy.¹² The Qatar Foundation for Combating Human Trafficking, which is mandated to provide assistance to victims of trafficking, stated in 2013 that it received between 200 and 300 calls a month from domestic workers or their relatives.¹³

Thirdly, while credible independent data regarding abuses against domestic workers in Qatar is very scarce, Qatar's National Human Rights Committee (NHRC) has consistently stated that domestic workers are the group of workers most at risk of being abused, in part because of the systemic problems which leave domestic workers without legal protection for their rights: "the rights of domestic workers remain an important challenge because they are the group most exposed to transgressions, due to the lack of legislation to regulate their affairs and employment relationships, and the fact that they are not subject to the labour law."¹⁴ It is widely accepted that globally migrant domestic workers are at a higher risk of abuse than workers in other occupations.¹⁵

Amnesty International's research has found that abusive employers of domestic workers may come from a variety of different countries and regions, including Qatar, other countries in the Middle East and North Africa, Europe, the Americas and Asia. The State of Qatar must take action, both against employers who abuse domestic workers, as well as exploitative recruitment agencies that place women in the homes of employers they may know to be abusive and fail to take action when domestic workers seek their assistance. Those responsible for abuse should be held accountable and prevented from recruiting or employing domestic workers in future.

The government's efforts to combat fraudulent recruitment practices and human trafficking must be done in close partnership with the governments of domestic workers' countries of origin. Preventing the exploitation of migrant domestic workers is a responsibility shared between countries of origin and countries of destination. In recent years, Amnesty International has documented, in separate reports, the failings of the Indonesian and Nepalese governments in protecting their nationals from exploitative recruiters before beginning their migration to work as domestic workers.¹⁶

The Government of Qatar needs to do more than just take action against private sector employers and recruiters, however. It must review and reform its own approach to the employment and protection of domestic workers. When women leave their employers and report abuse, they should expect the state to investigate and take action to hold accountable those responsible.

Too often, instead, domestic workers are treated as the offenders themselves, detained for "absconding" or otherwise breaching the sponsorship law. In March 2013 over 90 per cent of the women detained by the authorities awaiting deportation were former domestic workers.¹⁷ And when domestic workers report rape or sexual assault, they risk being charged, instead, with consensual sex, under the charge of "illicit relations".¹⁸

In part, tackling the abuse of domestic workers requires the Qatari authorities to make bold reforms which would improve the respect for the rights of all of Qatar's migrant workers.

Amnesty International continues to call for the reform of the sponsorship system, to reduce the excessive powers of employers over their employees.¹⁹ The government must also empower domestic workers to hold their employers and recruiters accountable if their rights are abused, by giving them the legal protection for their rights which they are currently denied by Qatar's Labour Law. As the international spotlight continues to focus on Qatar ahead of the 2022 FIFA World Cup, it will be increasingly untenable for Qatar to maintain a situation whereby domestic workers and some other low-income workers effectively have no viable way of claiming their human rights.

It is also essential that authorities must address what the Committee on the Elimination of Discrimination against Women this year termed "the multiple forms of discrimination [that migrant domestic workers in Qatar] experience based on their nationality and other grounds."²⁰ That includes but is not limited to tackling prejudices and negative attitudes among employers, recruiters and state officials.

Amnesty International's research indicates that women working as domestic workers can face a form of double discrimination, being both low-income migrant workers and women. Domestic workers are portrayed in a negative fashion in Qatar's media, fuelling stereotypical attitudes about them. The government's proposed new strategy to combat domestic violence appears to leave migrant domestic workers out of its considerations. This, combined with the restrictions of the sponsorship system and domestic workers' isolation, means that domestic workers face serious barriers seeking justice when they experience physical or sexual violence; and discriminatory stereotypes mean that they can risk being prosecuted for "illicit relations" if they do make a report.

Against such a backdrop, legislative and policy reforms can have only partial impact in improving the respect for domestic workers' rights. Amnesty International calls on the Government of Qatar to lead the way in setting out a new approach to eliminate discrimination against migrant domestic workers, in which respect for their rights is seen not only as a legal obligation but also as a desirable societal goal.

WOMEN AS DOMESTIC WORKERS IN QATAR

According to the 2010 Qatar census 132,401 foreign nationals - 84,164 women and 48,237 men were employed in the domestic work sector.²¹ These numbers include people working as drivers, gardeners and other predominantly male employees as well as cleaners, cooks and child-minders, who are predominantly women.

A survey carried out in 2011 by the government Supreme Council of Family Affairs found that out of 542 "typical" Qatari families, 478 households employed women to work in their houses. These families employed a total of 885 women, an average of just less than two per household. Out of the 542 families, 71 employed men in their houses; the number of male domestic workers employed by these families totaled 119.²² One Qatari national whose family employs domestic workers told Amnesty International that many families she knows employ two women in the house - one primarily focused on childcare, the other on cleaning - and a man employed as a driver.²³ Many domestic workers, particularly women, are also employed by expatriate families and individuals, including from other countries in the Middle East and North Africa, Europe, Asia and the Americas.

The Qatari government does not - to Amnesty International's knowledge - release figures about the nationalities of domestic workers, through governments of some sending countries occasionally release information about the number of women working as domestic workers.

- The Philippines Embassy stated in January 2014 that there were approximately 30,000 women from the Philippines working as domestic workers in Qatar.²⁴
- The Indonesian Ambassador to Qatar stated in 2013 that there were around 20,000 Indonesian domestic workers in Qatar.²⁵
- According to the Sri Lankan Bureau of Foreign Employment 7,047 female "housemaids" left Sri Lanka to take up work in Qatar in 2011.²⁶ These figures do not make clear what the total figure for Sri Lankan women employed as domestic workers in Qatar is or was in 2011. Amnesty International requested more information from the Sri Lankan Embassy and Bureau of Foreign Employment in July 2013 but was not provided with any figures.
- The Indian Embassy did not respond to requests from Amnesty International in July 2013 to provide details of the number of Indian women working as domestic workers in Qatar. Women under 30 wishing to work in Qatar as domestic workers require specific approval of the Ministry of Overseas Indian Affairs.²⁷
- The Nepalese Embassy in Doha told Amnesty International in March 2013 that there were around 100 domestic workers officially registered with the embassy.²⁸ People wishing to sponsor a Nepalese domestic worker in Qatar must pay a deposit to the Embassy before recruitment can take place. In August 2012 the Government of Nepal announced that women under 30 would not be allowed to work in the six countries of the Gulf Cooperation Council (GCC), which includes Qatar.²⁹ Members of the Nepalese diaspora community, however, told Amnesty International that some Nepalese women under 30 nevertheless continue to travel via India to Qatar to work as domestic workers, bypassing this restriction.³⁰
- In recent years, domestic workers have also been recruited from an increasingly wide range of countries of origin, including countries in east Africa and eastern Europe.³¹

METHODOLOGY

This report focuses on women in Qatar's domestic work sector.³² Amnesty International interviewed 52 women working as domestic workers in Qatar during research visits to the country. The bulk of the interviews were carried out during an Amnesty International visit in March 2013, but a number also took place in October 2012 and November 2013. The majority of the women interviewed were from the Philippines - the main country of origin for domestic workers in Qatar. Researchers also spoke to women from Ethiopia, Ghana, Indonesia and Sri Lanka. While most interviews with domestic workers were carried out in English, Tagalog, Indonesian and Arabic translators assisted in a small number of cases.

Interviewing domestic workers is challenging. Many do not have days off and some are prevented both from leaving the houses in which they are employed and from using mobile phones. Some of the women interviewed for this report were still employed at the time of speaking, while others had left their employers. Amnesty International interviewed women in a range of locations, including public spaces and private houses. Researchers were given access by the relevant authorities to meet - in the presence of officials - a small number of

women who had been employed as domestic workers in the prison and the deportation centre (the Search and Follow-up Department of the Ministry of Interior), as well as the shelter maintained by the Qatar Foundation for Combating Human Trafficking.

The organization also met various Qatari authorities and institutions responsible for issues relating to domestic workers - including the Ministry of Interior, Ministry of Labour, the Supreme Council for Family Affairs, Hamad Medical Corporation, the Qatar Foundation for the Protection of Women and Children and the Qatar Foundation for Combating Human Trafficking.

Researchers interviewed embassies of sending countries, activists and community leaders assisting domestic workers, and academic and other independent experts. They also interviewed a representative of a recruitment company in person and spoke to five recruitment agencies by telephone; in two cases the organization presented specific allegations of abuse suffered by migrant workers and requested a response, while in three other cases, researchers sought general information about the working conditions for domestic workers in homes. Amnesty International has not been able to speak to employers of domestic workers whose cases have been featured in this report, as to do so may have placed the women in question at risk. Instead researchers carried out interviews with a range of people who either employed domestic workers or who lived in households where domestic workers were employed. The individuals interviewed included Qatari nationals and expatriates.

Amnesty International has carried out analysis of the main laws and regulations affecting domestic workers in Qatar, including but not limited to Law no. 11 of 2004 ("the Penal Code"), Law no. 14 of 2004 ("the Labour Law") and the Ministerial decrees related to this law, Law no. 4 of 2009 ("the Sponsorship Law") and Law no. 15 of 2011 ("the Human Trafficking Law"). Researchers have also reviewed the relevant international law and standards, including UN treaties and International Labour Organization (ILO) Conventions.

Amnesty International sent the Government of Qatar its findings regarding the situation of migrant workers, including migrant domestic workers, in July 2013. In October 2013 the government provided a response to these findings, which did not address several of the issues relating specifically to domestic workers. In March 2014 Amnesty International offered the government a further opportunity to comment on these issues. The government responded in a letter which Amnesty International received shortly before publication of this report and which is included in an annex.

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Finally, Amnesty International thanks the women who allowed researchers to document elements of their experiences, in some cases reliving traumatic incidents or periods of their lives during interviews. Their testimonies have been of critical importance in shaping this report's recommendations, which aspire to reflect domestic workers' needs and priorities as well as international human rights standards.

THE SYSTEM FOR MIGRANT DOMESTIC WORKERS IN QATAR: 10 KEY FACTS

1. Every migrant worker in Qatar must have a "sponsor", who must also be his or her employer. While many workers are sponsored by a registered company, domestic workers are usually sponsored by an individual, such as a member of the family in whose house they are working.
2. Sponsors are expected to provide their employees with housing in Qatar. For domestic workers, this usually means being housed in the same home or compound as their employer.
3. Migrant workers cannot change jobs without the permission of their sponsor. This permission is sometimes called an "NOC" (no objection certificate).
4. If workers leave their sponsor without permission to work for someone else or simply to stop working for them, they are considered to have "absconded", a criminal offence. Their sponsors are required to report them to the Search and Follow-up Department of the Ministry of Interior, which polices the Sponsorship Law. Workers who "abscond" are likely to face detention and deportation.
5. Migrant workers also cannot leave the country without the permission of their sponsor. They must obtain an "exit permit" from the authorities, approved by their employer, before they can clear immigration at the airport whenever they leave the country.
6. Sponsors are required by law to return their employees' passports to them after completing residence procedures. In reality, many domestic workers do not have their passports returned to them and they are held by their employer for the duration of their employment in Qatar.
7. The Labour Law, and a set of decrees attached to it, sets out the rights of workers in Qatari law. The Ministry of Labour and Social Affairs (referred to in this report for shorthand as the Ministry of Labour) is responsible for overseeing the implementation of the Labour Law.
8. Domestic workers and some other categories of workers are excluded from the terms of the Labour Law, meaning that under Qatari law there are no limits on their working hours, and they cannot complain to the Ministry of Labour in the event that their rights are being breached.
9. Under Qatari law, rape, physical assault, forced labour and human trafficking are illegal and carry prison sentences of varying lengths. However, Qatari law does not specifically criminalise domestic violence.
10. Consensual sexual relations outside marriage is illegal under Qatari law and carries a prison sentence.

2. DECEPTION IN THE RECRUITMENT PROCESS

"The contract I signed in 2009 said I would get US\$400 [per month] but when I arrived I was only given 730 riyals [US\$200] a month. Now I receive 900 riyals [US\$247]. I can't afford to send my children to school with this money. I have three children at home."

LC, domestic worker from the Philippines, speaking to Amnesty International, March 2013³³

For too many domestic workers, their experience of the recruitment process entails blatant deception about the terms and conditions of the work; in particular women are promised better salaries and working conditions than they actually find on arrival in Qatar. Because of the number of links in the chain, it can often be very difficult to identify who exactly is responsible for the deception. While some domestic workers are recruited directly by their eventual employer, it is more usual for one or more agents to operate as intermediaries in the recruitment process.

In domestic workers' countries of origin, recruitment agencies offer jobs in the Gulf and elsewhere. Depending on the country of origin, they are usually required by law to arrange contracts with the women they recruit, before their visa can be attested by the sending country government and the Qatari government.³⁴ Sometimes such agencies charge fees to arrange placements, while in other cases they may offer a free service upfront but take their fee by withholding a certain number of months of salary when the domestic worker starts in their job.³⁵

On arrival in Qatar, women are normally met at the airport by a Doha-based recruitment agency - sometimes called a "placement agency" - which has partnered with the agency in the country of origin in order to arrange the workers' entry visa and placement with an employer. The Doha recruitment agency introduces domestic workers to their employers, who must, under Qatari law, act as their "sponsors" for immigration purposes. Many of the women who spoke to Amnesty International reported that the recruitment agency took their passports directly from immigration officials at Doha airport and subsequently handed them to their employers; and that this was the last time they had possession of their passports before their eventual departure. Some also stated that their mobile phones were removed in their country of origin before they left for Qatar, or on arrival.

"Contract substitution" - the process by which a worker's original contract is replaced by a new, usually less advantageous, set of terms and conditions - may take place just before women board planes in their home countries. However, Amnesty International's research indicates that some women have their original contracts removed by their recruitment agents in Qatar on arrival, and are presented with a new "contract" - sometimes only in Arabic - or simply informed that the terms and conditions of their work are different from those they signed up to in the country of origin.

SS, a 27 year-old woman who arrived in Qatar in 2011 as a domestic worker told Amnesty International:

" I signed a contract which said US\$400 a month for a 2 year contract ... The agency picked me up from the airport ... The next day madam and her husband came to the agency to take me. I think maybe I signed some other contract. I don't know what this was. I was only told at the agency that it was only 700 riyals [US\$192]. I thought, 'What can I do?' My mobile phone was taken from me in the Philippines."³⁶

PD told Amnesty International that she was promised US\$400 per month in the Philippines by a recruitment agency, before she took up her job, but when she arrived she only received 900 riyals [US\$247].

"When I complained, the madam [employer] said that even QR1000 [US\$274] was too much and told me "you don't deserve it'."³⁷

Some women told researchers they had their salaries reduced due to deductions which had not been specified at the time they were recruited. RB said she was promised 800 riyals [US\$220] a month but 100 riyals [US\$27] was deducted from this each month by her employer for what she was told was the costs of rice and other food bought for her.³⁸

Other women also reported that their working hours and the nature of their work were very different from what they had been led to expect by recruitment agents. Researchers found that when women had been deceived about one thing, it was quite likely that the other aspects of the package they had been promised were also not as they had been led to expect.

For example, KN, who arrived in June 2012 from Mindanao in the Philippines, said she had been told by her recruitment agency before arriving that her working hours would be 06:00 – 20:00 every day, with a day off every Friday. When she arrived her employers told her she had to work from 05:00 – 23:00, an 18-hour day. She was not given a weekly day-off as had been promised.³⁹

Other women described how their hours were much longer than they had expected because they had not been told the truth about what their jobs would entail. HA, a 42-year-old domestic worker with three children at home, was told by her recruitment agent before she travelled that she would be working for a family with two children, working for eight hours a day. But when she arrived she found out that she would not be working for her sponsor and was taken to the house of a family who were friends of her sponsor. This family had seven children including a seven-month-old baby, and expected her to work from around 05:30 in the morning until around midnight.

"I told madam, 'The contract says two children but you have seven children.' She replied, 'That is because I am not your sponsor. Your sponsor is my friend who has two children'.... I had to clean, cook, babysit, everything."⁴⁰

LL, a 26-year-old woman employed by European nationals told Amnesty International that, contrary to what she was promised in her contract, she had to wake up at 03:30 and work all day without proper breaks until 21:30 or 22:00:

*"The dog sleeps in the kitchen at night, so I have to clean the kitchen first thing in the morning, then I have to clean the yard outside. My employer wakes up at 05:00 so at 04:30 I prepare breakfast. The work is too hard, physically and emotionally. It's not what I was promised when I was recruited ... when I got here the contract wasn't applied; the hours are much longer than what I was promised. I was promised 8 hours a day."*⁴¹

PSYCHOLOGICAL IMPACT OF DECEPTIVE RECRUITMENT PRACTICES

The psychological impact of such deception can be serious. In March 2013 Amnesty International was told by officials at Hamad Hospital's Psychiatric Unit that anxiety or depression caused by deception about work was the number one cause of admission to the unit.

While the Unit admits men and women from all occupations, officials told Amnesty International that every year about 30 women employed as domestic workers are admitted to the unit, more admissions than for any other occupation. They said that the most common reasons for admission were attempted suicides, which made up about two thirds of this number. One official said that most of these were "not genuine attempts" and were more like "a cry for help". He said the main nationalities of domestic workers attempting suicide were Indian, Nepalese and Sri Lankan.⁴²

In August 2012 an occupational therapist based at the Unit told a local newspaper that 12 to 15 domestic workers visited the unit daily for treatment to cope with anxiety, which led in some cases to suicide attempts. She stated that deception over the type of work was a major factor in causing such conditions:

*"As some of these domestic helps have only been told that they are coming to Qatar to babysit whereas on getting here, they discover that their duties also include household chores and other menial jobs, they tend to develop psychological problems and begin to have mental [health problems]."*⁴³

THE ROLE OF DOHA-BASED RECRUITMENT AGENCIES

"Recruitment agencies in the sending and receiving countries are absolutely part of the exploitation... They don't want to send workers back to the home country; this costs them money."

Qatar-based expert on domestic workers' rights, 2013⁴⁴

Without accurate information regarding their future salary, working conditions and the costs of the recruitment process, prospective migrant workers cannot make an informed decision about whether to take a job or not. By the time they find out the full cost of recruitment and the true terms and conditions of work, it is usually too late to withdraw from the migration process.⁴⁵

When women find themselves working in conditions that do not match what they were promised or when they are subjected to abuse by employers, they should be able to expect their recruitment agency to act to protect their rights. This should include assisting them in making a complaint to the authorities, reporting the employer to the authorities and ensuring

that the worker is able either to return home - at the agent's cost - or move to a job with an employer who respects their rights, depending on the worker's preference.

However, several domestic workers reported to Amnesty International that recruiters did not respond positively when asked for help. SD, who had not been paid for three months after arriving in Qatar and had left her employer, explained how her recruitment agency had responded when she sought their assistance to leave the country:

"The agency manager said that I can't go home—that I'd have to pay all the costs of airfare. I told her I wanted to go home. She said, 'how can you go home? You stay here.'.... The agency was angry that I left. My agency ... says that I should work for another employer, then they'll give me my salary and passport."⁴⁶

Amnesty International spoke to the Managing Director of SD's Doha-based recruitment agency by phone in February 2014. He denied the allegation that women placed with families by his agency had ever been deceived or abused. He told Amnesty International to call back later as he was in an important meeting but did not answer further phone calls.⁴⁷

The owner of one prominent recruitment agency was quoted in the Qatari media in April 2013 speaking out against violence against domestic workers, saying that they are "human and deserve good treatment".⁴⁸ However, other agencies are apparently not as concerned. Several women mentioned that recruitment agents showed little interest in reports of physical abuse. CL told Amnesty International that her female employer:

"would get mad and shout at us... sometimes you would get a slap... she pinched my arms until they were black... I tried to ring the [recruitment] agent. He said he would not help. I said, 'She beats me', he still said he wouldn't help."⁴⁹

GA told Amnesty International she faced sustained physical violence, including slapping and hair pulling at the hands of her female employer, but said that when she tried to complain to her recruitment agent she was essentially advised that the abuse was her fault:

"They would just say 'be careful, understand your employer'. I would call the agency many times after the madam would leave the house but they wouldn't pick up."

She told researchers that the agency made no suggestion of reporting the abuse to the police.⁵⁰

RM, who said she had signed a contract in the Philippines promising \$400 a month to work for six days a week, eight hours a day, left her first employers in Doha in December 2012 due to what she said were personal differences with her employer. She told Amnesty International that her agents arranged a new placement for her, and said that her salary would be 950 riyals [US\$261] per month. On arrival, her new employer said that in fact her salary would only be 800 riyals [US\$220]. She told researchers that she was working days of up to 17 hours and was not allowed out of the house. In February 2013, just under three months after joining her employer, she left because, she said, the employer did not pay her salary. After this - hoping to be placed with another employer - she stayed for some time with her agency, where she said she met two other domestic workers, one from Indonesia and one from the

Philippines, whose said their female employer had physically assaulted them, shouted at them and not paid them.⁵¹

Amnesty International spoke to this woman's Doha-based recruitment agency, and explained that the organization had received a report that a woman placed by the agency had been paid less than promised and been subjected to extreme working hours. The director of the agency told Amnesty International that any such claims were not true, and abruptly ended the call by hanging up.⁵²

ER, a 30-year-old woman who spoke to Amnesty International in November 2013, said that after she had left her employer in April 2013, having been subjected to violence by a family member, she stayed with her agent for six months carrying out part-time work in the office because her employers would not sign her exit permit to leave the country. She told Amnesty International that she was paid for this work at the agency and said that they were "kind" and treated her well, but she was locked in the building for this whole six-month period. Eventually, in November 2013, she escaped by climbing over a wall in the middle of the night, and made her way to her embassy.

PD, who sought help after two months of working excessive hours and being subjected to constant verbal abuse by her employer, said that her agent's only interest appeared to be ensuring that she worked for at least three months with her employer.

"I called the recruitment agent and they would not help me. I think that this family has a history of problems - I heard that no-one has ever finished a contract with them. The agency told me to do a month's more work and then stopped answering the phone."⁵³

Three months is the normal "probation period" agreed between employers and agents - if an employment relationship between a family and a domestic worker breaks down, for whatever reason, within three months, most agencies will agree to place another worker with the household without charging additional recruitment fees. After three months, the employer will need to pay full fees and the cost of a flight to recruit a new employee. Describing a potential employee in a way more usually reserved for consumer appliances, one recruitment agency said in a phone-call with Amnesty International:

"She would come with a three month guarantee and if she is no good you can change her."⁵⁴

Amnesty International has heard complaints from a number of employers that domestic workers who are unhappy with their employment are encouraged by recruitment agents to "run away" immediately after the conclusion of the three-month probation period - thus saving them from the obligation to place another worker with the employer without any cost, and allowing them to charge full recruitment fees a second time. Employers feel aggrieved at repeatedly paying recruitment fees, which according to a local newspaper, can amount to 7,000 riyals [US\$1922] for domestic workers from Ethiopia and up to 13,500 riyals [US\$3707] for Indonesian nationals.⁵⁵

While employers complain that agents are exploiting the "three month" agreement to make them pay extra to recruit new employees, Amnesty International's primary concern is that some domestic workers who complain of poor treatment by employers - including excessive

hours, physical abuse and problems with pay - are being told by their agents to stay working until three months has passed and to "run away" only at that point. Complaints by domestic workers of poor working conditions should be taken seriously by recruitment agents and be acted on, rather than considered only as a potential source of financial loss. Employers, meanwhile, are likely to find they improve the retention of domestic workers in their employment by paying decent wages, honouring contracts signed at the point that women decide to migrate, and otherwise fully respecting their human rights.

GOVERNMENT PLANS TO PREVENT CONTRACT SUBSTITUTION

In October 2013 the Government of Qatar informed Amnesty International that it had begun an initiative to prevent contract substitution:

*"In the event that the Ministry of Labour becomes aware that an employer has not adhered to the contract with the employee, or a complaint is received, then it will take all legal means and measures against the employer. The Ministry of Labour is in the process of implementing a programme for electronic connection with labour-exporting countries. Cooperation between the Ministries of Labour will be in the form of establishing an electronic information base for those seeking jobs in Qatar. The website will allow employers in Qatar to choose their workforce from the available applications. This project will ensure there will no longer be any discrepancy between the job the worker has signed up for in his country from that signed in Qatar, as all the documents listed on the information base, including the work offer by the employer, will be registered. In the case of any disagreement between the two sides in the future the information can be checked and verified."*⁵⁶

Initiatives to develop closer co-operation between Qatar and migrant workers' countries of origin to protect workers should be encouraged. However, whether such a system will assist migrant domestic workers will depend to a great extent on its implementation; in particular, Amnesty International is not fully clear as to whether domestic workers' contracts would be included in such a system.

Additionally, while the Government of Qatar is developing the system referred to above to prevent contract substitution in the future, this alone is not a sufficient response to a phenomenon that the government accepts is already occurring. The authorities must also take action to hold accountable those recruiters and employers responsible and protect the affected workers.

MINISTRY OF LABOUR POLICING OF RECRUITMENT AGENCIES

"The Ministry of Labour endeavours to monitor recruitment agencies that hire domestic workers and carries out periodic and unannounced inspections to ensure that the recruited workers do not fall victim to any form of exploitation and that their rights are upheld. Those inspections have resulted in the closure of a number of non-compliant agencies."

Statement of Government of Qatar to Committee on the Elimination of Discrimination against Women, December 2013⁵⁷

The Ministry of Labour and Social Affairs is responsible for certifying domestic workers' contracts,⁵⁸ and states that it carries out six-monthly assessments of Doha-based domestic worker recruitment agencies and gives them gradings from "A" to "C", with "C" indicating poor performance. Companies not meeting the Ministry's required standards can lose their licence, while a Ministry statement has explained that, "those who secure a higher ranking will get better treatment from the Ministry in terms of the number [of] visas and other benefits."⁵⁹

There are between 100 and 150 domestic worker recruitment agencies in Qatar, and in the last three years, the majority have been considered by the Ministry of Labour to be performing poorly.⁶⁰

In March 2013 the Ministry stated that of 132 companies, 17 were given a grade A rating, 36 were graded B, while 79 agencies were given a grade C rating. Ten agencies were reported to have been closed due to unspecified violations of the Labour Law. The names of the 17 agencies receiving a grade A rating were published and a Labour Ministry spokesman was quoted as stating that each top-rated agency was given 10 free visas, apparently as an incentive to keep up their performance.⁶¹

In December 2013, it was announced that another 14 agencies had had their licences revoked, but no further information about grading was published in the media.⁶²

The Ministry does not publish the precise criteria against which recruitment firms are assessed and grades assigned. Under Decree no 8 of 2005 of the Ministry of Civil Service and Housing Affairs regarding the licensing of recruitment firms, agencies can lose their licences if they accept fees from workers, present false information in applying for or renewing their licences, or repeatedly breach agreements made with employers of workers.⁶³

Decree no 8 also requires that recruitment agencies - among other things:

- Provide migrant workers with work agreements prior to recruiting, including the salary, nature of work, and length of contract;
- Ensure that these agreements are signed by the worker and attested by the relevant authorities;
- Pay for workers to return to their home countries if the worker finds that the conditions of work are not as promised, or they refuse to work, or if the worker is found to be "unfit for work".

These criteria may form part of the assessment process for the Ministry's grading system. However, statements by Ministry officials to media suggest that agencies are also assessed for other qualities, which do not relate to the protection of workers' rights:

- **Fees charged to prospective employers:** According to media reporting of a 2012 Ministry of Labour press conference, "those who are placed in the A Category are supposed to charge [employers] between QR6,500 [US\$1785] to QR9,000 [US\$2472] as service fees. Charging beyond the permissible limits could lead to a degradation of the status."⁶⁴
- **Customer services provided to employers:** A Ministry official stated in 2012 that, "the purpose of this classification is to improve the performance of the recruitment agencies by encouraging them to compete with each other not only in prices but also in services."⁶⁵

■ **Ensuring domestic workers know Qatari law and customs:** according to media reporting of Ministry statements, "the best performing agencies are supposed to raise awareness among the newly recruited housemaids about Qatari law and the culture of the country."⁶⁶ It is not clear, however, how officials would assess whether this is done in practice.

■ **Ability to recruit domestic workers quickly:** a Ministry spokesman was quoted in March 2013 saying that, "complaints about manpower agencies have declined after the Ministry launched this evaluation process. [The] Majority of the complaints are from prospective employers about delays in recruitment of maids."⁶⁷ A different report of the same press conference cited an official who stated that "such encouragements will help resolve the problem of procedural delays in bringing housemaids to the country".⁶⁸

■ **Adherence to the sponsorship law:** in December 2013, local media reported that a senior Ministry of Labour official said, with regard to licences being stripped from recruitment agencies, that a "major violation was supplying housemaids for part-time jobs on condition that they are to be paid on hourly basis."⁶⁹ Under Qatari law, migrant workers recruited on domestic worker visas are only permitted to work for their employer and are not allowed to do work for other people or organizations.

Based on the information available to Amnesty International, it is not clear that this grading system reflects any effort, or makes any contribution, to protecting the rights of domestic workers. Amnesty International is calling on the Ministry to publish the grading criteria, and to review the rating system to ensure that agencies are specifically and transparently graded for their adherence to labour rights. Given the difficulty that domestic workers face in submitting complaints to the authorities - in part because they are barred from accessing the Ministry of Labour complaints process - the Ministry should develop a range of indicators that are not highly dependent on domestic workers having to take action to register grievances. These might include:

■ The results of inspections by Ministry of Labour officials in relations to how contracts signed in countries of origin match up to the actual terms and conditions offered to women in Qatar;

■ Whether recruitment agencies have systems in place to ensure the protection of domestic workers' rights. For example, how agencies of exploitative recruitment or ill-treatment by employers are logged and dealt with by agencies, how they assist workers to report complaints to the authorities and whether they themselves report abusive employers; and

■ The number of complaints made by domestic workers to the Qatari authorities and the relevant embassies about having to pay fees in order to migrate, contract substitution and / or of terms and conditions which differ from what they were promised before migrating.

It should be possible for potential migrant domestic workers and employers to assess a recruitment agency for its adherence to labour rights standards, as distinct from other criteria such as efficiency of services provided to employers.

Additionally, Amnesty International recommends that the Government put in place measures to ensure that any individual found to have abused domestic workers' rights - either in their capacity as employers or recruitment agents - is not permitted to recruit again in future. The UN Special Rapporteur on the human rights of migrants said in November 2013 that measures which apply to workers in other sectors should be extended to the domestic work sector:

*"I welcome the blacklisting by the Government of companies that abuse migrant workers, but this should also apply to domestic workers. Persons who abuse domestic workers should not be able to hire more domestic workers in the future."*⁷⁰

CONTROVERSY IN QATAR OVER DEMANDS FOR A US\$400 MINIMUM MONTHLY WAGE FOR DOMESTIC WORKERS FROM THE PHILIPPINES

Women recruited in the Philippines to work in Qatar as domestic workers regularly report that they are deceived about the salary they will be paid. In 2007 the Philippines government set a minimum monthly salary of \$400 for migrant domestic workers being recruited in Philippines.⁷¹ However, women from the Philippines told researchers that although they were promised a monthly salary of US\$400 by agents in Manila when they arrived in Qatar they found that their true salary was significantly lower than that.

The individual accounts given to Amnesty International are well supported by other evidence.

For example, Amnesty International asked three Doha-based domestic worker recruitment agents in March 2013 for salary scales for domestic workers, including those from the Philippines. All three quoted monthly salaries of less than US\$400 for domestic workers from the Philippines.⁷²

A Doha resident working to assist distressed migrants from the Philippines explained to Amnesty International how contracts are substituted:

*"The \$400 contract is rarely followed. A substituted contract is given to them in Arabic, and various deductions are made to their salary, including 'recruitment charges' and 'residence permit renewal fees'."*⁷³

An anonymous recruitment agent, speaking to a Qatari newspaper in April 2012, confirmed that the \$400 salary was not adhered to, apparently telling the newspaper that the \$400 minimum salary for female domestic workers from the Philippines was not a problem because their normal salary was in fact "between \$220 a month to \$250... This works out to around 900 [riyals] which is not a high sum."⁷⁴

The problem has also been acknowledged by the Philippines Embassy. The Ambassador in Qatar was quoted in local media as stating in June 2013 that the US\$400 minimum is not observed due to the "collusion of some recruitment agencies from the Philippines and those in Qatar".⁷⁵ In a separate statement an Embassy representative said that women suffered from contracts signed with agencies in the Philippines promising a US\$400 monthly wage being "reprocessed" in Doha to a monthly salary of US\$200.⁷⁶

The response of the Qatar authorities to the Philippines' efforts to enforce a minimum \$400 wage raises concerns. Rather than deal with the deception that, as detailed above, appears to be widely acknowledged, there have been repeated reports that the Qatari authorities have blocked agencies from recruiting domestic

workers from the Philippines.⁷⁷ The Philippines Ambassador has denied that there is a formal ban but confirmed that the number of domestic workers from the Philippines had dropped significantly, stating:

*"There is no ban. It is their decision to hire other workers. They are still hiring domestic workers but in a very limited number."*⁷⁸

Qatari Ministry of Labour officials categorically denied to Amnesty International that blocks on recruitment from certain countries are ever imposed by the State of Qatar for political reasons and said that any drop in recruitment from certain countries was only attributable to employers choosing alternative locations to recruit from.⁷⁹

However, in what some have suggested is a related development, the Qatari government has publicly announced efforts to recruit domestic workers from a wider range of countries. In November 2012, an unnamed Labour Ministry official was reported to have said that the Ministry was investigating the recruitment of domestic workers from new countries in Eastern Europe, Southeast Asia, Tanzania, Kenya, and Mauritius, stating:

*"We want the manpower export markets to be highly competitive."*⁸⁰

In June 2013 the Ministry of Labour and Interior formally announced new plans to recruit from countries including Vietnam, Bosnia-Herzegovina, Macedonia, Cambodia and Bangladesh.⁸¹ In February 2014, it was reported by local media that a committee consisting of members of the Ministry of Labour, the Ministry of Interior and recruitment agencies had been established to "prepare mechanism to deal with countries exporting domestic helps and start talks with other countries to recruit housemaids.... including Cambodia, Bangladesh, Kenya, Tanzania, and Mauritania."⁸²

The priorities signaled by these government statements and initiatives stands in contrast to the absence of effective government action to address labour exploitation and other abuses affecting domestic workers. The attempts of labour-sending countries to protect women and men who emigrate as domestic workers to Qatar is something that the government of Qatar should be proactively co-operating with those countries on. Efforts by a government to secure a good economic deal for those employing migrant domestic workers is uncommon, and the Qatari authorities should be careful that this level of support to employers in Qatar does not undermine the potential for sending countries to act to protect their nationals or obscure the responsibility Qatar has to migrant workers.

3. DENIAL OF LABOUR RIGHTS TO DOMESTIC WORKERS

"The [National Human Rights Committee] requests repeatedly regulating a law on the protection of the rights of the 'domestic workers' as they are the most vulnerable category of workers and most of them are women. Although a draft law was prepared to regulate the work of this group in which the NHRC has participated, the NHRC believes that there is a delay in the issuance of this law."

Qatar National Human Rights Committee, February 2014⁸³

"In the absence of a law that protects them, it falls on the presumed goodness of her 'sponsor'—in her case R & me—to treat her well, and the way we would wish to be treated. How she lives, what she eats, how she is treated, whom she can speak to, her access to her family, access to help or care, what she can wear... So, yes, her life (like the rest of her ilk) in Qatar being a good one hinges on the goodness of her employer."

Employer of a domestic worker in a blog entry, Doha, May 2013⁸⁴

"Most countries in the [Middle East] region exclude domestic workers from the scope of their labour laws, and this exclusion is highly problematic for the effective protection of their rights as workers."

International Labour Organization report on trafficking in the Middle East, 2013⁸⁵

Domestic workers in Qatar - along with some other categories of workers - do not enjoy the protection of Qatar's Labour Law. Article 3 of the Labour Law states that "this law shall not apply to ... the persons employed in domestic employment such as drivers, nurses, cooks, gardeners and similar workers."

This leaves them with, under Qatari law, no legal protection for the labour rights recognized in international law, and means they are barred from lodging claims against their employers at the Labour Court. They therefore cannot lawfully demand essential rights such as: limits on their working hours; a day-off; annual leave; payment of medical costs; decent accommodation; or access to the Ministry of Labour grievance process.

Some of these issues may be specified in employment contracts during the recruitment process, but while it may be theoretically possible for migrant workers to enforce these contracts through private law suits, this would be costly and virtually impossible for most domestic workers. Amnesty International is not aware of any such cases. While enforcement of the Labour Law is currently inadequate, as documented in Amnesty International's 2013 report on abuses in Qatar's construction sector,⁸⁶ the existence of a law is an essential foundation for protection of labour rights.

Although domestic workers are still subject to the provisions of the Sponsorship Law just as other workers, they cannot appeal to the Labour Relations Department in the event of abuse or breach of contract. The result is that domestic workers are particularly exposed to exploitation and other abuse from their sponsors, as there are few checks against the power of the employer beyond the criminal justice system.

GLOBAL PRESSURE TO PROTECT DOMESTIC WORKERS' RIGHTS UNDER QATARI LAW

The UN Committee Against Torture, in its 2012 concluding observations on Qatar, stated that it "regrets the absence of labor legislation that protects domestic work, while noting that a draft law on domestic workers is presently under review" and recommended that the authorities "adopt, as a matter of urgency, labor legislation covering domestic work and providing legal protection to migrant domestic workers against exploitation, ill-treatment and abuse".⁸⁷

The UN Committee on the Elimination of Discrimination Against Women has stated, in its General Recommendation 26 on women migrant workers, that states parties "should ensure that occupations dominated by women migrant workers, such as domestic work... are protected by labour laws, including wage and hour regulations, health and safety codes and holiday and vacation leave regulations."⁸⁸ In February 2014 the Committee expressed concern that in Qatar "domestic workers are not covered by the protection of Labour Code [and] the draft law on domestic workers is yet to be reviewed and finalized, and that no time frame has been set for the adoption of this law". It called on the Government to "adopt a Law on domestic workers and amend the 2004 Labour Law to ensure that it protects domestic workers along with other categories of workers."⁸⁹

In 2011 the Government of Qatar, along with other Gulf Cooperation Council governments, voted in favour of the ILO adopting Convention 189 Concerning Decent Work for Domestic Workers, which commits ratifying states, among other things, to the following:

*"Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work."*⁹⁰

Amnesty International urges Qatar to ratify ILO Convention 189 Concerning Decent Work for Domestic Workers, incorporate its provisions into domestic law and implement it in law, policy and practice.

Government officials have repeatedly stated in the last five years that a specific law to clarify the "rights and duties" of domestic workers would be introduced.⁹¹ But no substantive progress has been announced, and conflicting statements have also been made by officials. A Ministry of Labour official was quoted in March 2013 as saying that:

*"There is no need for a law for housemaids... Since there is a contract signed between a maid and her employer, a law isn't needed."*⁹²

The same official was also quoted as saying that a weekly day-off was "a maid's right" but rejected the idea of limiting domestic workers' hours to eight hours, saying, "maids don't work for eight hours a day."⁹³

Representatives of the Supreme Council for Family Affairs told Amnesty International in March 2013 that they were open to a law to regulate the employment of domestic workers and had participated in drafting discussions. However, they questioned why such a law should include a mandatory weekly day-off for domestic workers, since they believed that domestic workers get days off without this protection. They also rejected the contention that domestic workers currently lack protection for their labour rights under Qatari law, but they did not explain what protection was provided.⁹⁴

Qatari Government officials cannot reasonably state that domestic workers currently enjoy the "right" to a weekly day-off when this is not guaranteed by a legal protection. The position that no legislation is necessary also seems to be at odds with Qatar's National Development Strategy 2011-16, which states that:

*"The government will devise a set of regulations, including standards and conditions, to better manage the recruitment and employment of domestic helpers. This way forward will be supported by new legislation covering the legal rights of domestic workers... Stronger regulations will improve the relationship between the family and domestic helpers, particularly in relation to clearer demarcation of responsibilities and duties."*⁹⁵

The UN Special Rapporteur on the human rights of migrants added his voice to calls for legal protection for domestic workers in Qatar, stating in November 2013:

*"I was pleased to hear that the government has worked on a draft law for domestic workers, and I urge the speedy finalization and adoption of this law, in order to better safeguard the rights of domestic workers, whose abuse is rarely visible."*⁹⁶

In a statement to the UN Committee on the Elimination of Discrimination against Women in February 2014, given by a senior member of the Supreme Council of Family Affairs, the Government stated that drafting a domestic workers' law was a "future step" to ensure that Qatar was better aligned with international human rights treaties.⁹⁷ In its written response to the Committee's list of questions, the Government stated that "a draft law on domestic workers that is in line with relevant international standards ... is currently being reviewed in preparation for its adoption."⁹⁸ However, no timeframe for the adoption of such a law, or details of whether the law's provisions would be consistent with international standards, were specified in these statements.

GOVERNMENT OF QATAR'S RESPONSE TO AMNESTY INTERNATIONAL ON LEGAL PROTECTION FOR DOMESTIC WORKERS' RIGHTS

Shortly before the publication of this report in April 2014, the government made the following statement to Amnesty International with regard to legal protection for domestic workers' rights. This is an unofficial translation by Amnesty International from the original Arabic, which can be read in Annex 1.

"Domestic workers in Qatar are indeed not subject to the Labour Law (Law no 14 of 2004), nevertheless Qatari legislation sets out a package of measures which must be followed in order to recruit this category of workers in the house, and which guarantee that this category of workers are not subjected to deception by employers or recruitment companies, and at the same time guarantee all their legal rights towards their sponsors.

"The exclusion of this group of workers from the scope of the Labour Law does not mean a lack of legal protection for their rights or that there is no law to protect these rights, for all disputes which arise between domestic workers and their sponsors, in relation to the implementation of rights and commitments of both parties, as a result of the contract, are subject to the provisions of the Civil Code (Law 22 of 2004). Also, the contractual relation with employers is arranged in model contracts attached to bilateral agreements which the State has signed with labour sending countries.

"In relation to the recruitment of domestic workers from abroad on behalf of another party, Qatar's Labour Law (Law no 14 of 2004) takes care to regulate this, as is indicated in the third section where it is forbidden to recruit workers from abroad on behalf of others except by obtaining a licence for that, and it is banned for the licensee to accept any funds from the recruited worker in the form of fees or cash for recruitment, or other types of costs, and Ministerial Decree number 8 of 2005 regulating the conditions and procedures of licensing, which has attached to it a model contract for recruiting workers from abroad specifying commitments of every office and employer. The Ministry follows up the application of the provisions of the Law and the Ministerial Decree referred to, through regular surprise visits to these offices, to investigate that there is no exploitation of this category of workers and to ensure their rights.

"It should be noted that currently a draft law relating to domestic workers is being studied, in compliance with the provisions of the international labour convention concerning decent work conditions for domestic workers and international labour standards, and this legislation is still in the process of the legislative procedures." ⁹⁹

Amnesty International is grateful to the government of Qatar for responding to the organization's concerns. However, some aspects of the government's response are of concern. Specifically, the statement that exclusion of domestic workers from the scope of the Labour Law does not mean a lack of legal protection for their rights does not stand up to scrutiny. There is no legitimate reason for the different treatment legal treatment of domestic work compared to other categories of work. As noted earlier, the view that domestic workers are safeguarded by civil and contract law completely disregards the realities facing domestic workers, the vast majority of whom would not be able to access the resources or information need to bring such kinds of private legal action against abusive employers. The fact that the Qatari authorities state that they are working on a draft law to ensure they meet international standards on the rights of domestic workers suggests that they recognize that reliance on enforcement of private contracts, combined with regulation of recruitment agents, is by no means adequate to meet international standards.

In addition, while the government of Qatar has accepted responsibility to enforce the Labour Law through, amongst other things, workplace inspections, the legal position outlined with regard to domestic workers means almost all action to protect their rights must be taken by

the workers themselves. While Amnesty International has expressed concern that the Labour Law is not effectively enforced in Qatar, this law does at least reflect the obligations of the Qatari authorities to proactively protect the rights of workers; the exclusion of domestic workers – arguably amongst the most vulnerable category of workers – from the proactive measures of the Labour Law cannot be defended by reference to contract law.

PLANS FOR A REGIONAL 'MODEL CONTRACT'

In January 2013, the six governments of the Gulf Cooperation Council (GCC), including Qatar, adopted a draft model contract for domestic workers across the region.¹⁰⁰

Amnesty International has seen a draft of the model contract. It includes a provision for a weekly day-off and the requirement for salaries to be paid by bank transfer. However, the draft fails to comply with ILO Convention 189 Concerning Decent Work for Domestic Workers in several respects, including but not only the fact that no maximum working hours are stipulated.

Additionally, it remains unclear how this contract would – if adopted by the six GCC governments – be enforced in practice. A standard contract, without a legal basis, would be very difficult to enforce for domestic workers, who face challenges accessing legal procedures in any case. As noted above, Amnesty International is not aware of any domestic workers who have been able to take legal action against their sponsors in Qatar for breach of contract; and does not consider that a GCC model contract would be any easier to enforce in this way.

Domestic workers in Qatar require legal protection for their rights under the Labour Law and access to specific legal mechanisms to claim their rights.

4. WORKING CONDITIONS

"My sleep is my break."

KT, former domestic worker, to Amnesty International, March 2013¹⁰¹

While some women interviewed by Amnesty International said that their employers were "kind", working conditions for domestic workers recruited into the home of abusive employers can be harsh, and domestic workers in such situations have almost no means of seeking help or redress. This is a direct consequence of Qatar's unregulated domestic work sector and the impact of the sponsorship system.

This chapter examines some of the main forms of abuse reported to researchers by domestic workers, and the problems they face in trying to leave situations of abuse as well as to hold perpetrators accountable.

EXCESSIVE WORKING HOURS AND NO DAY-OFF

Almost all the domestic workers to whom Amnesty International spoke said that they worked extremely long hours. Qatari law does not specify maximum working hours for domestic workers. As one Doha-based domestic worker recruitment agency put it in a telephone call:

*"She will work full time and stay in your house, it is up to you how many hours she works though. The contract would say eight hours, but you know, she is staying in your house. There is no need to give a day-off but it is up to you."*¹⁰²

A Qatar Statistics Authority study in 2009 found that domestic workers worked for an average of 60 hours a week, which the ILO stated in 2013 was the fifth highest figure for domestic workers in the world.¹⁰³ This is an average figure and Amnesty International interviewed women who worked for more than 60 hours a week. Additionally, many of the women interviewed were not given a weekly day-off by their employers.

Fourteen women interviewed by Amnesty International said they worked for at least 15 hours a day, seven days a week, amounting to average working weeks of more than 100 hours. Amnesty International researchers spoke to domestic workers who described working hours of 05:00 until 23:00 or even later. PD told Amnesty International, for example, that seven days a week, she had to start work at 04:00:

"I had to start work at 04:00. I had to start at exactly that time. I would get about three to four hours sleep. I would be constantly washing or ironing clothes and if the clothes were not

clean enough I would have to wash and iron them again. My hands split and bled because of the work ... I would run so hard that I would fall, and I lost feeling in my feet. I wasn't even allowed to go to toilet while I was working.^{#104}

FM told researchers she worked every day of the week without a day-off, looking after seven children in a large household. She said she started work at 05:00 each morning and would stop work around 22:00 or midnight. She did not have breaks.

"Work is no problem, but as soon as you finish your work for one of the family, another one tells you to do something else - 'yalla so'ra' ['Come on, quickly'].^{#105}

A national of a Gulf country resident in Doha and active on migrant rights issues told Amnesty International that many employers ask their domestic workers to work excessive hours because of a perceived need for perfection at home.

"I've been to houses where two women work 04:00 to midnight. I know someone who said to their maid, 'can you clean the ceiling of my bathroom?' People believe that everything has to be perfect, so everything has to look perfect.^{#106}

RESTRICTIONS ON FOOD

In some cases the workers described how, due to the pressure of work, they were not able to eat any food until after lunchtime. Women told Amnesty International they were provided with little or inadequate food by their employers. HA told researchers she was once hit by her employer after she was found to be trying to eat her breakfast. She described how she was always hungry due to the amount of work she was expected to do and the little food she was provided with.¹⁰⁷ GA told researchers she was only provided "cup noodles" to eat and was forbidden from eating other food in the house.¹⁰⁸

The prevalence of such limitations on access to food is very difficult to determine. However, the evidence suggesting that domestic workers work excessive work hours raises serious questions about the extent to which they are unable to take appropriate breaks to eat.

NON-PAYMENT, DEDUCTIONS FROM PAY

In addition to salaries being lower than promised in contracts, late payment or non-payment of salaries was also reported by some domestic workers that Amnesty International spoke to. The withholding of payment by employers appears in some cases to be viewed as a way of ensuring that domestic workers stay in their jobs. Employers can exploit the isolation faced by domestic workers, which makes it more difficult for them to complain to the authorities or stop working, and non-payment can therefore often continue for very long periods.

KN told researchers she began work in Qatar in June 2012 and initially received her salary, though it was less than the US\$400 which she had been promised in the agreement she had signed in the Philippines.

"The first month they paid me 750 riyals [US\$206]. The second month, 900 riyals [US\$247]. After that, 900 riyals [US\$247] a month. I sent six months of salary home. [The wife of my employer] stopped paying me after six months. She didn't pay me in December, January, and February. I told her I needed the money because my family had big problems.

*My daughter died on 1 January [in the Philippines]. She was three years old. She needed to go to the hospital. Madam said she'd pay me the full amount after five months... I talked to Sir, I said, 'sir, I need my salary. On 1 March I told madam and sir that I wanted to go home. They said no.'*¹⁰⁹

BM, a 30-year-old woman from Isabela province in the Philippines said that she was only paid a total of 900 riyals [US\$247] for four months work with a family between August 2011 and January 2012, despite having been promised US\$400 [1457 riyals] per month in the contract she signed in Manila.¹¹⁰

RM told researchers that her employers refused to pay her directly, instead saying that they would transfer money to her family:

*"In January [2013] I worked for the full month and on 9 February I asked for my January salary. [My employer] would not say why he was not giving me it. He said the salary is only 800 riyals [US\$220]. I asked him once, 'Sir, can I get my salary because children need money for school as in March the children graduate'. I asked him again for the salary - he said, 'Give me the name and address in the Philippines so I can send the salary'. In February he sent the money to my family but gave me just a paper with the reference number. My family says it was 5900 pesos [US\$136]."*¹¹¹

Even if employers do send the money as they tell domestic workers, such practices constitute a clear breach of contract, with the risk that the woman is never paid or significantly underpaid – a problem exacerbated by the fact that many employers prevent domestic workers from making phone calls, which makes it harder for them to contact their relatives.

Again, the full extent of the problem of delays in payment faced by domestic workers is not known as data is not available. Domestic workers cannot complain to the Labour Ministry about such breaches, and employers are aware of this.

PASSPORT CONFISCATION

Amnesty International met three domestic workers who had possession of their passports; all others reported that their employers kept hold of them. Under the sponsorship law, employers are supposed to return passports to domestic workers - like all foreign workers - after the processing of their residence permits, which is supposed to be completed within three months of their arrival in the country.¹¹²

However, most women reported to Amnesty International that their employers were given their passports by the recruitment agents as they began their employment, and they never saw them again. Some said that immigration officials handed over their passports directly to their recruitment agents or employers. SD told researchers:

*"The immigration official said, 'you stay here.' They called my agency, and they gave the passport to my agency."*¹¹³

Handing women's passports directly to recruitment agents at the airport, rather than giving them back to the individual, does not appear to be necessary for the purpose of completing their residence procedures and, in addition to seeming to encourage passport confiscation, is

somewhat dehumanising to domestic workers. Amnesty International recommends that this practice is stopped and passports are handed directly back to women.

Even women who told researchers they were satisfied with their terms and conditions said they did not hold their own passports. For example, CM, a 32-year-old woman from the Philippines said:

"I am paid 1000 riyals [US\$275] a month, which is what I was told I would be paid ... I'm treated ok. They have the passport."¹¹⁴

The holding of domestic workers' passports may in some cases be motivated by a desire to prevent women from "absconding" to other employers - in contravention of the sponsorship law, which prevents foreign workers from working for anyone other than their sponsor, without their permission - or trying to leave the country. According to one academic study which found that 90 per cent of low-income workers (a sample that does not include domestic workers) surveyed in Qatar did not hold their passports:

"[Passport confiscation] is often framed by employers as means of ensuring that the workers do not flee the country or otherwise abscond from their contractual obligations."¹¹⁵

When domestic workers do "abscond", some employers hand their passports directly to the authorities. One representative of an embassy in Doha said:

"When the employer claims that the worker absconded, they have to surrender her passport to the CID [Ministry of Interior]."¹¹⁶

This practice suggests that the government may implicitly accept the principle that domestic workers do not hold their own passports.

A number of domestic workers who had left their employers said that their employers refused to hand them back their passports to allow them to leave the country, for reasons that were not always clear. This appears to indicate that employers in this situation do not fear prosecution for breaching the sponsorship law. In August 2012 a woman described to a newspaper how her employee left when she was on holiday in the UK, apparently unconcerned about disclosing that she had broken Qatari law by not returning her passport:

"As soon as I landed in London and checked into a well-known hotel, I was shocked to find that my housemaid vanished in spite of the fact that her passport was in my custody."¹¹⁷

INADEQUATE ACCOMMODATION, LACK OF PERSONAL SECURITY

Some of the domestic workers Amnesty International interviewed reported that they were not provided with adequate living space, including instances where their living conditions compromised their safety. Two women told researchers that they did not have proper beds but had to sleep on mattresses on the floor. Six women said they were not given rooms with locks on the doors. SS, who worked in the same house for nearly two years explained how she was given a room which her employer's family used to store equipment and furniture they were not using:

"It had no lock. There was a mattress on the floor, an ironing board, 2 cupboards filled with plates, pans and rice. It was like a junk shop. I kept my clothes in my own bag."¹¹⁸

RM reported sleeping in a room where her employers' clothes were kept and which had no lock. Her female and male employers would walk into her room without asking, sometimes as late as midnight.

"I did not have my own room. I slept in a cabinet room inside the kitchen. The room had madam's clothes in it. I had my own bed but there was no lock on the door. I was scared of the driver because my room is not locked. Madam would come into the room sometimes, even Sir did too. Sometimes he would come in at midnight or 01:00 at night and would enter my room."¹¹⁹

FM, who worked for her employer between 2006 and 2012, said her bedroom was in the cellar; at the time she left, the air conditioning unit in the room was broken and not functioning.¹²⁰

RESTRICTIONS ON MOVEMENT AND COMMUNICATION

While women are in Qatar working as domestic workers, their employer is able, if they wish, to control almost every aspect of their life. Amnesty International found that the movement of domestic workers was severely restricted with many not being allowed to leave the house they were employed in. Some women told Amnesty International researchers that they were only allowed to leave the house when accompanying their employer or their employer's family. Several reported being locked in when their employers left the house. RM told researchers:

"They would not allow me to go out of the house – if I needed something I would have to write down what it was and give the money and they would buy it for me."¹²¹

This has obvious implications for domestic workers' ability to seek assistance from outside authorities or organizations. One man who assists distressed migrant workers from the Philippines told Amnesty International:

"There is no way of them getting outside of the house to get help."¹²²

Six domestic workers also reported to researchers that their phones had been confiscated by their employers or their recruitment agency or that they were forbidden to use them. PD told Amnesty International:

"When I was cleaning, the madam [employer] would go through my things... I was not allowed to use a mobile. The Madam would say 'I hate phones'."¹²³

A representative of a Doha recruitment agency who said she dealt mainly with the recruitment of Indonesian women as domestic workers told an Amnesty International researcher that in most cases the agency itself removed mobile phones from domestic workers on arrival:

"In most cases we don't allow domestic workers to have mobile phones. When women arrive – whether they are Sri Lankans, Indonesians - we will take their mobiles. If you buy a mobile

without permission and the sponsor finds you with a mobile then they think that they have a boyfriend."¹²⁴

Going to church on Friday - the usual day-off for low-income migrant workers in Qatar - is a specific request which some domestic workers make to their employers. One Indian community representative with experience of assisting and advising domestic workers in Qatar said:

*"Most of the domestic workers I speak to are carefully monitored and they don't get much chance to speak to outsiders... One girl is allowed one hour a week out of the house, to go to church from 07:30 to 08:30 on Friday. She insists she is Christian and must go to the church. The problem is that families want the Friday for free time [because it is the main rest day in Qatar]."*¹²⁵

Other women said their employers were not even prepared to give domestic workers one hour a week to go to church. SS described how her employers, nationals of a Middle Eastern country, refused:

*"I asked to go to church once but they said to me 'be Muslim – if you be Muslim I will let you go to the mosque'."*¹²⁶

MARIA'S STORY

At the age of 24, 'Maria' travelled from the Philippines to work as a domestic worker. She had come to work in Qatar to support her family who needed money to pay for water, electricity and school fees for her three younger sisters. She had signed a contract with a recruitment company in Manila entitling her to a salary of 1450 riyals [\$400] per month. But she was never given a copy. Her recruiter charged her the equivalent of two months salary as a fee for the company's services.

As soon as she arrived in Qatar an immigration official took Maria's passport and gave it to the agency that collected her at the airport to transport her to her employers, a wealthy couple from Qatar and Lebanon. They employed several staff, including a house manager in charge of Maria and others working at the house - a male driver and two other women from the Philippines.

When she arrived at the house Maria's mobile phone, ID and documents were immediately taken from her. Her clothes were also confiscated and she had to wear a uniform at all times. Maria was told not to communicate with any of the other women and that they were not to share bedrooms. She was told she would be paid only 800 riyals [\$220] per month, and her employers said they would hold the money and pay her salary in full at the end of her contract.

When Maria would accompany her female employer out of the house, she was told not to talk to anyone and not to answer if anyone spoke to her. She was allowed to call her mother for about 20 minutes every two weeks but she was forbidden from discussing the job and would always have to use her employer's mobile phone.

Maria's responsibilities included taking care of three children under the age of four, gardening and cleaning. She woke at 05:30 every day and would start working immediately.

"I was working all the time. I would have lunch at 16:00 ... I got no days off. I couldn't go to church. At the beginning, she would sometimes give me a 30 minute break, and let me go to sleep at 22:00. Later, I got no break, and I'd go to sleep at midnight."

For both breakfast and dinner she would be given just a half piece of bread, while for lunch she would have some rice and her employer's leftovers. Sometimes she was given no breakfast at all and would be accused of insulting her employers if she complained.

"Once she gave me cheese with mould on it. She said, 'it's good enough for you'."

Maria said her treatment became harsher the longer she worked at the house. When one of the maids left the house after a year without being paid, the wife physically assaulted Maria and another woman working in the house.

"She was angry about the girl who left. She pushed my head into the toilet and pulled my hair. I cried. She said, 'stand up, I'll send you to the agency.' The other girl also cried. Madam pushed her too. When the girl tried to leave the manager pushed her. The girl said, 'no, no' and the manager pushed her again. I hid in the kitchen with the children. I was afraid."

Maria worked at the house for almost four months without receiving any salary before deciding to leave. She explained to researchers:

"I left was because I was never paid... I was always crying and Madame was angry at me all the time. Before I escaped, I asked God to give me a sign. When an alarm rang at the house, I thought that was the sign that I could go home. They had a camera in the house to watch us so I closed the kitchen door so the camera couldn't see me. The key was in the door; I got outside. I walked and walked."

Maria said she walked alone for hours, still dressed in her uniform.

"I saw a guard, and he said, 'where is your ID?' I said sorry. I went to the mall, and saw a guard there, and asked for a taxi. He asked why I needed a taxi. He asked if I had a problem; I said no. I saw a Filipina, and I said, 'please help me.' She said, 'sorry, I'm busy.' I went back to the mall to get a taxi. I said 'sir, please send me to the airport'. [The driver] asked me why I was going to the airport. I said I was going on vacation."

She eventually reached the Philippines embassy where she sought assistance. When Amnesty International met Maria in March 2013 her former employers were still holding all of her possessions and documents, including her passport.

"Last week I went to the deportation centre, they said that without a passport, I can't leave."¹²⁷

VERBAL AND PSYCHOLOGICAL ABUSE

Many of the domestic workers interviewed by Amnesty International reported that they were subjected to humiliation and dehumanizing treatment. For example, RB and CL, who were employed in the same household told researchers that they were forced to eat on the floor and were not allowed to sit on any of the chairs in the house in which they worked.¹²⁸

Another worker said that she had to eat in her room and use separate crockery and cutlery

from the rest of the family because her teeth were "not clean".¹²⁹ KT told researchers she was regularly called a "prostitute" by her employer.

*"The man was OK; it was the woman; she was always shouting. Any little mistake, and she would shout. She would say, 'you're very stupid.' She would swear at me in Lebanese, call me a 'sharmuta' [derogatory term for 'prostitute']. She also shouted at her kids a lot."*¹³⁰

GA, a 34-year-old former domestic worker employed by a Middle Eastern national said:

*"Madam would shout at me if I went near their food. She would say 'don't touch my food, this my food, not yours'... I would ask her 'why are you shouting at me?' She would reply and sometimes say 'I'm sorry, I have so much problems'. Sometimes the husband would shout at me but almost always it was her."*¹³¹

SS told researchers:

*"She would call me an animal. She would say 'go to your country'. I would keep quiet as I never want to answer back."*¹³²

DISCRIMINATORY ATTITUDES ABOUT DOMESTIC WORKERS

Women working as domestic workers in Qatar are often stigmatised in the media, which may fuel some of the attitudes they face in the home. Headlines of news articles and opinion columns on domestic workers in the four main Qatari Arabic language newspapers in 2012 and 2013 included the following:

- *Maids divide men and their wives with sorcery and witchcraft*, Al Arab, January 2012¹³³
- *Take-up for installing cameras in homes to monitor 'maids', fearing for children*, Al Arab, April 2012¹³⁴
- *Escaped maids behind 90% of thefts*, Al Watan, November 2012¹³⁵
- *Thursday's issue: rise in maids' salaries*, Al Raya, November 2012¹³⁶
- *Thug maids!* Al Sharq, November 2012¹³⁷
- *Colonel Al Sayed [Ministry of Interior]: device to identify maids disguised in Qatari women clothing*, Al Arab, May 2013¹³⁸
- *Whispers... phobia of Ethiopian women*, Al Raya, July 2013¹³⁹
- *Educators: foreign maids a threat to the future of society*, Al Sharq, October 2013¹⁴⁰

Such discriminatory language is not restricted to the Arabic language media. In 2009 an English language newspaper in Qatar carried a cartoon with the title "Housemaid's Revenge" showing a frightening caricature of a migrant domestic worker towering over a small child and holding a bowl of food, saying:

*"Your mum shouted at me today just because I broke a plate. And I am going to strike back. Count on me brat, you won't sleep at home tonight! You will stay at Al Sadd Children's Emergency [hospital]. Open your mouth now. This dish I have made will make you so sick that it will make you dizzy for hours."*¹⁴¹

The UN Committee on the Elimination of Racial Discrimination has recommended to state parties - which includes Qatar - that they "take resolute action to counter any tendency to target, stigmatize, stereotype or profile, on the basis of race, colour, descent, and national or ethnic origin, members of 'non-citizen' population groups, especially by politicians, officials, educators and the media, on the Internet".¹⁴²

The UN Committee on the Elimination of Discrimination against Women said in February 2014 that Qatar should "take special measures, including awareness-raising and educational campaigns to counter stereotypical attitudes towards women migrant domestic workers".¹⁴³

One Qatari national whose family employs domestic workers told researchers there are a range of nationally-specific stereotypes relating to domestic workers:

*"There are concerns about kids taking on the culture of the Philippines, which poses to a threat to our moral identity. There are stereotypes about women from Indonesia and Ethiopia. They are seen as cold-blooded, liable to commit crimes against children. There are stories about voodoo and black magic. There is also fear of European maids."*¹⁴⁴

A representative of a Doha domestic worker recruitment agency made a similar point to researchers:

*"[Employers] think Indonesians don't understand; that they are dirty and different. Employers want Filipinas because they think they are clean and understand English better."*¹⁴⁵

A senior Ministry of Interior official also told Amnesty International in October 2012 that it would be difficult to give women working as domestic workers a day-off because they might behave illegally or inappropriately on their days off, such as by drinking alcohol or meeting boyfriends.¹⁴⁶ Such considerations are clearly not a valid justification for denying workers a fundamental labour right and Amnesty International is concerned that such statements indicate the existence of discriminatory attitudes towards female migrant workers among government officials.

Given the prevalence of negative stereotypes around domestic workers from certain countries, it is perhaps unsurprising that they can be seen by some people as commodities for sale rather than human beings. In May 2013 one - apparently expatriate - user of a popular online forum for Qatar residents posted an advert:

*"who wants an Indonesian maid? I am leaving qatar for good and i have a maid that i would like to leave here and i want qr 10,000 [US\$ 2,746] ONLY. She is very clean and well behaved. Pay money and i make NOC ["no objection certificate", allowing a worker to move employer]. THAT'S IT. ONLY SERIOUS CALLERS"*¹⁴⁷ [sic]

ARRESTED AND DEPORTED FOR "RUNNING AWAY": QATAR'S SPONSORSHIP SYSTEM

"Migrants who "run away" from abusive employers should not be detained and deported."

UN Special Rapporteur on the human rights of migrants, speaking after his visit to Qatar, November 2013¹⁴⁸

Under Law No 4 of 2009 (the "Sponsorship Law") migrant workers in Qatar cannot change jobs without the permission of their sponsor. This creates an excessively unequal power relationship, in which workers have limited avenues open to them if they are being exploited. If workers arrive in Qatar to find that they have been deceived about the terms and conditions of their work during the recruitment process, or are subjected to abusive working or living conditions by their employer, the question of whether or not they can change jobs depends on their employer – the very person responsible for their abuse.

The Sponsorship Law allows for the Ministry of Interior to transfer sponsorship "in the event of abuse" but there is no published definition of what constitutes abuse and according to Ministry of Interior data provided to Amnesty International in March 2013, only 49 people were able to permanently move jobs in this way in 2012.

As a result of these restrictions in the law, it can be very difficult for women working as domestic workers to leave their employers by simply asking, and some women facing abuse therefore leave their employers without permission, either seeking refuge with their embassies or the Qatari authorities, or trying to find new employment. One man who assists domestic workers in distress said he is called by around 10 women a month who have left their employers without permission or "run away".¹⁴⁹ Leaving an employer without permission leaves women open to the charge of "absconding". Amnesty International has been unable to find a precise definition in Qatar's laws but understands that "absconding" is the charge filed for violating Article 11 of the Sponsorship Law, which holds that foreign workers must not act in breach of the relevant purpose for which they were granted residence in the state.

Amnesty International has found that in many cases, once a domestic worker flees, their employer hands their passport to the Ministry of Interior - despite the fact that holding an employee's passport is illegal - and a charge of "absconding" is filed against the worker. Women who have an absconding charge placed against them are often said to have "run away". One representative of an embassy in Doha said:

*"When the employer claims that the worker absconded, they have to surrender her passport to the CID [Ministry of Interior]."*¹⁵⁰

A charge of absconding can lead to prosecution and a prison sentence but more usually results in detention pending deportation.

Detention as a means of immigration control should only be used as a last resort, after the authorities have demonstrated that it is both necessary and that less restrictive measures are insufficient.¹⁵¹

Among female foreign nationals, domestic workers are particularly prone to being detained and deported for violating the Sponsorship Law. Officials at the deportation centre told Amnesty International in March 2013 that of the 378 women in the centre at that time, between 90 and 95 per cent had been employed as domestic workers. There were at least 88 women from the Philippines, which along with Indonesia, was the main sending country represented among the detainees.¹⁵²

For this reason, some of those who assist domestic workers in distress told Amnesty International that "running away" was not an option they recommended to women who contacted them:

*"Some women call me out of the blue on my mobile phone. They say, 'I want to escape.' I can't advise them to escape. But they can go to the embassy."*¹⁵³

Amongst some government officials, there is limited sympathy for domestic workers who have fled their employers. A senior Ministry of Interior official told Amnesty International

researchers in March 2013 that the authorities treated people who came directly to the authorities from their employers differently than those who simply "ran away" for economic reasons, but that in most cases women flee to new employers to try to earn higher salaries, rather than because they are escaping from abuse.

However, the UN Special Rapporteur on the human rights of migrants found, in November 2013, that most women who were being held pending deportation had left their employers due to poor working conditions, and encouraged the authorities to stop detaining domestic workers in such situations:

"The majority of the women in the deportation centre had "run away" from abusive employers, particularly the domestic workers, and they wanted to return to their countries of origin. It is very unlikely that they present any risk of absconding, while they try to obtain passport, flight ticket and exit visa: their detention is not necessary and a violation of their rights. Accommodating such women in open shelters, instead of building a new ward for women at the deportation centre, would provide a much better and cheaper solution."¹⁵⁴

Officials at the deportation centre told Amnesty International in October 2012 that if a detainee makes a complaint of physical or sexual abuse, then the moment abuse is established the victim would be transferred to the Qatar Foundation for Combating Human Trafficking or the hospital psychiatric unit for the appropriate support.

However, it appears that if women do not report abuse, the authorities do not take any action to investigate the circumstances of women held at the detention centre, even when there are visible signs of abuse. For example, one domestic worker interviewed by researchers in the deportation centre clearly bore the physical marks of her abuse, which she said was inflicted by her employer (a case detailed on pages 40 and 41). Amnesty International raised her case in a letter to the Qatari authorities in April 2013 but did not receive a response.¹⁵⁵

The Qatari government has reportedly proposed to neighbouring states that domestic workers who "abscond" should be banned from taking up a job in another member state of the GCC (Gulf Cooperation Council - meaning Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE). In May 2012 a senior Labour Ministry official was quoted as applauding the proposal:

"This will seriously help curb the phenomenon [of "absconding" domestic workers]."¹⁵⁶

Such a proposal has disturbing implications; not only does it risk deterring women in abusive situations from leaving their employers, it introduces a punitive measure without any justification. It apparently fails to recognize that in many cases, women who leave employers do so because serious criminal offences have been committed against them, which should be investigated and prosecuted.

Some domestic workers seek assistance from the Qatar Foundation for Combating Human Trafficking when facing abuse, but many women also go to their embassies for refuge when they leave their employers' homes. The Qatari authorities have attempted to deter embassies from hosting their nationals in such situations. Amnesty International has seen a copy of a diplomatic memorandum issued by the Qatari Ministry of Foreign Affairs to all diplomatic missions in 2002 which states:

"Please refer those who seek refuge in embassies to the Search and Follow-up Department [a department of the Ministry of Interior, which also manages the deportation centre] to secure arrangements for their departure to their countries with the necessary speed."¹⁵⁷

Attempts by the Qatari authorities to prevent embassies from sheltering domestic workers who have fled their employers, like proposals to restrict the future employment opportunities of women who flee, further reduce the already limited options open to women who are being subjected to serious exploitation or even forced labour by their employer.

Instead of these steps, the authorities should decriminalise "absconding" and provide appropriate and sufficient open shelter facilities for domestic workers who leave their employers following workplace abuse, to allow them to file charges if they wish and safely make arrangements to either return home or find new employment.

PHYSICAL AND SEXUAL ABUSE

"The wife beat me every day... The husband was good; the children were fine. She would call me 'animal,' and say that I was crazy. She slapped me in the face so hard one time that my face turned black; it was so badly bruised. She once kicked me on the ground, kicking me all over, in my stomach."

BM, 30-year-old former domestic worker, describing the violence she was subjected to by an employer from a Middle Eastern country¹⁵⁸

Gender-based violence, including sexual violence, is globally a particular problem facing women working as domestic workers, in part because of their isolation in their employers' homes. The UN Committee on the Elimination of Discrimination against Women has stated that at a global level, "domestic workers are particularly vulnerable to physical and sexual assault, food and sleep deprivation and cruelty by their employers."¹⁵⁹

In Qatar, the UN Committee on the Elimination of Discrimination against Women in 2014 expressed "deep concern" at the "high prevalence of domestic and sexual violence against women and girls, including women migrant domestic workers."¹⁶⁰ In 2012 the UN Committee on Torture also stated, with regard to Qatar, that it had received "numerous allegations by migrant [domestic] workers of physical abuse, sexual violence, rape and attempted rape".¹⁶¹

During its research Amnesty International has spoken to women who experienced terrifying and shocking ordeals, yet have been unable to hold accountable their abusers. There are several serious obstacles confronting women domestic workers in Qatar: their exclusion from protections under the Labour Law and their enormous dependence on their employer, described above, both enables abuse and significantly restricts the ability of domestic workers to report such abuse; domestic workers are also apparently left out of the government's strategy to combat domestic violence; and women who suffer sexual abuse may also be afraid to report their assault for fear of being charged with the criminal offence of "illicit relations". Although not a recognized offence under international law, Qatari law criminalizes consensual sexual relations outside marriage as "illicit relations" or "love crimes".

THE SCALE OF DOMESTIC VIOLENCE, INCLUDING AGAINST DOMESTIC WORKERS, IN QATAR

Information about violence against domestic workers in Qatar, and how such cases are dealt with by the authorities, is difficult to obtain. The Government's National Strategy 2011 - 16 has recognized that there is a "lack of a systematic data collection system" relating to cases of domestic violence in general, and this appears to apply to an even greater extent to violence against domestic workers.¹⁶²

Amnesty International asked the authorities in July 2013 for statistics on the number of cases relating to complaints of physical abuse made by domestic workers against their employers and how such cases were dealt with, but has not been provided with this information to date.¹⁶³ In 2012 the UN Committee Against Torture noted the "lack of information provided by [Qatar] on complaints of violence made by migrant domestic workers during the reporting period and whether these led to investigations and prosecutions of perpetrators."¹⁶⁴ Such concerns were echoed by the Committee on the Elimination of Discrimination against Women in February 2014 which stated in its concluding observations that it was "concerned about ... the absence of a data collection system on cases of violence against women, as well as on prosecution and conviction rates".¹⁶⁵

Amnesty International is not aware of any published independent studies carried out to assess the prevalence of violence against domestic workers within the home in Qatar.¹⁶⁶ However, there are some studies which provide an indication of the extent of domestic violence against family members. A study by the Supreme Council of Family Affairs in 2008 into violence against married women found, for example, that 28 per cent of a sample of 1,117 married women experienced some form of violence in the home:

*"The survey found that 4 per cent of the married women in the sample were subjected to violence on a continuous basis, 10 per cent to violence from time to time and 14 per cent to violence on rare occasions."*¹⁶⁷

A survey carried out by Qatar University in 2011, sampling 408 men and 365 women, found that 38 per cent of men and 31 per cent of women justified "wife-beating" under certain circumstances.¹⁶⁸

In September 2012, the Qatar Foundation for the Protection of Women and Children (QFPWC), which provides support to victims of domestic violence, was quoted as stating that it had provided support to 521 women and 474 children during the first eight and a half months of the year.¹⁶⁹ In November 2012, the organization reported a 54 per cent rise between 2011 and 2012 in reports of violence against women. Eighty-six per cent of complaints related to physical assault, six per cent related to sexual violence and three per cent to "mental torture". Fifty-nine per cent of the women submitting complaints said that their husbands were responsible for the violence.¹⁷⁰ The Government's National Development Strategy 2011-16 states that domestic violence has risen in recent years:

*"Since 2004 Qatar has seen a significant jump in the number of reported domestic violence incidents against women and children. Such violence has devastating consequences not only for the victims but also for society as a whole."*¹⁷¹

There is some evidence from other contexts that domestic workers may be at increased risk of violence when they work in a context of domestic violence against family members.¹⁷² But the National Development Strategy does not include specific consideration of domestic workers' susceptibility to being subjected to violence in the home. In March 2013 representatives of the Supreme Council of Family Affairs told Amnesty International that there were not violations against domestic workers in the house.¹⁷³ No evidence was given in support of this assertion. Qatar's National Human Rights Committee has, however, noted in its annual reports that physical and sexual violence is among the abuses suffered by domestic workers in Qatar.¹⁷⁴

The Qatar Foundation for Combating Human Trafficking (QFCHT) - the main state-funded institution in Qatar providing assistance to domestic workers - provided Amnesty International with data regarding 52 cases of serious abuse of women it dealt with during 2012. The QFCHT states that 22 women reported physical abuse, and 11 sexual abuse. Nineteen were categorised as being victims of forced labour, visa trading and the trafficking of children. It is not clear exactly how many of these cases involved domestic workers and how many were filed by women in other professions.¹⁷⁵

Among the domestic workers Amnesty International researchers spoke to in Qatar, twelve women reported that some form of violence was used against them by their employers, including: slapping in the face; pulling hair; poking in the eyes; pushing; kicking down the stairs; throwing hot oil; kicking in the stomach; holding hot objects against the skin; and pinching or scratching of the skin.

Some workers reported that physical violence was used to punish them for not carrying out tasks or not behaving in the way their employers wanted. PD told researchers:

*"If I did anything wrong, I would get a slap on the back – even by the old man (grandfather) - and would be pushed... If you talk to the father in the wrong way, he will hit you around the face."*¹⁷⁶

In other cases women reported suffering because of domestic violence experienced by their employer. GA said:

*"Every time sir and madam would fight with each other, then madam would fight with me and the baby... It started in December 2012. She would promise she wouldn't do it again and then after a week would do it again. She pulled me, slapped my face, clutched at my face - she once drew blood from doing this because of her nails."*¹⁷⁷

Researchers interviewed an Indonesian woman, BB held in the deportation centre in March 2013, who had apparently been subjected to severe physical abuse by her female sponsor. Amnesty International's researcher saw several marks on her body, including marks that were consistent with a hot iron having been placed on her chest, beatings to her head and ear and cuts with a knife to her arm.

"If there was any problem she would beat me."

BB told Amnesty International that she had not been paid by her employer despite working for at least 17 months. She said she was never given breaks and had to sleep in a very small room, like a store room, and did not have a bed. She could not lock the door to her room. She would sometimes not be given food. She was not allowed to leave the house.¹⁷⁸

BB was eventually able to escape the house when the employer was away, but she collapsed on the street. She told researchers that she was found by the police, who took her to hospital. From there she had been transferred to the deportation centre. She said she had not made a formal complaint as she did not want to make trouble. She did not have her passport as it was still with the sponsor. Amnesty International wrote to the Ministry of Interior in April 2013 about her case but at the time of writing has not received any response.¹⁷⁹



An Indonesian former domestic worker shows researchers the marks on her body that she said were inflicted by her employer.
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State authorities should act proactively to protect survivors of abuse by investigating and providing access to support services. This woman, who had been subjected to sustained and vicious abuse over a period of months, was instead detained as if she had committed some kind of offence. Amnesty International has received no information to suggest that the police took action to investigate the case, despite the clearly visible physical injuries that were consistent with serious abuse. The apparent police failure in this case is both shocking and unjustifiable.

Three of the domestic workers who spoke to Amnesty International reported that they had been raped in the home in which they worked, by their employers, family members of their employers or other migrant workers. A fourth woman alleged that she had been subjected to a serious sexual assault by her employer. The horrendous experiences of two of these women are detailed in case studies on pages 46 and 50.

KT separately told Amnesty International she faced persistent sexual advances from her male employer.

"He would ask me for massages. He would say, 'massage me and I will massage you also.' He would always be touching and touching. I would tell his wife."¹⁸⁰

Eventually, she told researchers, she left this employer in December 2012, meaning that when Amnesty International met her in March 2013 she was at risk of being arrested and deported.

In a context where employers have the ability to prevent women from leaving the country, where there are no legal limits on domestic workers' working hours, and where there are no legal standards on their living conditions, sexual advances by employers towards women working as domestic workers take place within a heavily skewed power dynamic, placing women under significant pressure. It is therefore not surprising that some women in this situation may choose to leave.

CONCERNS ABOUT ACCOUNTABILITY FOR DOMESTIC WORKERS SUBJECTED TO VIOLENCE

Amnesty International has not come across cases during its research of a successful conviction for physical or sexual assault against a domestic worker. While some had made reports to the authorities and some form of investigation had apparently taken place, none of the women to whom researchers spoke had seen a prosecution or conviction of their abuser.

According to data provided by the Qatar Foundation for Combating Human Trafficking (QFCHT) official investigations were opened into around 20 of the 52 cases of physical abuse, sexual abuse, forced labour and trafficking that the Foundation documented in 2012. However, as of March 2013, none of the cases had led to a conviction of a perpetrator. It is not clear how long these investigations had been open or whether the other 32 cases had ever been investigated. At least two women had received compensation after dropping their cases, though it is not clear who paid this compensation.

An official from an embassy of a country of origin told Amnesty International that in the embassy's experience, very few cases of physical or sexual assault against domestic workers reach court.¹⁸¹

Some women who spoke to Amnesty International who had been subjected to physical violence had not filed complaints with the authorities at all, as they merely wished to leave the country and return home. At a meeting with representatives of Doha's Capital Police Station in October 2012, Amnesty International was told that the police had indeed received few cases of domestic workers who had reported violent attacks against them. Their explanation for this was that such abuse was rare.¹⁸² However, one embassy official told researchers:

"We have to be realistic in the advice we give about the chances of success. When women understand that they may have to wait here for many months, without working, before giving evidence, and could themselves face accusations, many choose to simply be repatriated."¹⁸³

As noted at the beginning of this section, several factors individually and in combination create a permissive environment for physical and sexual abuse of migrant workers as well as

creating almost insurmountable obstacles for women who experience abuse to seek and secure accountability and redress. These issues are discussed in more detail below.

GAPS IN GOVERNMENT'S STRATEGY TO PROTECT DOMESTIC WORKERS FROM PHYSICAL AND SEXUAL ABUSE

Gender-based violence must be addressed by states as a matter of priority, through a range of legal, political, administrative, educational and other measures. The Government of Qatar has recognized that it needs to enhance the measures it has in place to protect women and children from violence in the home. However, the government has, to date, failed to recognize that there is also a problem of violence against domestic workers in the home, and must put in place specific measures to prevent and address this, alongside and co-ordinated with measures to prevent violence against members of the family.

At present Qatar has no specific law criminalizing domestic violence and the Government's National Strategy notes that there is "no process for tackling domestic violence and child protection issues currently in operation."¹⁸⁴ While there are institutions such as the Qatar Foundation for the Protection of Women and Children that raise awareness of domestic violence, and provide support to victims, the Government has also recognized that more needs to be done to bring together the various agencies tasked with addressing this issue:

"[T]here are ... challenges such as ... poor coordination between governmental and nongovernmental organizations that are responsible for protecting women from domestic violence."¹⁸⁵

In its submission to the UN Committee on the Elimination of Discrimination against Women, Qatar's National Human Rights Committee set out its view of the key problems to be addressed:

"[T]here is no specific legislation in Qatar to protect women from violence outside the conventional frameworks of the Penal Code, and although the State has averted this situation by opening centers and relevant institutions, which in turn monitor and receive cases of violence, then find a remedy to these cases or transfer them to public prosecution. There are weaknesses in monitoring and executing of follow-up of cases and these is an urgent need to strengthen coordination between all governmental and non-governmental organizations and institutions associated with the protection from violence."¹⁸⁶

In 2013 the UN Special Rapporteur on violence against women, its causes and consequences set out the key responsibilities of states to address violence against women, including domestic violence:

"At a systemic level, States can meet their responsibility to protect, prevent and punish by, among other things, adopting or modifying legislation; developing strategies, action plans and awareness-raising campaigns and providing services; reinforcing the capacities and power of police, prosecutors and judges; adequately resourcing transformative change initiatives; and holding accountable those who fail to protect and prevent, as well as those who perpetrate violations of human rights of women. Also, States have to be involved more concretely in overall societal transformation to address structural and systemic gender inequality and discrimination."¹⁸⁷

The Government's strategy for 2011 - 2016 states that "formalized legal protection for those who report cases of violence to authorities will be established,"¹⁸⁸ and commits the Government to taking potentially positive steps:

*"The government will reduce domestic violence by establishing a comprehensive protection system that ensures privacy, protection and support for victims as well as anyone reporting violent incidents, establish help centres, streamline data collection methods and, most important, criminalize domestic violence."*¹⁸⁹

Amnesty International urges the Government of Qatar to urgently implement its commitments, stated in the National Strategy 2011-16, to "put in place a comprehensive domestic violence protection system" and to criminalize domestic violence.¹⁹⁰ But it is critical that this strategy, and any domestic violence law, ensures that definitions of domestic violence are not limited to relatives living in the same residence but also includes all persons, thereby protecting domestic workers. Additionally, the Government's strategy must ensure that measures are in place to effectively investigate and prosecute for domestic violence. Protection is critical, but it is important that domestic workers are seen not just as victims but are also provided with the means to hold accountable those who subject them to violence.

Hospitals and health care facilities are important institutions for combating domestic violence - they may offer the first opportunity for a victim of domestic violence to safely report their experience. Qatar's National Health Strategy 2011 - 16 notes the need to improve the capability of the health authorities to recognize and support victims of domestic violence. The strategy aimed, between 2011 and 2013, to:

*"Develop guidelines for screening for domestic violence; develop a tool for domestic violence screening and implement it initially in PHCs [primary health care centres] and the HMC [Hamad Medical Corporation] emergency department; [and] train PHC and emergency department staff on domestic violence counseling services available."*¹⁹¹

Amnesty International does not have information as to whether these objectives have been delivered, but notes that there is also no mention in the National Health Strategy of the specific challenges which migrant domestic workers face if subjected to domestic violence or any measures to address these challenges. The organization considers that the strategy should include training on how to support victims of domestic violence, including domestic workers, to file complaints with the authorities, should they wish to, in addition to receiving counselling.

OVER-RELIANCE ON FORENSIC MEDICAL EVIDENCE IN CASES OF SEXUAL VIOLENCE ACTS AS A BARRIER TO PROSECUTIONS

There is some indication that successfully prosecuting rape cases in Qatar is made more difficult because of discriminatory gender stereotypes which influence the nature of evidentiary requirements.

When an individual reports a sexual assault to the authorities, an examination is carried out by the Ministry of Interior's Department of Medical Services – sometimes known as the "police clinic" – to ascertain if there is physical evidence to support the allegation.¹⁹²

One individual who assists migrant domestic workers in Qatar in such situations and who wished to remain anonymous stated by email to Amnesty International that this clinic was the only medical institution recognized to deliver forensic results for criminal cases in Qatar, and that without unambiguous physical evidence from this clinic, prosecution was unlikely.

This individual told Amnesty International that in their view, the low rate of prosecution for sexual assault or rape of domestic workers was in part explained by the fact that incontrovertible physical evidence of a violent assault is normally required to pursue a prosecution.

"It seems that evidence for [the authorities] is exclusively medico-legal. For rape, there should be laceration or penetration."¹⁹³

Speaking to local media in July 2013, a prominent local lawyer, explaining the way in which prosecutors assess rape claims in Qatar, stated:

"She [a woman reporting rape] could push him (or) resist the movement by moving her hands – that would show a mark or scratch, which proves that she was under a physical struggle ... But if that doesn't show, she's lying. That's clear for any investigator."¹⁹⁴

These statements appear to reflect the existence of discriminatory assumptions about the reliability of women and girls' testimonies in the justice system. Discriminatory stereotypes that women and girls are likely to make false accusations of sexual violence exist in many countries. This leads to authorities placing an unreasonable emphasis on evidence other than the survivor's testimony, irrespective of the clarity and consistency of that testimony.

A forensic medical examination could show the presence of physical injuries or traces of semen; however, it cannot possibly show the presence or absence of consent to a sexual act. Lack of physical injury does not mean there was consent.

Officials at the Qatar Foundation for Combating Human Trafficking told Amnesty International in October 2012 that physical evidence was a key factor in determining how an allegation of rape or assault was treated by the authorities. If a woman delayed reporting physical or sexual abuse to the police, there was little chance of holding the perpetrator accountable.¹⁹⁵

There are a variety of reasons why domestic workers may not immediately report rape or sexual abuse to the authorities, including but not limited to post-traumatic shock, feelings of shame, fear of the repercussions of making a report, lack of information about how to make a report or physical confinement in the home.

Such limited evidentiary requirements for rape exist in many countries around the world and have previously been noted by the UN Special Rapporteur on violence against women:

"A reason for disproportionately low rates of reporting of rape could be that even though cases are brought to the courts, systemic obstacles and discrimination in the form of unreasonable

evidentiary requirements, the rejection of the victim's uncorroborated testimony, the evocation of a victim's past history, the focus on the victim's resistance, the emphasis on the overt use of force and requirement to prove chastity."¹⁹⁶

A UN expert panel on legislation regarding violence against women has detailed the many reasons which may prevent forensic or medical evidence being made available in cases of rape, and called for legislation regarding rape to state that medical and forensic evidence are not required in order to convict a perpetrator:

*"[F]orensic and medical evidence may not be available in court proceedings for a variety of reasons, including complainants' lack of knowledge regarding the importance of such evidence; fear of medical examination; actions taken that may unintentionally compromise evidence, such as washing after being sexually assaulted or time lapse in seeking services; lack of available facilities, or personnel trained in the collection of evidence in cases of violence against women in a manner sensitive to the complainant / survivor; and the nature of the violence. It is therefore important that legislation also allow for the prosecution and conviction of an offender based solely on the testimony of the complainant/survivor."*¹⁹⁷

CASE STUDY: "LACK OF EVIDENCE", LACK OF JUSTICE

"I told Madam I was scared of sir. When sir shouted, I was scared. She was scared too. She was very small, and he was very big. He was drunk a lot, he would smoke cigarettes and drink. When he was drunk she would only whisper to me. I told Madam I was scared because I was alone at home. I wanted to work outside of the house more. I never spoke to him; I would speak only to her."

'Angelica' was 49 years old when she travelled outside of the Philippines for the first time in 2011. She was married and had three children.

Her employers were a married couple. They would often fight, Angelica said, and the husband would throw things at his wife. She was paid every month and would send the money home to her family. For the first month she was paid 730 riyals [US\$200] and then 750 riyals [US\$205] every month after that. The contract she had signed promised that she would earn US\$400 per month.

Angelica wasn't allowed any days off work. Her employers told her that she could take a holiday only when she'd completed her contract. She was allowed to call her husband and children occasionally, but always had to use her female employer's mobile phone so could only call when permitted.

Angelica would wake up at 05:30 every day and start working immediately. Her female employer would leave for work at 07:00 at which point Angelica would go to work at the house of her male employer's mother until early in the afternoon. Angelica described her job as "to clean everything...the rooms, the bathroom, the yard, the car and to do the laundry and the ironing...it wasn't too bad."

Her employers usually did their own cooking. Sometimes Angelica was asked to help prepare a meal. Normally Angelica would work until about 20:00 and would go to bed around 21:00 or 21:30.

"I don't have any friends in Doha. I'm a Christian, but I was never allowed to go to church. Madam told me not to go outside. I could only go outside with her. When Madam went shopping, I would go with her."

Everything changed in August 2012. She was resting in her room while her employers were at a family gathering. At midnight Angelica heard a car arrive so she went outside to close the gate. Fifteen minutes later her buzzer rang. Angelica assumed that it was her female employer calling her, so she went downstairs where she found her male employer, who she said "smelt like alcohol". When she asked him, "where is madam?" he responded "ma fee madam ['madam' is not here]" and reached for her.

Angelica tried to run away but he caught her and removed her dress and hijab. Angelica said she asked him to wait, and as soon as he paused, she ran upstairs to hide in the bathroom. She tried to escape from the house but fell while trying to climb out of a small window. When she landed, she was in incredible pain and could not get up. She later found out that both her legs and feet had been broken and her spine was fractured.¹⁹⁸

She managed to crawl and drag herself into her room and locked the door. Her employer repeatedly kicked the door until there was a big hole. He walked into the room and despite Angelica begging him to leave her alone and get help as she lay on the carpet unable to move, he proceeded to commit a violent sexual assault against her. Only after the assault ended did he agree to call an ambulance, saying that he would help her because he loved her. Angelica told researchers she was terrified and thought that he was going to kill her.

When she spoke to the police, she said she had fallen off a ladder changing a light bulb. Explaining why she had said this, she told Amnesty International:

"I was very scared."

She was taken to the hospital early in the morning and eventually an operation on her spine was carried out. After a week her female employer came to visit her in the hospital and brought her ID card, but not her passport. While in hospital, she spoke to a social worker and told her everything that had happened. Eventually Angelica was moved to a shelter at the Philippines Overseas Labour Office. In September 2012 she went to the police station to file a complaint and went with the police to her employers' house.

"At the police station, an investigator told me that my employer spent a night in jail. I don't know for sure."

When researchers met Angelica in March 2013 she was in a wheelchair and told researchers that since the assault she had suffered urinal problems and incontinence. She had had titanium plates inserted into both legs. When she tried to walk, her legs and feet swelled up.

Angelica had only a photocopy of her passport at the time and she did not know if her employer or the police had the original.

"The employers have my ATM card. At the time of the attack, I had 1100 riyals [US\$302], a bit more than a month's salary, saved under my bed...I planned to buy a computer for my son with that money."

In October 2012 she went to the prosecutor's office and spent more than an hour telling the public prosecutor the full story. The prosecutor was male, as was the interpreter. No women were present. Five months later she told researchers:

"I told the interpreter that I wanted justice for myself. They said that they would analyse my case and get back to me. I am now waiting for a decision from the court. I don't know what day, what month I will go to court. They didn't tell me anything about what would happen. I haven't heard back from them, the prosecutor has

never gotten back to me. I don't have his number so I can't call him. I called the embassy yesterday to ask about my case, they didn't have any information."

"Now...the more I think about it, I want to go home. I think I'll have to drop the case. My situation is very hard. My family wants me to come home. My employer isn't going to give me anything; he isn't going to pay my salary. I don't think I'll win my case. I think I lost my case."

Amnesty International has since been informed by the Philippines Embassy that Angelica was repatriated in 2013. Her case had been dismissed by the Public Prosecutor's office due to "lack of evidence".¹⁹⁹

"LOVE CRIMES": DOMESTIC WORKERS AFFECTED BY THE CRIMINALIZATION OF CONSENTING SEXUAL RELATIONS

Women working as domestic workers, including those reporting sexual violence, appear to be particularly affected by the criminalization of consensual sexual relations outside marriage, under the charge of *zina* or "illicit relations" in the Penal Code. The UN Committee on the Elimination of Discrimination against Women stated in February 2014 its concerns with regard to *zina* in Qatar:

*"[D]omestic and sexual violence are underreported, as many women fear losing custody of their children, or women, particularly migrant domestic workers, face risk of being accused of and charged with 'illicit relations' and are subject to imprisonment."*²⁰⁰

An embassy official from a labour sending country told Amnesty International that most domestic workers do not go to the police to report sexual violence because they fear that they will face accusations of "illicit relations". The embassy representative said that in their experience, most cases of abuse which reach the Public Prosecutor's office are referred there by embassies, the Qatar Foundation for Combating Human Trafficking or the Qatar Foundation for the Protection of Women and Children, rather than from the police.²⁰¹

Police officials told Amnesty International in October 2012 that most cases the police encountered which involved domestic workers were cases of women arrested for the so-called "crime" of having sexual relations outside marriage.²⁰²

A senior prison official told Amnesty International researchers during a March 2013 visit that around half of the 75 women in detention (74 of whom were foreign nationals) were being held on charges related to "illicit relations". He said that about 70 per cent of the prisoners were domestic workers. A prison guard separately told Amnesty International that most women were there for "love crimes or theft".²⁰³

The representative of one sending country embassy also said that 50 per cent of the domestic worker criminal cases which they deal with relate to "immorality" charges.²⁰⁴ Researchers spoke to DH, a 27 year old former domestic worker in the prison who described how she had been arrested after the police realised she was having a relationship with her employer:

"My employer treated me as if I was his wife. It felt good, no problem, he gave me what I needed ... We were in a relationship for around five months. Then one day we had a big fight because I wanted to send a laptop to the Philippines. I was packing it up to send, and had a

pair of scissors in my hand. He was angry because he did not want me to send the laptop to the Philippines. He accused me of trying to hurt him with the scissors. He called the police and when they came, when they started investigating, they realized that we were in a relationship and accused me. I was arrested and went to court. I have ongoing hearings but have not yet been sentenced. I want to go home now. I don't know what happened to my employer, I don't want anything to do with him."²⁰⁵

The penalty for "illicit relations" is a prison sentence of up to seven years.²⁰⁶ However, a senior prison official told Amnesty International that foreign women convicted of this "offence" generally receive one-year prison sentences followed by deportation, although there are cases where the judge allows the person to go back to their sponsor or another employer following completion of the sentence.²⁰⁷ An embassy official also confirmed that a one-year prison sentence seems to be standard for this "offence". For Muslims, flogging sentences can also be imposed in addition to prison sentences.

Amnesty International opposes the criminalization of consensual sexual relations, irrespective of sexual orientation or marital status. Almost two decades ago, the UN Human Rights Committee confirmed that criminalization of consensual sex between adults was a violation of the right to privacy.²⁰⁸

The existence of the charge of "illicit relations" is a disincentive to women who have experienced sexual violence filing charges with the authorities since they fear that, if they are not believed, they could be charged with a crime. The chilling effect that the existence of this charge has on the willingness of women to report sexual violence or rape means that the charge has a disproportionate and discriminatory impact on women. The UN Human Rights Committee has previously called for the repeal of laws of this kind "so that women are not deterred from reporting rapes by fears that their claims will be associated with the crime of adultery".²⁰⁹

In 2009, the UN Division for the Advancement of Women published *Good Practices in Legislation on "Harmful Practices" Against Women*. This recommended that state legislation "mandate the repeal of any criminal offence related to adultery".²¹⁰ More recently, the UN Working Group on the issue of Discrimination against Women in Law and Practice has called upon governments to repeal laws criminalizing "adultery".²¹¹

The UN Committee against Torture has also expressed concern regarding the disproportionate role that these laws play in women's detention; acknowledging that sentences are applied in a discriminatory way against women.²¹²

In February 2014 the Committee on the Elimination of Discrimination against Women recommended that Qatar "amend the Penal Code to repeal the criminalization of consensual sexual relations outside marriage".²¹³

EFFECT OF THE "ILLICIT RELATIONS" CHARGE ON CHILDREN OF WOMEN IN DETENTION

Thirteen children between the ages of one month and two years old were held in the women's prison during Amnesty International's visit in March 2013, in most cases due to their mothers being held on charges of "illicit relations".²¹⁴ Five pregnant women were also detained at this time; researchers were told by officials that these women would be

transferred to the hospital to give birth, and both mother and baby would be brought back to the prison one or two days after the birth. Women imprisoned with children were held in dedicated dormitory cells separated from women without children.

Prison officials were at pains to demonstrate to Amnesty International researchers that they provided a high standard of medical care, health advice and nursery facilities for new mothers in detention and their children. However, as has been noted by the UN Special Rapporteur on the human rights of migrants following his visit to the prison, the detention of women with their children in such a context is absolutely unnecessary, is not in the best interests of the children, and does not comply with international standards:

"These women thus live in the prison with their babies, in conditions which are in clear violation of the principle of the best interests of the child, as stated in the Convention on the Rights of the Child. While noting that these women have violated Qatari law, it is unnecessary to keep them and their babies in prison: I urge the authorities to find other solutions for these women, and allow those who wish to return to their home countries with their babies to do so quickly, with the help of their consular authorities."²¹⁵

The United Nations Rules for the Treatment of Women Prisoners and Noncustodial Measures for Women Offenders, states that:

"Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children".²¹⁶

IMPRISONED FOR A "LOVE CRIME" AFTER REPORTING RAPE

'Analyn', a 46-year-old woman from the Philippines, told Amnesty International in March 2013 that she reported her rape to the police, but now faced a charge of "illicit relations", sometimes called a "love crime", applied to people accused of having consensual sexual relations outside marriage.

"I slept in the room outside, it is a storage room. It's like they took things outside of it and put like a small double bed enough for two persons inside. There was no cabinet. All my things were in my bag..."

A man one day came into my room from outside of the house. He was a worker in the house next door. They were renovating the house to three storeys. There were 11 or 12 workers. He noticed that I was by myself in the house.

He stood at the door of the room and he said, "don't be afraid, don't worry, I like you." I said, "go out and we can talk". But he forced his way inside. I didn't want to look like I am afraid. I had to be brave to convince him so that he doesn't do anything.

He came closer and I had to go back but there is no door to go out. The door is behind him. The only thing behind me is the bathroom.

I said 'don't do anything to me'. He said 'if you will fight me, if you tell anybody, no one will believe you... I have done this before with another khadima [maid]'.

He grabbed one of my arms and then grabbed my breast. I thought he would kill me. I asked him, "don't kill me". He said, 'even if you tell madam, no one will believe you.'

I started crying a lot. I felt something hard in his pocket and I thought maybe it is a knife. I thought in my mind if he does something then I can complain after. He will hurt me but maybe I won't die if I don't fight. He was a big man.

After he did it. After he raped me. He left. I went and washed myself. And I pray – asking for guidance.

I didn't know the phone number for madam or sir. I had a mobile. But only because I was warned by others that I should keep a mobile. So I called the agency and told them what happened and asked them what do I do?

They said to call 999. So I did. After one hour they came. But they couldn't come inside because the doors are locked in the house. The doors are always locked.

Police told me to go out from the window. I told them what happened. After my employer came I also told them what happened.

The police asked me: 'do you know this man?' I said I will only know if I see his face again.

Five workers in the house next door ran when the police went there. I think they must have known what happened. The man was not there. The police catch the five men and they ask me, 'which one?' I said, 'not any of these five.' Then they bring the five men to jail temporarily for investigation. In the afternoon, madam says go to capital police station to make a statement. So I went and they did a medical check...

They found a number of this man in my mobile. I had surrendered my mobile to them. But the other khadima [maid] used the mobile too...

It was three [police] men and one woman who interviewed me in a room downstairs.

But I was shaking. I had had no food or water... A CID person has asked me, 'how are you?' I asked for food and water. Then they gave me a small bottle of water and potato chips. They could see how hungry I was and drinking water with a big thirst. I took a paracetamol because I had a headache from all this and not eating.

Then in the morning at 07:00 or 08:00 they took me to the second floor. It was one man and one woman from CID for another statement. They said, 'this man is your boyfriend – yes or no?' I say to them, 'if he is my boyfriend – why should I complain?'. They said to me: 'don't reply in English, talk in Arabic only'. I say I can only understand few words. They said to me, 'you are a liar – talk Arabic'. The man he said 'if you do not talk Arabic then I will hit you with this' and he raised a hole puncher. They asked questions in Arabic and sometimes in English.

One of them told me that they find the Syrian man that night [the first night after this happened], at first he denied that he did anything but later he said that, 'yes I go to her room', he said that I invited him into my

room in his statement. The police and my employer believe him.

I stayed in jail for four months. After I finished two months in jail I asked a policewoman, 'why am I still here? I am a rape victim.' She checked my file and said, 'you are not a rape victim, you are a love case and trespassing [against the law].'²¹⁷

In December 2013, Analyn was sentenced to a year in prison. Her case is a powerful and disturbing illustration of the unjust treatment meted out to some domestic workers who report their rape. Rather than having her case taken seriously and being supported to file a charge against the alleged perpetrator after she herself called the police, Analyn was instead treated as a criminal and prosecuted for "illicit relations". At the time of writing, she remains in prison.

5. FORCED LABOUR AND HUMAN TRAFFICKING

"The Committee has noted that the so-called visa "sponsorship" system (or "Kafala" system) in certain countries in the Middle East may be conducive to the exaction of forced labour."
International Labour Organization Committee of Experts, 2012²¹⁸

Under internationally-recognized standards (see text box), if a person is working involuntarily and cannot leave their job because their employer or some other actor has given them reason to fear the consequences of trying to do so - known as a "menace of penalty" - this constitutes forced labour. During its research on the domestic workers sector in Qatar, Amnesty International has interviewed women who it believes had been, or were being, subjected to forced labour. The ways in which employers coerced them into working vary.

QATAR'S OBLIGATIONS TO COMBAT FORCED LABOUR AND HUMAN TRAFFICKING

The State of Qatar has committed to the elimination of **forced or compulsory labour**, by ratifying ILO Conventions 29 and 105 undertaking to "suppress the use of forced or compulsory labour in all its forms within the shortest possible period".

ILO Convention 29 defines "forced or compulsory labour" as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."²¹⁹ The following factors can be used to identify forced labour in practice:²²⁰

- Actual presence or threat of a penalty, including: physical or sexual violence; financial penalties (such as non-payment of wages); loss of rights or privileges; denunciation to authorities and deportation; dismissal from current employment or exclusion from future employment; deprivation of food, shelter or other necessities; etc.
- Lack of consent to work, including: restriction of freedom of movement, physical confinement in the work location; psychological compulsion; induced indebtedness (by falsification of accounts, reduced value of good or services produced, etc.); deception or false promises about types and terms of work; withholding and non-payment of wages; confiscation of identity documents; etc.

Under Qatari law, "forcing a person to work with or without a salary" is illegal under the Penal Code and carries a penalty of up to six months in prison and a fine of up to 3000 riyals [US\$824].²²¹ Amnesty International has previously expressed its concern that this penalty is not adequate, and therefore inconsistent

with Qatar's obligations under the 1930 ILO Forced Labour Convention, which states that, "it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate."²²²

Qatar is also a party to the "Palermo" Protocol to Prevent, Suppress and Punish **Trafficking in Persons**, Especially Women and Children,²²³ which commits signatory states to a range of measures to prevent trafficking, to punish traffickers and to protect the victims of such trafficking. Under the protocol, trafficking is defined as:

"[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, 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"

Human trafficking, under the Palermo Protocol, consists of three constituent elements: an act, a means and a purpose. For example, a person who has been recruited (the act) by use of deception (the means) to subject them to forced labour (the purpose) is therefore a victim of human trafficking. An ILO study on human trafficking in the Middle East has stated of the connection between forced labour and human trafficking:

"The Palermo Protocol is clearly linked to the ILO Forced Labour Convention, 1930 (No. 29). Human trafficking can thus also be regarded as forced labour, and so Convention No. 29 captures virtually the full spectrum of human trafficking."²²⁴

In 2011 the Government of Qatar passed Law no 15 on Human Trafficking, a step which Amnesty International welcomes. The Law defines the crime of human trafficking:

*"Shall be considered committing the crime of trafficking in persons anybody who used, in any form, or transported or extradited, or harbored him or received or a natural person, both within the country or across its national borders, whether by **use of force or violence or threat, or by abduction, fraud, or deception, or abuse of power, or the exploitation of vulnerability or need**, or a promise of giving or receiving of payments or benefits for somebody in exchange for his consent on trafficking another person over whom he has authority. All of these actions are considered crimes under this Law if these acts were committed with a view of **exploitation, whatever be its form, including sexual exploitation in prostitution or other forms of sexual exploitation, child exploitation in child pornography or begging, forced labor or servitudes, slavery or semi-slavery practices or servitude** or the removal of organs or human tissue, or part of it."²²⁵*

The law mandates a prison sentence of seven to 15 years for those convicted of the crime, depending on the severity of the offence. In March 2013, government officials informed Amnesty International that one person had been charged with the crime of human trafficking, in a case involving sexual exploitation.²²⁶ In April 2014 the authorities informed Amnesty International that there had been three prosecutions for human trafficking, of three people of different nationalities. No further details were provided.²²⁷

The 2011 law on human trafficking should play a significant role in protecting domestic workers from labour exploitation. It is essential that the Qatari authorities act to make law enforcement officials fully aware of the existence of this law, and how to identify potential victims in line with international standards on human

trafficking. The authorities should also develop strategies as to how to increase the number of prosecutions and convictions for human trafficking.

Convictions will clearly demonstrate to potential perpetrators that they will be held accountable if they engage in human trafficking for the purposes of labour exploitation. An ILO study on trafficking in the Middle East notes the impact of not pursuing traffickers:

"The lack of strategic litigation against employers and private employment agents who violate the laws means there is little to deter others from confining migrant workers in exploitative situations against their will."²²⁸

Under Articles 2 and 25 of the 2011 human trafficking law, victims are exempted from the penalties under the Sponsorship Law. This should play a positive role as, for example, domestic workers who have been victims of human trafficking should be able to leave their employers and seek assistance without fear of being arrested or deporting for "absconding". In July 2013 Amnesty International asked the government for information on the number of people who had been afforded the protection of this provision, but at the time of publication has not yet received a response on this issue.

In several of the cases documented by Amnesty International, women had clearly not voluntarily agreed to the work they were doing. This included cases where the women were deceived about the terms and conditions of work and then found themselves unable to leave because they were confined to their employer's house and their employer held their passports. Some women clearly asked to leave their employment, and Qatar, and were not allowed to do so. As detailed in Chapter 4, in Qatar migrant workers who try to leave employers without the consent of the employer can face a charge of "absconding".

Women also faced penalties if they refused to carry out work, including threats of physical violence and financial penalties. Some women told Amnesty International that when they asked to stop work and return home, they were told - sometimes by employers and sometimes by recruitment agents - that they would have to "repay" all the money which had been spent on their recruitment if they wanted to leave. Others said they were subjected to verbal or physical abuse by their employers when they made efforts to leave the employment.

The existence of the exit permit under Qatar's sponsorship system, which means that immigration officials do not allow foreign national workers to leave Qatar without first having obtained the permission of their employers, increases the risk of forced labour.²²⁹ It means that domestic workers are unable simply to resign and leave the country if their working conditions are intolerable. The exit permit system also sends a signal to employers that it may be justified for them not to allow their employees to leave the country, and in this way encourages the related but illegal practice of passport confiscation. An ILO study on trafficking in the Middle East, linking sponsorship or *kafala* systems with forced labour, states:

"Employers justify the retention of passports and confinement in the home on the basis of the kafala system, which gives them legal responsibility for the residency and employment of their domestic workers. Their sense of entitlement over the worker is heightened by the significant cash outlay they have made to recruit him or her from another country."²³⁰

Amnesty International spoke to one employer - who otherwise stated her strong commitment

to migrant workers' rights - who said it was necessary to maintain the exit permit system, because domestic workers sometimes decided they wanted to leave and go home early in the duration of their contracts, even though employers had spent large sums of money on their recruitment. It was therefore necessary to be able to restrict them from leaving the country.²³¹ The implication of such a view is that by paying the costs of domestic workers' recruitment, employers have purchased the right to control their lives entirely for the duration of their contract.

Three domestic workers told Amnesty International that when they asked to return home because their terms of employment were so different from what they had been promised, they were simply told that they could not leave.²³² SS told Amnesty International:

*"I went to the playground with the children as there was a picnic. I told the friends of theirs [her employers] who came to the picnic that I wanted to go and that Sir had hit me in the face. Sir came over quickly and his friend grabbed me and said, 'you have to stay in the Arabic country. Better for you as you are stupid'. Then they took me back in the car. They said to me 'if you don't come back into the car I will hit you'."*²³³

GA, a 34-year-old Filipino woman who had arrived in Qatar in March 2012, told researchers that in December 2012, her employer began to regularly hit her. After one occasion when she was subjected to physical violence, she asked to leave and return to her recruitment agency. She said that when she did this her employer threatened to kill her. Her employer began withholding her salary each month - perhaps as a way of deterring her from leaving the house.

On other occasions, she said, her employer told her that if she tried to leave, she would be made to work for 10 months without salary, and that she would file a criminal charge against her in order to have her jailed. Her case is a very clear example of how domestic workers can be subjected to forced labour.

*"After I said I wanted to leave, she said to me, 'I will kill you if you want to leave my house'. Then other times when I said I wanted to leave because madam shouted at me or hit me, Madam would then say 'If you want to leave my house I will make you work ten months without salary' or 'If you leave I will put you in jail and make some story lines [make up a false accusation]'."*²³⁴

The threat of being reported to the authorities for a criminal offence is not one that domestic workers can afford to take lightly. Amnesty International has spoken to three former domestic workers who said they had been reported to the authorities for stealing from their employers. All denied the accusations.

LM, 32, serving a one-year sentence in prison for theft, told researchers she was accused of stealing 10,000 riyals [US\$2,746] from her employer's friend, whose house she had been asked to clean while her employer was away. She expressed confusion at the charge:

*"I don't know what happened with the money, I didn't steal it."*²³⁵

CL and RB, who left their employer together and sought refuge with their embassy after experiencing very poor working conditions said that their employer came to their embassy to

find them, and said she was planning to file a charge of theft of 10,000 riyals [US\$2,746]. CL said her mother had offered to pay for her ticket back home, but her employer was adamant that she could not leave, and was refusing to return her passport.

"I think she wants to make up a story about us ... The cupboards are all locked so how can we take stuff?"

A country of origin embassy representative told Amnesty International that in the majority of theft cases, there was no evidence presented that the accused women had committed any crime.

"In about 70 per cent of the theft cases which go to court, women are found guilty. Sometimes, in the minority of cases, the women will admit to taking money or there is evidence against them."²³⁶

HUMAN TRAFFICKING

Trafficking in persons involves each of the following elements:

- Acts: recruitment, transportation, transfer, harbouring or receipt of a person
- Means: threats, use of force, coercion, abduction, fraud, deception or abuse of power
- Purpose: exploitation including forced labour or sexual exploitation

Recruitment agencies need to ensure they are not involved in and do not contribute to a process in which may involve human trafficking as defined above.

Employers in Qatar have to take adequate steps to ensure that domestic workers have not been deceived or coerced about the nature, terms and conditions of the work they are undertaking. If workers are subjected to labour exploitation then employers may be responsible for human trafficking.

In cases examined by Amnesty International the deception about terms and conditions of work was intimately linked to the subsequent labour exploitation (for example, women being compelled to work far more hours than agreed at the point of recruitment). In several cases documented by Amnesty International the exploitation amounted to forced labour where women faced a threat of physical violence and/or were denied freedom of movement – restricted to a private home and without passport or other documents.

Due to the many links in international recruitment chains, domestic workers generally report that when they confront them, their recruiters and employers all tend to deny any knowledge of deception, and blame other parties involved in the recruitment process. This increases the difficulty of domestic workers holding accountable those responsible for their deception and / or trafficking. Where an employer recruits a migrant domestic worker directly, without the use of recruiters, human trafficking can be more transparently observed. In March 2013 Amnesty International researchers interviewed a 20-year-old woman identified as AS, who had arrived in Qatar in August 2012 from her home country of Ghana, having been recruited directly by her European sponsor.

AS told researchers she was deceived about the terms of her work. Before she left her home country she spoke to her employer directly - a friend of a woman who was employing a friend of AS in Qatar - who promised her payment of 800 riyals [US\$220] a month and told her she would be given days off. But when she arrived her employer told her that she would only earn 730 riyals [US\$200] a month.

"I work really long hours. I wake up at 05:00 and start working, and I continue until 23:30 or midnight. At night I have to do the ironing. I don't get any off days, even though she promised me off days. She says it's an off day when I stay in the house with the kids on Friday."

AS described to Amnesty International how her employer regularly threatened to hit her, told her that she could "do whatever she wants" with AS, and refused to stop her daughter from punching and slapping AS.

When Amnesty International spoke to her in March 2013, she said she had only been paid for three of the seven months she had worked. She had repeatedly asked her employer if she could leave and return home, but her employer had spoken to AS's mother by phone and told her that she could not return home. The employer later told AS she would not let her leave unless she paid over US\$700 compensation for the costs of her original outbound flight to Qatar, a sum she did not have, because four months of her salary had been withheld.

"I want to go back. I'm really not happy here... I have a three-year contract, and have no way to get the money to go back. I don't have a written contract, just a verbal contract. She has my residence card and my passport. The people at the airport gave it to her; I don't have any access to it."

Based on her testimony, Amnesty International believes that AS was a victim of human trafficking. Her recruitment involved deception about the terms and conditions of work - not just about her salary but about many other aspects of her working and living conditions - and brought her into a situation clearly amounting to forced labour, where her employer refused to let her leave and return home, and had withheld several months of pay due to her.

MEASURES TO PROTECT AND ASSIST VICTIMS OF HUMAN TRAFFICKING

The Qatar Foundation for Combating Human Trafficking (QFCHT)²³⁷ is a quasi-governmental body established in 2008 that "liaises with law enforcement bodies ... when following up on cases of human trafficking", and conducts training of law enforcement agencies on how to recognize victims of human trafficking.²³⁸

The QFCHT also offers shelter to victims of trafficking. In 2013 the shelter's capacity was 37, but staff told Amnesty International that there were plans to expand the capacity of the shelter to around 100.²³⁹ The government states that the QFCHT's services include: accommodation and legal advice for victims; access for women victims to lawyers; health, psychological and social services; assistance in gaining access to new employment opportunities; voluntary repatriation for victims who have recovered and have received rehabilitation assistance; assistance in settling victims' affairs and in finding a new sponsor, in conjunction with the authorities.²⁴⁰ Such services are much needed by domestic workers who have suffered serious abuses including human trafficking.

The QFCHT operates a hotline number to call for assistance and stated in 2013 that it receives 200 to 300 phone-calls a month from domestic workers or their relatives.²⁴¹ However, statistics provided by officials to Amnesty International indicate that throughout 2012 the QFCHT registered only 58 "complaints" from domestic workers and 40 women were hosted at the shelter.²⁴² When Amnesty International visited the shelter in October 2012, there were 17 women staying there.

In February 2014, Qatar's delegation to the Committee on the Elimination of Discrimination against Women stated that "as only 107 women had sought shelter with the Qatar Foundation for Combating Human Trafficking between 2008 and 2013, there was no need to open new shelters."²⁴³

These numbers are, in Amnesty International's opinion, not reflective of the need for support and shelter amongst domestic workers, given that the QFCHT is receiving a high number of calls from domestic workers each month in need of assistance, and given the high volumes of women seeking assistance at their embassies. It is not fully clear why there is such a discrepancy between the number of calls the QFCHT receives from domestic workers and the number of women provided with shelter and other support services.

One factor may be in the criteria the QFCHT uses to assess whether women should be admitted to the shelter. QFCHT staff told researchers in March 2013 that indicators include whether women showed marks of bruises or physical abuse, or whether their salaries have been delayed for three months or more.²⁴⁴ A number of domestic workers interviewed by Amnesty International who had suffered severe abuse and were in need of assistance would not necessarily meet such criteria, which do not reflect international standards. Amnesty International recommends that the QFCHT revise these indicators to ensure that it is using the internationally-recognized definitions for forced labour and human trafficking (see text box) when assessing individual cases.

The discrepancy between the number of calls the QFCHT receives from domestic workers and the number of complaints registered also raises the question of what support or assistance is offered by the Foundation to the large numbers of women calling whose complaints are not registered with the Foundation. Given the lack of legal protection for their rights and the restrictive nature of the sponsorship system, any domestic worker calling the QFCHT is likely to require advice or support interceding with the relevant authorities. Amnesty International recommends that the QFCHT ensure that it has procedures in place to ensure that an effective response is provided to each caller, including by logging and registering the call and the type of complaint and providing advice or assistance as necessary.

Amnesty International welcomes the establishment of the QFCHT and believes that the services it endeavors to provide are much needed. For this reason the capacity, resources and specialist expertise of the QFCHT should be significantly increased to allow it to address the full scale of the need for protection of domestic workers who are victims of abuse, and meet the needs of the large numbers of people contacting the Foundation. As described in Chapter 4, too many domestic workers are detained in the deportation centre when they should be offered the protection and support of the state and housed in open shelters following abuse. In November 2013 the UN Special Rapporteur on the human rights of migrants called for the QFCHT shelter to be expanded.²⁴⁵

6. RECOMMENDATIONS

Amnesty International's research, supported by the findings of the UN Special Rapporteur on the human rights of migrants and embassies of countries of origin, has found serious abuse of migrant women employed as domestic workers in Qatar. While domestic workers are at risk of exploitation in many countries of the world, it is clear that the way in which women are recruited and employed in Qatar and the lack of legal protection for domestic workers' labour rights exacerbates the situation very significantly and increases women's exposure to serious exploitation.

In its response to the Committee on the Elimination of Discrimination against Women in 2014, the government stated that it had set up "a working group that includes staff from the Ministry of the Interior and the Ministry of Labour and Social Affairs to coordinate, on an ongoing basis, matters relevant to migrant workers, particularly those in domestic service, and to consider optimal ways to ensure that their rights are protected."²⁴⁶

Such a group should lead a new approach. Addressing abuses against domestic workers in Qatar will require co-ordinated and ambitious moves across government, to change the way in which domestic workers are perceived and legislated for. Instead of being seen as potential threats to social stability, domestic workers should be celebrated for the contribution they make to Qatar's economy and society. Concrete, tangible steps by the government to ensure the respect for domestic workers' rights will be the most effective way to begin changing attitudes towards a group who are so often marginalised and hidden from sight.

Amnesty International's specific recommendations in this regard are outlined below.

TO THE GOVERNMENT OF QATAR

Legal protection for domestic workers

- Repeal or amend Article 3 of the Labour Law to ensure that all workers – including domestic workers and other excluded categories – have their labour rights protected by law, equally;
- Ratify ILO Convention 189 on Domestic Workers, incorporate its provisions into domestic law, and implement them in law, policy and practice;
- Pass legislation which provides specific protective measures to ensure that the rights of

domestic workers are fully respected, compliant with ILO Convention 189 on Domestic Workers and other relevant international standards;

- Remove the requirement in the Sponsorship Law for foreign nationals to obtain the permission of their current employer before moving jobs;
- Remove the requirement in the Sponsorship Law for foreign nationals to obtain the permission of their current employer in order to leave the country; and
- Amend the Labour Law to allow all migrant workers, including domestic workers, to form or join trade unions.

Preventing deception and human trafficking in the recruitment process

- Work closely with governments of migrant workers' countries of origin to prevent instances of contract substitution;
- Assess recruitment agencies in Qatar for their compliance with international human rights standards, publish these assessments, and cancel the recruitment licences of agencies who do not comply;
- Hold accountable recruitment agencies in Qatar found to have deceived women over the terms and conditions of their work, or who have failed to take action when alerted to employers who are not honouring contracts or respecting rights of workers;
- Improve awareness among both domestic workers and state officials of the Human Trafficking Law and the possibility of bringing convictions for the crime of human trafficking;
- Increase the application of the provision under the Human Trafficking Law which allow for victims of human trafficking to be exempted from the provisions of the Sponsorship Law; and
- Provide a residence permit for trafficked persons wishing to pursue compensation from the perpetrators.

Options for women who leave their employers

- Decriminalise "absconding", never detain individuals for the sole purpose of having "run away" from their employer, and always explore alternatives to detention; and
- Establish more open shelters for women who have left their employers without permission and wish to return to their home countries, and increase the Qatar Foundation for Combating Human Trafficking's capacity, resources and specialist expertise.

Increasing access of domestic workers to access to justice

- Specifically criminalize domestic violence, ensuring that the definition is not limited to relatives living in the same residence but also includes all persons, thereby protecting

domestic workers;

- Develop a dedicated cross-government strategy to ensure that domestic workers can complain of violence, including sexual abuse, and other abuse, without fear or harassment and that where sufficient admissible evidence exists, perpetrators are prosecuted;
- Permit those who file complaints to return to their home countries during court cases or to work for new sponsors through the duration of their cases;
- Make it mandatory for all police officers and deportation centre officials to undergo training to identify and assist victims of domestic violence, including domestic workers;
- Prevent employers of domestic workers who have been convicted of violence or other abuse against domestic workers from recruiting employees;
- Ensure that legislation regarding rape states that medical and forensic evidence are collected in line with international guidelines and are not given disproportionate weight over other evidence, such as the victim's testimony, in order to convict a perpetrator; and
- Address discriminatory stereotypes of women and girls, including women domestic workers, in the justice system.

"Illicit relations"

- Reform the Penal Code to remove the prohibition on consenting sexual relations outside marriage;
- Stop the practice of detaining women with their children on charges of "illicit relations"; and
- Release immediately and unconditionally those convicted of "illicit relations" or detained pending prosecution.

Countering discriminatory attitudes

- Take special measures, including awareness-raising through the media, and educational campaigns to counter stereotypical attitudes towards women migrant domestic workers.

TO THE GOVERNMENTS OF MIGRANT DOMESTIC WORKERS' COUNTRIES OF ORIGIN:

- Strengthen and enforce regulation of recruitment companies and agencies and laws to protect workers from predatory recruiters, ensuring that recruitment agencies who breach regulations face appropriate penalties;

- Establish better pre-travel training and orientation for migrant domestic workers recruited to work in Qatar and other Gulf Cooperation Council countries;
- Increase the scope of support provided by diplomatic missions in Qatar to migrant domestic workers facing exploitation or abuse; and
- Ensure that all migrant workers, regardless of whether they migrated via "official" routes, have access to a transparent and effective complaints mechanism through which they or their families can seek redress if they were trafficked and forced to work under exploitative terms or conditions, or if they are deprived of the benefits to which they are entitled as a result of accidents, illness or death while abroad.

ENDNOTES

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- ¹⁴ National Human Rights Committee Annual Report 2011, page 50 (<http://www.nhrc-qa.org/wp-content/uploads/2014/01/NHRC-Annual-Report-A-2011.pdf>).
- ¹⁵ For example, see the ILO's Global Action Programme on Migrant Domestic Workers and their Families, which states: "[M]igrant domestic workers are more exposed than nationals to vulnerabilities and violations of human and labour rights, especially due to disadvantages that stem from their low-status, an absence of protection and assistance mechanisms in both destination and sending countries, their migration status, and the negative implications that are associated with the informality of domestic work." (http://www.ilo.org/migrant/capacity-building-and-technical-assistance-on-labour-migration/projects/WCMS_222567/lang-en/index.htm)

- ¹⁶ See *False Promises: Exploitation and forced labour of Nepalese migrant workers* (Index: ASA 31/007/2011) December 2011, and *Exploited for profit, failed by governments: Indonesian migrant domestic workers trafficked to Hong Kong* (Index Number: ASA 17/029/2013), November 2013.
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- ¹⁸ Law no 11 of 2004, the Penal Code, Article 281.
- ¹⁹ For detailed analysis of Qatar's sponsorship system, see *The Dark Side of Migration: Spotlight on Qatar's construction sector ahead of the World Cup* (Index Number: MDE 22/010/2013, November 2013).
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- ²⁹ Nepal bans women under 30 from working in Gulf states, CNN, 10 August 2012 (<http://edition.cnn.com/2012/08/09/world/meast/nepal-migrant-workers>)
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- ³² According to the 2010 census, there were 48,237 foreign national men in Qatar's domestic work sector. Men employed directly by households work in a variety of roles including as drivers, gardeners, cleaners and cooks. The focus of this report on women should not be seen to imply that male domestic workers do not face labour exploitation. Men in such roles are equally unprotected by Qatar's Labour Law. Amnesty International chose to focus its research on the situation of women in such roles because initial discussion with academics, activists and embassies indicated that women face specific risks, because the nature of the work places in such close proximity to their employers, inside their homes - and because in some cases they are affected by gender discrimination in addition to the heightened risk of labour exploitation which all migrant workers face.

³³ Amnesty International interview, Doha, 8 March 2013.

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³⁵ Various Amnesty International interviews with domestic workers, Doha, March 2013. Also see Tricked and trapped: human trafficking in the Middle East, H el ene Harroff-Tavel and Alix Nasri, ILO Regional Office for the Arab States, 2013, page 47 (http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_211214.pdf).

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⁴⁴ Amnesty International interview, Doha, 10 March 2013.

⁴⁵ When women have taken on debt in order to pay for their recruitment, this exacerbates the difficulty women face when they have been deceived into accepting roles under false pretences. Conversations with domestic workers, sending country embassies and those working to assist domestic workers confirm that many women arrive in Qatar having taken on debts to fund their migration. For example, woman told researchers said she had taken a loan of 10,000 pesos (US\$224) from her friend's father to cover the costs of her placement, and she was paying this back at 10 per cent per annum.

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²¹¹ "Joint Statement of the United Nations Working Group on Discrimination Against Women in Law and Practice", 18 October 2012. Available at:
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12672&LangID=E>

²¹² CAT/C/YEM/CO/2/Rev.1 (CAT, 2010) (Yemen): The [CAT] is concerned that the majority of women in prison have been sentenced for prostitution, adultery, alcoholism, unlawful or indecent behaviour, in a private or public setting, as well as for violating restrictions of movement imposed by family traditions and Yemeni laws; the Committee also notes with concern that such sentences are applied in a discriminatory way against women

²¹³ Committee on the Elimination of Discrimination against Women: Concluding observations on the initial report of Qatar, 28 February 2014, CEDAW/C/QAT/CO/1, para 24(e), page 5
(http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=140)

²¹⁴ Information provided by senior prison officials to Amnesty International researchers, 21 March 2013.

²¹⁵ UN Special Rapporteur on the human rights of migrants concludes country visit to Qatar, OHCHR

News, 10 November 2013

(<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13974&LangID=E>).

²¹⁶ UN General Assembly Resolution 2010/16: United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (<http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>).

²¹⁷ Amnesty International interview, Doha, 13 March 2013.

²¹⁸ International Labour Conference, 101st Session, 2012: General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008 (http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_174846.pdf)

²¹⁹ ILO Convention 29 concerning Forced or Compulsory Labour (1930), Article 2(1).

²²⁰ International Labour Office, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and rights at Work*, 2005, p6 and par14, modified.

²²¹ Article 322. If the victim is under 16, the maximum penalty rises to a prison sentence of up to seven years and a fine of up to 10,000 riyals [US\$2746].

²²² Article 25.

²²³ supplementing the United Nations Convention against Transnational Organized Crime.

²²⁴ Tricked and trapped: human trafficking in the Middle East, Hélène Harroff-Tavel and Alix Nasri, ILO Regional Office for the Arab States, 2013, page 21 (http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_211214.pdf)

²²⁵ Emphasis added by Amnesty International to highlight the most relevant sections of the definition relating to findings of this report.

²²⁶ Meeting with Amnesty International, Doha, 21 March 2013.

²²⁷ Letter from the Ministry of Foreign Affairs to Amnesty International, dated 16 April 2014.

²²⁸ Tricked and trapped: human trafficking in the Middle East, Hélène Harroff-Tavel and Alix Nasri, ILO Regional Office for the Arab States, 2013, page 14 (http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_211214.pdf)

²²⁹ For detailed analysis of the exit permit, please see *The Dark Side of Migration: Spotlight on Qatar's construction sector ahead of the World Cup* (Index Number: MDE 22/010/2013, November 2013).

²³⁰ Tricked and trapped: human trafficking in the Middle East, Hélène Harroff-Tavel and Alix Nasri, ILO Regional Office for the Arab States, 2013, page 15 (http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_211214.pdf)

²³¹ Amnesty International interview, Doha, 14 November 2013.

²³² Because domestic workers are excluded from the terms of the Labour Law, they have no statutory right under Qatari law to a notice period to terminate their employment and no way to complain to the authorities if their terms and conditions are breached.

²³³ Amnesty International interview, Doha, 13 March 2013.

²³⁴ Amnesty International interview, Doha, 12 March 2013.

²³⁵ Amnesty International interview, Doha, 21 March 2013.

²³⁶ Meeting with Amnesty International, 8 October 2012.

²³⁷ It was reported in March 2014 that the QFCHT was going through a merger process with other institutions, under the new title of the Qatar Foundation for Protection and Social Rehabilitation (See QFPSR holds change management workshop, *Gulf Times*, 3 March 2014, <http://www.gulf-times.com/qatar/178/details/383323/qfpsr-holds-change-management-workshop>).

²³⁸ Committee on the Elimination of Discrimination against Women: Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Initial reports of States parties: Qatar, CEDAW/C/QAT/1. 21 March 2012, para 170 (http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fQAT%2f1&Lang=en).

²³⁹ Meeting with Amnesty International, 14 March 2013.

²⁴⁰ Committee on the Elimination of Discrimination against Women: List of issues and questions in relation to the initial report of Qatar; Replies of Qatar, 3 December 2013, CEDAW/C/QAT/Q/1/Add.1, Question VI.15, page 21 (http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fQAT%2fQ%2f1%2fAdd.1&Lang=en)

²⁴¹ QFCHT succour for harassed workers, *Qatar Tribune*, 8 January 2013 (http://www.qatar-tribune.com/data/20130108/content.asp?section=first1_3).

²⁴² Statistics provided to Amnesty International on 14 March 2013.

²⁴³ Committee on the Elimination of Discrimination against Women, Fifty-seventh session: Summary record (partial)* of the 1192nd meeting, CEDAW/C/SR.1192, 21 February 2014, para 9.

²⁴⁴ Meeting with Amnesty International, Doha, 14 March 2013.

²⁴⁵ UN Special Rapporteur on the human rights of migrants concludes country visit to Qatar, OHCHR News, 10 November 2013 (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13974&LangID=E>).

²⁴⁶ Committee on the Elimination of Discrimination against Women: List of issues and questions in relation to the initial report of Qatar; Replies of Qatar, 3 December 2013, CEDAW/C/QAT/Q/1/Add.1, Question X1.23, page 31 (http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fQAT%2fQ%2f1%2fAdd.1&Lang=en).

ANNEXES

ANNEX 1: LETTER FROM QATAR MINISTRY OF FOREIGN AFFAIRS TO AMNESTY INTERNATIONAL, DATED 17 APRIL 2014

Ministry of Foreign Affairs



اداره حقوق الانسان

الرقم:

التاريخ: ٢٠١٤/٠٤/١٧

المحترم،،،

السيد/ فليب لوثر
مدير برنامج الشرق الأوسط وشمال أفريقيا
منظمة العفو الدولية
لندن

تحية طيبة وبعد،،،

أشكركم على كتابكم بتاريخ ٢١ مارس ٢٠١٤ والمتضمن مذكرتكم حول النتائج التفصيلية حول أوضاع العملات بالمنازل الوافدات في دولة قطر. وأسماحوا لي أن أشكركم على تثمينكم تعاون حكومة دولة قطر خلال الزيارتين التي قامت بهما منظماتكم في شهري اكتوبر ٢٠١٢ ومارس ٢٠١٣ وكذلك خلال زيارة الأمين العام لمنظماتكم في شهر نوفمبر ٢٠١٣.

وأود أن أؤكد لكم اهتمامنا بما ورد في مذكرتكم المشار إليها وبترحيبنا باستمرار التعاون والحوار مع منظمة العفو الدولية حول هذا الموضوع وأي موضوعات أخرى تقع في إطار اهتمامنا المشترك في سبيل كفالة حقوق الإنسان واحترامها. وبعد مخاطبتنا للجهات المعنية في الدولة بشأن النتائج التفصيلية المضمنة في مذكرتكم حول أوضاع العملات بالمنازل الوافدات للدولة، نود أن نتقدم بالردود والملاحظات التالية.

أولاً: عدم وجود حماية قانونية لحقوق عمالات المنازل

إن عمالات المنازل بدولة قطر، وإن كانوا لا يخضعون لقانون العمل الصادر بالقانون رقم (١٤) لسنة ٢٠٠٤، إلا أن المشرع القطري قد نص على حزمة من الإجراءات الواجب إتباعها لدى الشروع في استخدام فئة المستخدمين في المنازل، والكفيلة بعدم تعرض تلك الفئة

لعمليات التحايل من قبل بعض أصحاب العمل أو شركات الاستخدام، وتضمن في ذات الوقت كافة حقوقهم القانونية تجاه كفلائهم.

كما وأن استثناء هذه الفئة من نطاق تطبيق قانون العمل لا يعني عدم وجود حماية قانونية لحقوقهم أو عدم وجود قانون يحمي هذه الحقوق فكافة المنازعات التي قد تنشأ بين عاملات المنازل وكفلائهم، المتعلقة بتنفيذ حقوق والتزامات كل من الطرفين المترتبة على العقد تخضع لأحكام قواعد القانون المدني رقم (٢٢) لسنة ٢٠٠٤، كما ينظم العلاقة التعاقدية مع أصحاب العمل العقود النموذجية الملحقة بالاتفاقيات الثنائية والتي وقعتها الدولة مع الدول المرسلة للعمالة.

وفيما يتعلق باستخدام العمالة المنزلية من الخارج لحساب الغير، فقد حرص قانون العمل القطري رقم ١٤ لسنة ٢٠٠٤ على تنظيمها كما أشير إليها بالفصل الثالث حيث حظر استخدام عمال من الخارج لحساب الغير إلا بعد الحصول على ترخيص بذلك، كما حظر أن يتقاضى المرخص له أي مبالغ مالية من العامل المستقدم بصفة أتعاب أو مصاريف استخدام أو غير ذلك من التكاليف، وقد صدر القرار الوزاري رقم (٨) لسنة ٢٠٠٥ بتنظيم شروط وإجراءات الترخيص، وأرفق به نموذج عقد استخدام عمال من الخارج يحدد التزامات كل من المكتب وصاحب العمل، وتقوم وزارة العمل بمتابعة تطبيق أحكام القانون والقرار الوزاري المشار إليهما وذلك من خلال زيارات دورية ومفاجئة على هذه المكاتب للتحقق من عدم استغلال هذه الفئة من العمالة والحفاظ على حقوقهم.

تجدر الإشارة إلى أنه يتم حالياً دراسة مشروع القانون الخاص بالعمال المنزليين ليتوافق مع أحكام اتفاقية العمل الولية الخاصة بالعمل اللائق للعمال المنزليين ومعايير العمل الدولية، ومازال المشروع قيد الاجراءات التشريعية.

المحاسبة على جرائم الاعتداء الجسدي والجنسي

أولى المشرع القطري عناية خاصة بالجرائم الواقعة على الأشخاص، وبخاصة الجرائم الماسة بحياة الانسان وسلامته والجرائم الواقعة على العرض فنص في المواد (٣٠٨، ٣٠٩، ٣٠١١، ٢٠١١،



٣١٢، ٢٧٩، ٢٨٠) من قانون العقوبات رقم (١١) لسنة ٢٠٠٤ على الآتي:

(أ) العقوبات المقررة على الاعتداء الجسدي في قانون العقوبات

المادة (٣٠٨) والتي تنص على (يعاقب بالحبس مدة لا تجاوز سنتين، والغرامة التي لا تزيد على عشرة آلاف ريال، أو بإحدى هاتين العقوبتين، كل من اعتدى عمداً على سلامة جسم غيره بأي وسيلة، وأفضى الاعتداء إلى مرضه، أو عجزه عن أعماله الشخصية مدة تزيد على عشرين يوماً).

وتكون الحبس مدة لا تجاوز ثلاث سنوات، والغرامة التي لا تزيد على خمسة عشر ألف ريال، أو بإحدى هاتين العقوبتين، إذا كان الفعل صادراً عن سبق إصرار أو ترصد، أو من أكثر من شخص).

المادة (٣٠٩) والتي تنص على (يعاقب بالحبس مدة لا تجاوز سنة، وبالغرامة التي لا تزيد على خمسة آلاف ريال، أو بإحدى هاتين العقوبتين، كل من اعتدى عمداً على جسم غيره بأي وسيلة، ولم يبلغ الاعتداء درجة الجسامة المنصوص عليها في المادتين السابقتين).

المادة (٣١١) والتي نصت على أن (يعاقب بالحبس مدة لا تجاوز ثلاث سنوات، وبالغرامة التي لا تزيد على عشرة آلاف ريال، أو بإحدى هاتين العقوبتين، كل من تسبب بخطئه في موت شخص بأن كان ذلك ناشئاً عن إهماله أو رعونته أو عدم احترامه أو عدم مراعاة القوانين أو اللوائح وفي جميع الأحوال، يعاقب الجاني بالحبس مدة لا تجاوز سنة، إذا عفا ولي الدم أو قبل الدية) كما نصت المادة (٣١٢) على أن (يعاقب بالحبس مدة لا تجاوز ستة أشهر، وبالغرامة التي لا تزيد على ألف ريال، أو بإحدى هاتين العقوبتين، كل من تسبب بخطئه في المساس بسلامة شخص، بأن كان ذلك ناشئاً عن إهماله أو رعونته أو عدم احترامه، أو عدم مراعاة القوانين أو اللوائح وتكون العقوبة الحبس مدة لا تجاوز سنة، والغرامة التي لا تزيد على خمسة آلاف ريال، أو إحدى هاتين العقوبتين، إذا نشأ عن الجريمة عاهة مستديمة. وفي جميع الأحوال، يعاقب الجاني بالحبس مدة لا تجاوز شهرين، إذا عفا المجني عليه أو وليه أو قبل الأرش).

(ب) العقوبات المقررة على الاعتداء الجنسي في قانون العقوبات

المادة (٢٧٩)، والتي تنص على (يعاقب بالإعدام، أو الحبس المؤبد، كل من وقع أنثى بغير رضاها، سواء بالإكراه أو بالتهديد، أو بالحيلة. وتكون العقوبة الإعدام، إذا كان الجاني من أصول المجني عليها، أو من المتولين تربيتها أو رعايتها، أو ممن لهم سلطة عليها، أو كان خادماً عندها أو عند من تقدم ذكرهم).

المادة (٢٨٠)، والتي تنص على (يعاقب بالحبس المؤبد، كل من وقع أنثى بغير إكراه، أو تهديد، أو حيلة، مع علمه بأنها مجنونة، أو معتوهة، أو لم تبلغ السادسة عشرة من عمرها. وتكون العقوبة الإعدام، إذا كان الجاني ممن نص عليهم في الفقرة الثانية من المادة السابقة). أما بشأن عدد الملاحقات القضائية بتهمة الاتجار بالبشر أن جريمة الاتجار بالبشر من الجرائم التي تحتاج إلى جهد من قبل جهات إنفاذ القانون، وبخاصة في عملية تعقب وملاحقة المجرمين، والتحرري وجمع الاستدلالات، وقد قامت الجهات المعنية بملاحقة الأشخاص الضالعين في جرائم الاتجار بالبشر، وذلك استناداً لأحكام قانون مكافحة الاتجار بالبشر رقم (١١) لسنة ٢٠١١، ونشير فيما يلي إلى بعض الملاحقات الجنائية لجريمة الاتجار بالبشر:

م	نوع الاستغلال وفقاً لقانون مكافحة الاتجار بالبشر رقم (١٥) لسنة ٢٠١١	عدد البلاغات	عدد المتهمين	الجنسية
١	المادة (٢) جريمة الاتجار بالبشر	٣	٣	مختلفة
المجموع الكلي للبلاغات (٣) بلاغات				

استبدال عقود العمل والخداع في شروط وظروف العمل

عنى المشرع القطري بعقود العمل، ونص على أحكامها في قانون العمل القطري رقم (١٤) لسنة ٢٠٠٤، وذلك حرصاً منه على عدم استغلال العامل من قبل رب العمل (الكفيل)، فقد نصت المادة (٣٨) من القانون سالف الذكر، على (يكون عقد العمل مكتوباً ومصداقاً عليه من الإدارة، ومحرراً من ثلاث نسخ، تسلم لكل من الطرفين نسخة، وتودع الثالثة لدى الإدارة).

حيث ويحدد عقد العمل الأحكام الخاصة بعلاقة العمل بين طرفيه، ويجب أن يتضمن بوجه خاص البيانات الآتية:

اسم صاحب العمل ومكان العمل.

اسم العامل ومؤهله وجنسيته ومهنته ومحل إقامته، وما يلزم لإثبات شخصيته.

تاريخ إبرام العقد.

طبيعة ونوع العمل ومحل التعاقد.

تاريخ مباشرة العمل.

مدة العقد إذا كان محدد المدة.

الأجر المتفق عليه وطريقة وموعد أدائه.

وإذا لم يكن عقد العمل مكتوباً، جاز للعامل إثبات علاقة العمل، والحقوق التي نشأت له، بجميع طرق الإثبات).

وعليه فإنه في حال قيام رب العمل (الكفيل) بمخالفة بنود العقد والتحايل على العامل فمن حق العامل تقديم شكوى لدى إدارة علاقات العمل بوزارة العمل، وفي حال عدم التوصل لحل ودى يرضى طرفي العقد فمن حق العامل اللجوء للمحكمة الابتدائية الدوائر العمالية لرفع دعوى على رب العمل.

منع العمال من مغادرة البلاد

في حال قيام رب العمل (الكفيل) بالتعسف في منع العامل من مغادرة البلاد فمن حق العامل اللجوء لإدارة البحث والمتابعة بوزارة الداخلية لتقديم شكوى على الكفيل، ومن ثم تقوم الإدارة أعلاه باتخاذ الاجراءات القانونية لتأمين مغادرته للبلاد، والرجوع على الكفيل بالغرامات المقررة لذلك، وذلك استناداً لنص المادة (١٨) من قانون دخول وخروج الوافدين وإقامتهم وكفالتهم رقم (٤) لسنة ٢٠٠٩، والتي تنص على أن (يجب على كل وافد منحت له سمة لدخول الدولة أن يكون له كفيل. ولا يصرح للوافدين، فيما عدا النساء اللاتي على كفالة رب الأسرة والقصر والزوار الذين لا تجاوز مدة زيارتهم للدولة ثلاثين يوماً، بمغادرة البلاد بصفة مؤقتة أو نهائية إلا بعد تقديم إذن بالخروج من كفيل الإقامة).

ويحل محل هذا الإذن، عند تعذر حصول الوافد عليه لامتناع كفيله عن إعطائه له أو لوفاء الكفيل أو لغيابه مع عدم تعيينه وكيلاً عنه، تقديم كفيل خروج، أو شهادة بعدم وجود أحكام تحت التنفيذ، أو دعاوى مطالبية ضد الوافد، تصدر من المحاكم المختصة بعد مضي خمسة عشر يوماً من تاريخ الإعلان في صحيفتين يوميتين لمرّة واحدة عن تاريخ مغادرة الوافد البلاد، وذلك وفقاً للإجراءات والضوابط التي يصدر بها قرار من الوزير).

مشاكل دفع الرواتب

لقد أولى المشرع القطري اهتماماً كبيراً بالعمال ووضع لهم حماية قانونية خاصة بهم ويتبلور هذا الاهتمام في صدور قانون العمل القطري رقم "١٤" لسنة ٢٠٠٤، الذي نظم حقوق وواجبات العامل في الفصل السادس حيث نصت المادة (٦٥) على أن (يستحق العامل الأجر المحدد في عقد العمل، فإذا لم يحدد الأجر في العقد استحق العامل الأجر وفقاً لما تقضي به لائحة تنظيم العمل. وإذا لم يحدد الأجر وفقاً لما ورد في الفقرة السابقة، يستحق العامل أجراً يُعادل الأجر المقدر لعمل من النوع ذاته في المنشأة، وإلا يقدر طبقاً لعرف المهنة في الجهة التي يؤدي فيها العمل، فإذا لم يوجد تولى القاضي تقدير الأجر وفقاً لمقتضيات العدالة).

كما نص القانون على عدم جواز وقف الراتب أو استقطاع جزء منه إلا بموجب حكم قضائي، وذلك عملاً بنص المادة (٧٠) من قانون العمل، والتي نصت على (لا يجوز الحجز على أي جزء من الأجر المستحق للعامل أو وقف صرفه إلا لتنفيذاً لحكم قضائي. وفي حالة الحجز تنفيذاً لأحكام قضائية، يكون لسداد دين النفقة الشرعية الأولوية على جميع الديون الأخرى. ولا يجوز أن يزيد مجموع المبالغ المحجوز عليها على (٣٥%) من أجر العامل المدين.

ولا يجوز لصاحب العمل أن يتقاضى أية فائدة على ما يقرضه للعامل، كما لا يجوز له أن يقتطع من أجر العامل أكثر من (١٠%) وفاءً لما يكون قد أقرضه له من المال. ولا يجوز أن يزيد مجموع ما يقتطع من أجر العامل وفاءً للخصومات والديون المترتبة في ذمته على (٥٠%) من مجموع أجره. فإذا زادت نسبة ما يجب اقتطاعه خلال شهر واحد على ذلك، أجل اقتطاع النسبة الزائدة إلى الشهر أو الأشهر التالية).

ساعات العمل المفرطة، وقت الراحة المحدد في العمل، والعمل في الصيف:

أولاً: ساعات العمل المفرطة ووقت الراحة المحدد في العمل

كفل المشرع القطري تنظيم ساعات العمل والأجر المستحق على العمل الإضافي، والعمل في الصيف في الفصل السابع من قانون العمل رقم (١٤) لسنة ٢٠٠٤، وقرار وزير شؤون الخدمة المدنية والإسكان رقم (١٦) لسنة ٢٠٠٧ بتحديد ساعات العمل في أماكن العمل المكشوفة خلال الصيف. إذ نص في المادة (٧٣) من قانون العمل على أن (يكون الحد الأقصى لساعات العمل العادية، ثمان وأربعين ساعة في الأسبوع وواقع ثماني ساعات يومياً في جميع أشهر السنة عدا شهر رمضان، فيكون ست وثلاثين ساعة في الأسبوع وواقع ست ساعات يومياً. ولا يحسب ضمن ساعات العمل الوقت الذي يقضيه العامل في الانتقال بين مكان سكنه ومكان العمل).

ويجب أن تتخلل ساعات العمل، فترة أو أكثر للصلاة والراحة وتناول الطعام، لا تقل عن ساعة ولا تزيد على ثلاث ساعات، ولا تدخل هذه الفترات في حساب ساعات العمل، ويراعى في تحديد فترة أو فترات الراحة، ألا يشتغل العامل أكثر من خمس ساعات متتالية. ويصدر بتحديد الأعمال التي يجوز فيها استمرار العمل دون توقف لأغراض الراحة، قرار من الوزير).

كما نص المشرع على الأجر الإضافي لساعات العمل الإضافية، وذلك بموجب نص المادة (٧٤) من قانون العمل، والتي تنص على أن (يجوز تشغيل العمال ساعات إضافية، زيادة على ساعات العمل المحددة في المادة السابقة، على ألا يزيد مجموع ساعات العمل الفعلية في اليوم الواحد على عشر ساعات، إلا إذا كان العمل لازماً لمنع وقوع خسارة جسيمة أو حادث خطير أو لإصلاح أو للتخفيف من أثر ما نشأ عن تلك الخسارة أو ذلك الحادث).

وعلى صاحب العمل أن يدفع للعمال عن الساعات الإضافية ما لا يقل عن الأجر الأساسي المستحق عن ساعات العمل العادية، مضافاً إليه زيادة لا تقل عن (٢٥%) من هذا الأجر. كما يدفع للعمال الذين يعملون بين الساعة التاسعة مساءً والثالثة صباحاً الأجر الأساسي المستحق عن ساعات العمل العادية مضافاً إليه زيادة لا تقل عن (٥٠%) من ذلك الأجر وذلك فيما عدا عمال المناوبة.

نص المشرع على حق العامل في راحة أسبوعية مدفوعة الأجر، وذلك عملاً بنص المادة (٧٥)، والتي تنص على (يمنح العامل راحة أسبوعية مدفوعة الأجر، لا تقل عن أربع وعشرين ساعة متتالية، ويوم الجمعة هو يوم الراحة الأسبوعية العادي لجميع العمال فيما عدا عمال المناوبة، وإذا استدعت ظروف العمل تشغيل العامل في يوم الراحة الأسبوعية، ووجب أن يعرض عنه بيوم آخر للراحة وأن يدفع له عن عمله في هذا اليوم ما يدفع له عن يوم الراحة الأسبوعية العادي أو يدفع له أجره الأساسي المستحق له مضافاً إليه زيادة تعادل (١٥٠%) من أجره على الأقل. وفيما عدا عمال المناوبة لا يجوز تشغيل العامل أكثر من يومي جمعة متتاليتين).

ثانياً: العمل في الصيف

حددت المادة (١) من قرار وزير شؤون الخدمة المدنية والإسكان رقم (١٦) لسنة ٢٠٠٧ بتحديد ساعات العمل في أماكن العمل المكشوفة خلال الصيف، والتي تنص على أن (تحدد ساعات العمل، للأعمال التي تؤدي تحت الشمس أو في أماكن العمل المكشوفة، خلال المدة من ١٥ يونيو وحتى ٣١ أغسطس من كل عام بحيث لا تزيد على خمس ساعات في الفترة الصباحية، ولا تتجاوز الساعة الحادية عشرة والنصف صباحاً على ألا يبدأ العمل في الفترة المسائية قبل الساعة الثالثة مساءً).

سوء أماكن الإقامة

سعت دولة قطر من خلال مؤسساتها وتشريعاتها، إلى ضمان حماية قانونية كاملة للعمالة الوافدة في كل مراحل الاستقدام حتى مباشرة عملها في الدولة، ويعتبر توفير السكن اللائق لها عنصراً جوهرياً من عناصر ضمان الكرامة الإنسانية، وحقاً من حقوقها بموجب فقه حدد قرار وزير شؤون الخدمة المدنية والإسكان رقم (١٧) لسنة ٢٠٠٥، بشأن تحديد اشتراطات ومواصفات السكن المناسب للعمال، أهم الضوابط اللازم توافرها في سكن العمال فنصت المادة (٢) منه على أن:

- ١- ألا تقل المساحة المخصصة للفرد الواحد داخل الغرفة المشتركة عن أربعة أمتار من المساحة الخالية.
 - ٢- عدم إيواء أكثر من أربعة عمال داخل الغرفة الواحدة في المجمعات السكنية وثمانية عمال في المساكن المؤقت.
 - ٣- ألا تستخدم المداخل أو الممرات أو أسطح المباني أو السرايب كغرف لإيواء العمال.
 - ٤- ألا تسمح نوافذ المبنى بتسرب أي أتربة وأن تغطى بسلك معدني يمنع دخول الحشرات.
 - ٥- أن تكون جميع الغرف جيدة التهوية وتتوفر بها الإضاءة الطبيعية مع تزويدها بالإضاءة الصناعية الكافية".
- كما تم التنسيق بشأن اصدار دليل اشتراطات السكن الملائم للمنشآت بين وزارة العمل، وكل من وزارة الداخلية، ووزارة البيئة، واللجنة الوطنية لحقوق الانسان، وغرفة تجارة وصناعة قطر، ووزارة الصحة، ووزارة البلدية والتخطيط العمراني.

الاعتداء الجسدي والجنسي، والحبس والمعاملة المهينة للعمال المنزليين

إن المشرع القطري قد قرر حماية تشريعية لجميع الأفراد بمن فيهم العمال المنزليين، إذ جرم القانون كافة أشكال الاستغلال أو الاعتداء الجسدي أو الجنسي أو المعاملة المسيئة، أو الانتهاكات الأخرى التي قد يتعرض لها العاملين في المنازل، ومن ثم فإنه يحق لهذه الفئة حال تعرضهم لأي شكل من الاستغلال أو الاعتداء بأنواعه التقدم مباشرة ببلاغ إلى الجهات المختصة، حيث أن تقديم الشكوى من المجني عليه في مثل هذه الجرائم هو شرط لتحريك الدعوى الجنائية الناشئة عنها، ولعل العلة من ذلك هي ترك تقدير ملائمة تحريك الدعوى الجنائية للمجني عليه في مثل هذا النوع من الجرائم.

وتقوم الدار القطرية للإيواء والرعاية الإنسانية التابعة للمؤسسة القطرية للحماية والتأهيل الاجتماعي بإيواء عاملات المنازل ضحايا الاعتداء الجسدي أو الجنسي، أو المعرضين للمعاملة المهينة، وتقديم كافة سبل الدعم القانوني والطبي والنفسي وإعادة التأهيل، ومساعدتهم في الحصول على التعويض المناسب جبراً للضرر الذي لحق بهم.

- وفي إطار الحماية القانونية لهذه الفئة من العمالة فقد قامت بالعديد من البرامج التوعوية للعاملات في المنازل ومنها على سبيل المثال ما يلي:
- 1- ورشة عمل تحت عنوان "وضع الخادمت الفلبينيات في قطر" لمناقشة حقوق العاملات في المنازل، بهدف تحديد القضايا التي تواجه خادمت المنازل في قطر، والصعوبات التي تواجههن عند القدوم إلى قطر، والخدمات التي تقدمها المؤسسة لخادمت المنازل.
 - 2- نظمت المؤسسة بالتنسيق مع المركز العمالي بالسفارة الفلبينية برنامجاً استهدف العاملات في المنازل من الجنسية الفلبينية اللاتي يلجأن للسفارة طلباً لحماية وقد اشتمل البرنامج على فقرات تعريفية عن الاتجار بالبشر والمؤسسة والخدمات التي تقدمها والتعرف على المشكلات التي تؤدي إلى لجوء الخادمة لسفارة بلدها طلباً للحماية وقد ترتب على هذا البرنامج تقديم الخدمات لجميع الخادمت من خلال توفير أوضاعهن وإعادتهن لسوق العمل أو إعادتهن لبلدتهن أو إيوائهن بالدار القطرية الملحقه بالمؤسسة.
 - 3- برنامج توعوي تعريفى خاص بها تحت شعار (معاً نجعل حياتهم مختلفة - لعاملات المنازل) حيث استهدف البرنامج طلاب المدارس والجامعات والموظفين العاملين في المؤسسات الحكومية ومؤسسات القطاع الخاص.
 - 4- نظمت المؤسسة بالتعاون مع مؤسسة حمد الطبية ورشة صحية بعنوان (أسس الرعاية العاجلة لإنقاذ الحياة والإسعافات الأولية)، في دار لإيواء بهدف نشر الوعي الصحي بين موظفي المؤسسة وتفعيل دور الممرضات بالدار.
 - 5- استقبال عدد من السفراء المعتمدين بالدول حيث استقبلت السفير الهندي والسفير التايلندي ووفد من السفارة الإندونيسية والفلبينية، وذلك لمناقشة بعض الصعوبات التي تواجه رعاياهم من العمال والعاملين في المنازل.
 - 6- إعداد مرئيات ومقترحات حول مشروع قانون المستخدمين في المنازل، وتقديمها إلى اللجنة المعنية بإعداد مشروع القانون.
 - 7- عمل دراسة نظرية ميدانية (مسحية) حول العمالة المنزلية بدولة قطر، وهي تتناول كشف واقع خدم المنازل ومشكلاتهم والآثار المترتبة على تشغيلهم، بغية وضع الحلول العلمية والعملية لمعالجة هذه المشكلات وقد صدرت الدراسة وتم رفع توصياتها للجهات المختصة.

العمل الجبري والاتجار بالبشر

انطلاقاً من النصوص التشريعية القطرية، والتي تهدف إلى حماية حقوق العمالة الوافدة من كافة أشكال الاستغلال في العمل الجبري والاتجار بالبشر، وفي مقدمتها نص المادة (٣٠) من الدستور الدائم لدولة قطر، والتي تنص على (أن العلاقة بين العمال وأرباب العمل أساسها العدالة الاجتماعية وينظمها القانون)، والقانون رقم (١٥) لسنة ٢٠١١، بشأن مكافحة الاتجار بالبشر، ونص المادة (٣٢٢) من قانون العقوبات رقم (١١) لسنة ٢٠٠٤، والمتعلقة بالسخرة، والتي تنص على أن (يعاقب بالحبس مدة لا تجاوز سنة أشهر والغرامة التي لا تزيد على ثلاثة آلاف ريال أو بإحدى هاتين العقوبتين كل من سخر أو اكراه إنساناً على العمل سواء باجر أو بغير أجر).

وللتزاماً بما ورد في المواثيق والاتفاقيات الدولية المعنية بحقوق العمالة ومكافحة كافة أشكال استغلالها والتي انضمت إليها دولة قطر، ومنها اتفاقيتي منظمة العمل الدولية رقم (٢٩) بشأن العمل الإلزامي (السخرة) لعام ١٩٣٠، ورقم (١٠٥) بشأن إلغاء العمل الجبري لعام ١٩٥٧، وبروتوكول منع وقمع ومعاقبة الاتجار بالأشخاص وبخاصة النساء والأطفال، والمكمل لاتفاقية الأمم المتحدة لمكافحة الجريمة المنظمة لعام ٢٠٠٠.

فقد قامت المؤسسة القطرية للحماية والتأهيل الاجتماعي (المؤسسة القطرية لمكافحة الاتجار بالبشر سابقاً) بوضع وتنفيذ العديد من البرامج التوعوية، والحملات الوطنية لحماية حقوق العمالة الوافدة لدولة قطر، وذلك تفعيلاً للخطة الوطنية لمكافحة الاتجار بالبشر (٢٠١٠/٢٠١٥)، ونورد فيما يلي نماذج من الحملات التي قامت بها المؤسسة، وذلك على النحو الآتي:

- ١- حملة توعوية في إطار اليوم العالمي للعمال: نظمت المؤسسة حملة توعوية بالمركز العمالي الصحي بالصناعية من عمال الشركات والمؤسسات، اشتملت الحملة التوعوية على محاضرة ومسابقة ثقافية في الموضوعات ذات الصلة بمكافحة الاتجار بالبشر والعمل الجبري.
- ٢- حملة توعوية لعمال (راس غاز): نظمت المؤسسة بحملة توعوية لعمال شركة راس غاز في مدينة رأس لفان الصناعية كونها من الشركات الكبرى في الدولة. وكان من أهداف الحملة، تعريف العمال بظاهرة الاتجار بالبشر عالمياً وتعريفهم بحقوقهم، بالإضافة إلى التعريف بالخدمات التي تقدمها المؤسسة لضحايا الاتجار بالبشر والعمل الجبري.
- ٣- حملة (سواعد البناء من أجل النماء): نظمت المؤسسة حملة توعوية للعمال في كافة أنحاء الدولة بهدف تعزيز التواصل مع العمال من خلال لقاءهم المباشر في أماكن تجمعاتهم ولقاءاتهم


Ministry of Foreign Affairs



دولة قطر
الجمهورية العربية الإسلامية

- الترويجية، ونشر التوعية حول حقوقهم وواجباتهم المهنية والاخلاقية وتقديم ارشادات مبسطة، وتلقى الشكاوى من العمال المتضررين بغية مقابلتهم في المؤسسة ودراسة مشكلاتهم.
- ٤- تنظيم ورشة بعنوان السياسات التنموية والعمالة الوافدة بين التمكين والحماية من الاتجار بالبشر: والذي نظمتها المؤسسة بالتعاون مع مركز التضامن العمالي.
- ٥- الدليل الإرشادي للوافدين: قامت المؤسسة بإعداد كتيب إرشادي للعمالة الوافدة إلى دولة قطر يعرفهم بحقوقهم القانونية، وقد تم توزيع ما يقرب من (١٠,٠٠٠) آلاف نسخة.

وتفضلوا بقبول فائق الاحترام والتقدير،،،


خالد بن جاسم آل ثاني
مدير إدارة حقوق الإنسان