

QATAR: Tier 2

The Government of Qatar does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Qatar remained on Tier 2. The government demonstrated increasing efforts during the reporting period by enacting the Domestic Worker Law to better protect domestic workers and a labor law amendment to overhaul the onerous labor court system and establish Labor Dispute Resolution Committees (LDRC). Substantial progress was made towards implementing the electronic contracting system and new labor dispute panels designed to greatly accelerate resolution of labor dispute cases. It strengthened enforcement on prohibitions against passport retention and substantially increased the number of investigations and prosecutions of forced labor cases and trafficking-related crimes. It also signed major agreements with an international body and a foreign government committing itself to a substantial number of additional reforms and the elimination of remaining restrictions on movement. The government, however, did not meet the minimum standards in several key areas. It did not report prosecuting any Qatari employers or recruitment agencies for forced labor. The government often did not investigate for trafficking indicators such as passport retention, labor violations, and complaints of abuse, and authorities reportedly arrested, detained, and deported potential trafficking victims for immigration violations or for fleeing their employers or sponsors. The government did not provide data on the number of victims it identified or assisted, and it did not hold complicit officials criminally accountable.

RECOMMENDATIONS FOR QATAR

Increase efforts to investigate indicators of trafficking, prosecute trafficking offenses, and convict and punish traffickers, particularly for forced labor crimes, under the anti-trafficking law; continue to implement reforms to the sponsorship system so it does not provide excessive power to sponsors or employers in granting and maintaining the legal status of migrant workers; fully implement reforms to protect migrant workers from abusive practices and working conditions that may amount to forced labor; fully implement the new domestic worker law, which conforms with international standards, and extend full labor law protections to domestic workers; continue to implement the new LDRCs to expedite cases pertaining to contract or employment disputes; continue to implement the electronic contracting system to reduce instances of contract substitution;

strengthen enforcement of the law criminalizing passport retention; ensure the Wage Protection System (WPS) covers all companies, including small and medium-sized companies, joint ventures, and foreign-owned companies; consistently apply formal procedures to identify victims of all forms of trafficking proactively among vulnerable groups, such as those arrested for immigration violations or prostitution or who flee abusive employers; collect and report data pertaining to the number of victims identified and the services provided to them; continue to provide anti-trafficking training to government officials, targeting the judicial sector, labor inspectors, and diplomatic personnel; and continue to conduct anti-trafficking public awareness campaigns.

PROSECUTION

The government increased overall anti-trafficking law enforcement efforts. The 2011 anti-trafficking law criminalized sex and labor trafficking and prescribed penalties of up to seven years imprisonment and a fine of up to 250,000 Qatari riyal (\$68,680) for offenses involving adult male victims and up to 15 years imprisonment and a fine of up to 300,000 Qatari riyal (\$82,420) if the offense involved an adult female or child victim. Heads of recruiting agencies found guilty of trafficking faced up to five years imprisonment and a fine of up to 200,000 Qatari riyal (\$54,950). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Under Law number 4 of 2009, the government criminalized the confiscation of workers' passports by a sponsor, punishable by a maximum fine of 25,000 Qatari riyal (\$6,870).

During the reporting period, the government reported investigating 149 potential trafficking cases, an increase from 93 in 2016; some of these cases likely involved other crimes often conflated with trafficking. The government reported prosecuting, but not yet convicting, one suspected trafficker under the 2011 anti-trafficking law, similar to the previous reporting period. The Public Prosecution Office (PPO), however, initiated prosecutions involving 109 cases of forced labor, up from zero the previous year, though none have yet resulted in convictions. During the previous reporting period, it achieved 28 trafficking-related convictions, including facilitating prostitution and unscrupulous employment practices. During the year, out of 4,230 cases of worker grievances, parties mutually resolved 2,720 in out-of-court settlements and officials referred 763 to the judiciary. Under various sections of the labor code, the PPO convicted up to 19 companies for labor law contraventions, including failure to comply with work

hour limitations, grant a mandatory rest day, or pay overtime. Labor courts handed down 2,575 judgments, an improvement from the 2,039 judgments made in 2016. In 2017, the government continued to strengthen its enforcement of the law prohibiting passport retention by investigating 361 cases and referring 53 to the PPO; it prosecuted 48 cases and administered fines to the perpetrators of passport retention during the previous reporting period. However, the government did not investigate such instances as potential trafficking offenses.

Qatari labor protections remained biased in favor of the employer. Government authorities did not routinely categorize forced labor or exploitative working conditions of domestic workers as human trafficking, but rather as criminal assaults, immigration or labor law violations. The government lacked a clear and efficient judicial process to criminalize human trafficking offenses, and its primary solution for resolving labor violations continued to be a transfer of employer sponsorship, mandated back payment of wages and fines, and blacklisting of companies with limited efforts to investigate whether the violations constituted forced labor.

The government did not report investigations, prosecutions, or convictions of government officials for complicity in human trafficking offenses. In October 2016, two domestic workers filed a civil suit against a former Qatari diplomat posted in the United States alleging the official withheld their wages, forced them to work excessive hours, and threatened deportation and blacklisting, among other accusations indicative of forced labor; the case resulted in a confidential settlement during the current reporting period. In early 2017, a Qatari official formerly posted to the United States as a diplomat agreed to a confidential settlement after a federal court in Virginia issued a default judgment in a civil suit in May 2014 in the amount of nearly \$500,000 for claims the official subjected a domestic worker to forced labor. During the year, government entities financed and conducted specialized trainings on trafficking issues. The government continued its coordination with several international organizations and civil society stakeholders to improve training programs for federal employees, and the police training institute of the Ministry of Interior (MOI) conducted courses and workshops for an unknown number of officers and staff who investigate and work on trafficking cases. With government support, judges, inspectors, and police officers continued participation in a multi-year training program with an international organization on combating trafficking. Qatar University's Law Clinic conducted training related to human trafficking at the local Police Training Institute.

PROTECTION

The government maintained efforts to protect victims. The government did not report the number of trafficking victims it identified, referred for care, or assisted during the reporting period, although it did vastly strengthen institutional protections for laborers, including the highly vulnerable domestic worker population. During the reporting period, the government again dispersed approximately 90 million Qatari riyal (\$24.7 million) to the Aman Protection and Social Rehabilitation Center shelter, which provided basic medical care, social services, psychological treatment, housing, rehabilitation, and reintegration for female workers who fled their sponsors as well as female and child victims of violence; shelter officials did not use established protocols to proactively screen vulnerable individuals for trafficking indicators. During the reporting period the National Committee to Combat Human Trafficking (NCCHT) also reported renting out six villas each capable of holding 20 people, specifically designated for victims of trafficking—both males and females. Some officials reportedly used a manual to proactively identify human trafficking victims, but law enforcement personnel and other government entities did not report proactively screening for any trafficking indicators among domestic workers, a vulnerable population typically isolated and mostly excluded from protections under labor laws. The government updated and continued to use its national victim referral system to coordinate victim identification and referral efforts between government authorities and NGOs. The referral system included the provision of shelter, health care, and legal assistance to trafficking victims. During the reporting period, victims were able to access the shelter even if their employers filed charges against them and maintained the right to leave the shelter without supervision.

In August 2017, the Emir signed into law the Domestic Workers Law, which was published in September 2017 and formally came into force in March 2018. The law required that domestic workers have government-verified contracts; receive adequate employer-provided food, accommodation, medical benefits, one day off per week, limited 10-hour workdays, sick leave, return flight tickets once each year, three weeks paid vacation per year, and full end-of-service payments; guaranteed access to the new dispute resolution committees to resolve workplace grievances; and allowances for domestic workers to leave their employers in cases of exploitation or violation of contract terms. However, at the close of the reporting period, enforcement and knowledge of the new law remained limited, thereby leaving significant vulnerabilities to forced labor among this population.

Systemic hurdles limited victim protection and impeded access to justice. In 2017, there were no reports of trafficking victims being detained, fined, or jailed for unlawful acts committed as a direct result of being subjected to trafficking; however, police did detain out of legal status workers for immigration violations and fleeing their employers or sponsors. The government generally encouraged victims to testify against their traffickers by providing free legal counseling and allowing them to pursue financial compensation; it did not report how many victims testified or received these benefits during the reporting period. The Qatari legal system lacked adequate privacy laws to protect victims against potential retribution and often did not provide adequate assistance or protection for victims during legal proceedings. Victims who lodged complaints were sometimes the subject of spurious counter-charges by their respective employers that resulted in administrative deportation proceedings. During the year, in an effort to address complaints directed against the prohibitive exit permit system, the government utilized its Grievance Committee—in accordance with Law No.21 of 2015—to evaluate and adjudicate refusals of employers to grant their employees exit permits. In 2017, the Grievance Committee reviewed 2,958 cases and, in all but two—due to preexisting criminal charges against the workers—it overturned employers’ refusals to grant exit permits and gave employees permission to leave. The Grievance Committee began to alleviate some of the burden of the onerous exit permit system; however, authorities acknowledged more work was needed to ensure victims could expeditiously change employers or return to their respective countries of origin. The government assisted workers who wished to prematurely terminate their contracts and transfer employers in the event of employment malfeasance. The government reported the transference of 10,485 workers over the objections of their employers to new companies, far surpassing the 1,784 transferred in 2016. The MOI’s Search and Follow Up and Human Rights departments coordinated with embassies to assist in the repatriation of migrant workers, including an unknown number of domestic workers. The MOI reported providing 15,646 complimentary repatriation tickets in 2017, more than doubled from 7,506 tickets granted in 2016. The government reported it did not deport those who faced retaliation or retribution in their country of origin.

PREVENTION

The government sustained robust efforts to prevent trafficking in persons. The NCCHT, which included representatives of both government offices and NGOs, commenced regular meetings in 2017 and organized and hosted an international

anti-trafficking conference in partnership with INTERPOL. The NCCHT began re-drafting its national strategy to combat trafficking, which spanned 2017-2022 and prioritized prevention, protection, judicial pursuits, and regional and international cooperation. The government did not report its financial allocation toward revision and implementation of the strategy; it allocated approximately 7.2 million Qatari riyal (\$1.98 million) for such activity during the previous reporting year. The government-funded Aman Center continued to promote awareness campaigns on various forms of abuse, including trafficking, and outlined where to receive help; these campaigns targeted women, domestic workers, and exploitative employers. The Slavery Museum in Doha—part of a museum consortium chaired by the Emir’s mother—enhanced trafficking knowledge among the local population. The government maintained its publication of manuals for expatriates in Arabic, English, and several source country languages on proactive victim identification, domestic worker rights, and ways to combat trafficking in Qatar. It continued to publish and disseminate “worker rights” pamphlets in English, Arabic, Hindi, Bengali, Nepali, and Tagalog that contained relevant articles from the labor and sponsorship laws. Officials began to include in every domestic worker’s passport a sticker with a number for the complaint hotline and that of the Ministry of Administrative Development, Labor and Social Affairs (MADLSA); the government did not report how many calls either line received during the reporting year. The MADLSA and MOI held lectures and town halls, and supported media publications, to explain Qatar’s labor system reforms and solicit feedback from labor sending country representatives; these activities targeted companies, government entities, foreign embassies, the press, and migrant worker communities. The government did not report efforts to reduce the demand for commercial sex acts. The government did not regularly provide anti-trafficking training for its international peacekeepers or diplomatic personnel.

In 2017, a total of 408 labor inspectors conducted more than 19,000 inspections of recruitment agencies resulting in roughly 3,605 warnings, 1,210 violation reports and various penalties, 78 company blacklistings, cancelation of nine licenses for recruitment agencies operating in Qatar, and the revocation of one license—compared to 24 license revocations in 2016—that MADLSA’s routine inspection and monitoring found to be noncompliant with the labor law; however, it did not report if it referred any companies, or their owners or staff, for further prosecution or whether it achieved any convictions for those suspected of illegal recruitment activities. The government continued its rollout of the WPS, which requires

employers to pay workers electronically and increases penalties for violating the labor code. Officials blacklisted more than 18,000 companies for violating the WPS and roughly 3,400 for labor law contraventions, exceeding the blacklisting of 5,500 companies and 2,000 individuals in the previous reporting period. The WPS detected and, as a result, officials blocked from future transactions, more than 27,000 companies for labor violations, a notable increase from just 600 during the previous reporting period; however, it remained unclear whether the system flagged any potential trafficking cases for criminal investigation. During the reporting period, the government signed landmark agreements with a foreign government and the ILO to strengthen anti-trafficking operating capacity and generate sustainable labor reform efforts throughout Qatar. Committing itself to the ILO official agreement, the government allocated workplace space and funding for a 17-person staffed office to solely oversee the implementation of the activities contained therein. The government continued to address recruitment issues and worker rights through 36 bilateral agreements and five memoranda of understanding with labor-sending countries, and it worked with individual countries to certify vetted labor recruitment offices to reduce fraud or excessive debts that may lead to forced labor conditions. The quasi-governmental Qatar Foundation and the Qatar 2022 Supreme Committee published workers mandatory standards documents, which injected workers' rights into corporate social responsibility to provide contractual incentives to contractors and subcontractors to follow the labor law or risk losing lucrative, multiyear projects.

In 2017, the government advanced implementation of the new e-contract system, espoused by Law No.21 of 2015, which applies to all expatriate workers in Qatar, including those in the domestic sector. During the reporting year, the MOI signed an agreement with a biometric data company to establish 22 service centers in eight primary sending countries constituting 80 percent of Qatar's total workforce. The government planned these centers to be responsible for signing contracts in local languages, issuing Qatari residence permits, conducting rights awareness training, taking fingerprints, and opening bank accounts for migrant workers, to reduce instances of contract switching and falsified employment agreements. This contract system included standardized language, including in local languages of major labor-sending countries, and online instructional guidance in Arabic and English. On August 16, the Emir signed into law a 2004 Labor Law amendment to establish new LDRCs, which replaced the laborious labor court system that were plagued by inefficiencies, including protracted court proceedings and the

imposition of heavy financial burdens on laborers. The LDRCs formally began operation on March 19, 2018. The LDRCs streamlined cases and were mandated by law to reach a decision within three weeks for any contract or labor dispute.

TRAFFICKING PROFILE

As reported over the past five years, Qatar is a destination country for men and women subjected to forced labor and, to a much lesser extent, forced prostitution. Men and women from Nepal, India, Pakistan, Bangladesh, the Philippines, Indonesia, Sri Lanka, Sudan, Kenya, Nigeria, Uganda, and other countries voluntarily migrate to Qatar as unskilled laborers and domestic workers, often paying illegal and exorbitant fees to unscrupulous recruiters in the labor-sending countries, thereby increasing their vulnerability to debt bondage. Some workers subsequently face conditions indicative of involuntary servitude, to include restricted movement, payment withholding, passport confiscation, exit permit retention, and threats of deportation or abuse. Individuals in Qatar sell visas to migrants and occasionally demand regular payments, enabling migrant workers to work illegally and without legal recourse against their respective sponsors, although reportedly this trend is on the decline.

Qatar's unskilled migrant workers continue to comprise the largest group at risk of trafficking. Many migrant workers arriving in Qatar pay exorbitant fees to recruiters in their home countries, and some predatory recruitment agencies in labor-sending countries lure foreign workers to Qatar with fraudulent employment contracts that bear no legal consideration in Qatar, rendering workers vulnerable to involuntary servitude once in the country. Among foreign workers, female domestic workers are particularly vulnerable to trafficking as, up until the current reporting period, they have not been protected under Qatari labor laws, and because officials lack authority to enter private residences. Some women who migrate for legitimate purposes may subsequently be subjected to forced prostitution.

Qatar's employment-based sponsorship system places significant power in the hands of employers, who have unilateral power to cancel residence permits, prevent workers from changing employers, and deny permission to leave the country. Debt-laden migrants who face abuse or are misled often avoid reporting their exploitation out of fear of reprisal or deportation, the protracted recourse process, or lack of knowledge of their legal rights, thereby exacerbating or prolonging their forced labor situation. Instances of delayed or unpaid salaries are a

leading driver of forced labor in Qatar. Many migrant workers often live in confined, unsanitary conditions, and many complain of excessive working hours and hazardous working conditions; threats of deportation and physical or financial harm; and physical, mental, or sexual abuse. Reports allege the vast majority of expatriate workers' passports were in their employers' possession, despite laws against passport confiscation.