

Forum: Social, Humanitarian and Cultural Committee (GA3)

Issue: Protecting the worker's rights of migrant workers in Middle Eastern Nations

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INTRODUCTION

Throughout the 21st century, it is evident that migration has dramatically increased. In 2017, more than 40 million people decided to migrate to the Middle East. With some showing particular interest in nations like the United Arab Emirates (UAE), Saudi Arabia, and Qatar. What was the key factor behind the decision of so many people though?

As it is widely known, people migrate for various reasons: lack of financial opportunity, lack of security, due to their political beliefs, or even conflicts in their home country. Increasing demand for more job opportunities and the desperation of many workers for a better life and future has also created the demand for cheap labor, which has been provided by member states of the Gulf Cooperation Council. With these opportunities coming along, the Gulf states established a legal framework named the Kafala or Sponsorship system.

The Kafala system refers to the relationship between the migrant employee and the employer, also called *kafeel*. It gives private companies and employers almost complete control over the migrant workers and thus, the employee cannot become independent due to the lack of regulations concerning the protection of his worker's rights. According to the Kafala System, a migrant worker needs to be sponsored by their employer in order to have a valid residency and work visa. Due to this regulation, the foreign employee becomes completely dependent on their employer and has difficulty filing any formal complaints concerning their workplace, since they can only cover their needs with the help of their sponsor.

Furthermore, this system leads to migrant workers having limited options. They can either endure the poor working conditions or simply escape. However, by escaping, the migrant worker is now considered an illegal one, hence doesn't have the right to a salary. Even worse, an illegal migrant worker faces the risk of being fined or arrested, in some cases even deported. If the worker cannot pay for their ticket home, then they are abandoned and remain trapped in a country where they have little to no opportunity whatsoever.

Thus, it is clear that a reform of the Kafala System through establishing new regulations or even abolishing this controversial system altogether is much needed. Even if such unhealthy and unsafe workplaces are condemned by the UN Special Rapporteur, the Human Rights Watch (HRW), and the International Labor Organization (ILO), the general public still has an ignorant attitude toward the issue. Raising awareness about human rights violations and exploitative

actions is a key step in enhancing the protection of migrant workers in the Middle Eastern nations.

DEFINITION OF KEY TERMS

Migrant¹

An umbrella term referring to one who moves away from their own country, temporarily or permanently, for various reasons.

Migrant worker²

One who has engaged or is engaging in working activities in a country where they do not come from.

Exploitation³

The act of using something or someone to gain more advantages.

Kafeel⁴

The sponsor or employer of a migrant worker in Middle Eastern nations.

Remittance⁵

An amount of money which is sent by a person who is working abroad to their own family, which is usually in another country.

¹ International Organization for Migration (IOM). "Who is a Migrant?" *International Organization for Migration | IOM, UN Migration*, www.iom.int/who-migrant-0. Accessed 11 June 2022.

² European Commission. "Migrant Worker." *Migration and Home Affairs*, https://ec.europa.eu/home-affairs/pages/glossary/migrant-worker_en. Accessed 11 June 2022.

³ Cambridge Dictionary. "Exploitation.", *Cambridge Online Dictionary*, <https://dictionary.cambridge.org/dictionary/english/exploitation>. Accessed 11 June 2022

⁴ Fair Work. "The "Kafala" system explained", *Fair Work*, 11 December 2018, <https://www.fairwork.nu/en/2018/12/11/the-kafala-system-explained/>. Accessed 12 June 2022

⁵ Chris B. Murphy, Khadija Khartit. "Remittance", *Investopedia*, 28 August 2021, <https://www.investopedia.com/terms/r/remittance.asp>. Accessed 25 June 2022

Labor law⁶

A legal framework referring to the responsibilities and rights of employers and employees in the work environment.

Labor migration⁷

The act of moving to another country on the grounds of employment.

Domestic worker⁸

A person who works in a private household.

Workers' rights⁹

A term referring to fundamental principles and rights at work that promotes the freedom of association, the elimination of any means of forced labor and discrimination at the workplace, and the abolishment of child labor.

BACKGROUND INFORMATION

Historical Background

The Middle East is a region full of economic diversity: most of its states find themselves in different stages of economic growth. Even if the region has conducted a handful of reforms in the economic sector and has invested in macroeconomic activities, the huge contrast between the more economically developed and the less economically developed still remains. After the 1970s, Middle Eastern and North African (MENA) nations became dependent on their oil wealth

⁶ Ivy Wigmore. "What is labor law?", *TechTarget*, July 2019, <https://www.techtarget.com/whatis/definition/labor-law>. Accessed 29 June 2022

⁷ International Organization for Migration. "IOM and Labor Migration", *International Organization for Migration (IOM)*, 2008, https://www.iom.int/sites/g/files/tmzbd1486/files/our_work/ICP/IDM/Labour-Migration-Infosheet-2008.pdf. Accessed 13 July 2022

⁸ International Labor Organization. "Who are domestic workers?", *International Labor Organization*, <https://www.ilo.org/global/topics/domestic-workers/who/lang--en/index.htm>. Accessed 12 July 2022

⁹ USA Bureau of International Labor Affairs. "What Are Workers' Rights?", *USA Bureau of International Labor Affairs (ILAB)*, <https://www.dol.gov/agencies/ilab/our-work/workers-rights>. Accessed 22 July 2022

and therefore, created new development strategies in accordance with the demand of the natural resources of their own land. The increase in oil prices in the 1970s had a huge impact on the economic growth of those states benefiting from the increase and thus gaining more money in the process by making full use of their own resources. Due to demand and increase in investment in countries with oil wealth, a rise in job opportunities, trade, and the Gross Domestic Product (GDP) in the MENA region was noticed.

However, in the following years, the economic development of the region slowed down. The labor force increased dramatically, whereas the states did not provide sufficient employment opportunities to fulfill the market's needs. Thus, the natural consequence was an increase in the unemployment rate. In order to ensure and stabilize the economic growth rate the region had achieved, reforms were made in the financial sector, more specifically in the exchange, payment systems, and public finance activities, during the 1980s and the 1990s. These reforms strengthened the majority of the economies in the region and provided them with more gains throughout the next years.

In addition, migrant workers chose to find employment opportunities in the Middle East since the 1990s. This led to them making up two-thirds of the total workforce in the Gulf Cooperation Council states. The Council consists of six countries: the United Arab Emirates, Saudi Arabia, Bahrain, Kuwait, Oman, and Qatar. It is a political and financial alliance with the aim to achieve unity amongst its Member States based on the political and cultural aspects the countries share. The remittance of many migrant workers in the Gulf Cooperation Council states was a key factor in stimulating economic development and still plays an essential role during the COVID-19 pandemic, which shook the core of many nations' economies. Nevertheless, the pandemic had also an impact on employment opportunities. The rise in oil prices led to many migrant workers losing their jobs and thus, the remittance rate decreased. This means that the economy has lost a significant amount of means which are rendered important in order to stimulate the state's economic growth rate. It is clear that migrant workers are a vital asset to the economy in the Gulf states, since they provide workforce and remittance, making them a stimulus for the region's economic activity.

As far as the current economic development of these nations is concerned, the Middle Eastern and North African region continues to engage in trading activities with other countries and is expected to have a growth rate of 5.2% in 2022. By making use of their natural resources, they enjoy an increase in demand, interest, and investment due to their oil wealth. However, due to ongoing affairs such as the pandemic and the war between Ukraine and Russia, the region might be faced with a food shortage or insecurity. Such a phenomenon would severely affect

low-income families in the region. Another consequence of these ongoing affairs would be inflationary pressures, a phenomenon which is starting to rise in other regions as well.

Why is the Kafala system so controversial?

As mentioned in the introduction, the Kafala system refers to the relationship between the foreign employee and their sponsor, let that be a private company, an employer, or a private person. According to this legal framework, a migrant worker needs to be sponsored in order to have a valid work visa and residence permit. That means that without a sponsor, the foreign employee is considered undocumented and loses their right to a sufficient salary or even residence.

More specifically, the migrant needs their employer's permission to leave the country and to change workplaces during the duration of their contract. The reason behind this regulation is the fact that the employee is legally bound by their kafeel, facing otherwise the danger of losing their residence in the Gulf states. Furthermore, there are no limitations whatsoever to the extent of the control the kafeel may have over the migrant worker. Thus, examples of kafeels abusing their powers have surged. Confiscating traveling documents as a means of manipulation, make the exploitation of foreign employees easier, which leads naturally to their physical and psychological abuse.

It is clear that the Kafala system is controversial due to the dependence the migrant worker is obliged to have on their employer. It can even be characterized as a means of modern slavery: the kafeel is the one who gives permission for the majority of actions and has complete control over their employee. It is also important to mention that the Kafala system hinders the migrant workers from filling any formal complaints or seeking legal protection since they are tied with their sponsor: should they make a wrong decision, they will be met with the consequences of getting fired, fined, arrested or even deported.

Considering the fact that these migrant workers want to send remittances to their families in their home country, being fired would be devastating: missing one remittance could mean that their family would live under worse conditions or that they would not be able to fulfill their own needs. For this reason, many labor migrants make the decision to not change their jobs rather than risk the remittance money they will send. Therefore, many migrant workers hesitate to raise their voices and instead, choose to comply and continue suffering under horrible living conditions: poor working circumstances, health problems, insufficient salary, physical, emotional, verbal abuse, or a combination of those types.

To which means of exploitation and abuse are migrant workers most vulnerable?

Human trafficking

Most migrant workers make the decision to move across international borders out of desperation for a better future and a better life. This desperation, however, makes the community of migrant workers, who are simply struggling to earn minimum wage just to send it as remittance back to their own families, more vulnerable to exploitation and abuse. The most usual means of exploitation is human trafficking, a phenomenon that affects severely the female and underage migrant population. Due to the status a woman has in the society of a Gulf state, she finds herself in a position without many advantages. The fact that this woman is a migrant puts her in an even more vulnerable position. Underage migrants also find themselves in a similar situation due to the fact that they have not completed their education and thus, have not fully developed critical thinking skills which makes them more prone to exploitation. Taking the lack of power into account, female and underage migrants are mostly affected by human trafficking due to the abovementioned reasons, especially due to the gender equality which exists in the Middle Eastern region.

The first step of the exploitation and trafficking does not even take place in the Gulf states but in the home country of each migrant. Deceptive and false information about the job opportunities, the contract, and the working conditions arouses the interest of the employees who find themselves unsatisfied and frustrated with their job, wishing for a better quality of life. The agencies exploit this desperation and provide employees with the chance to move borders under one condition: they need to pay enormous fees, which usually leaves the migrants in debt. The migrant worker is then provided with limited options to pay their debt and is obliged to endure the horrible working and living conditions in order to fully cover the debt they took.

Thus, when a migrant first arrives in a Gulf state, they immediately find themselves in poor living and working conditions. They are living in cramped unsanitary places with a handful of other migrants and with the fear of leaving the debt unpaid, they are working under dangerous conditions and are faced with having a minimum wage salary. This salary is not even given to these employees in some situations and therefore, they cannot fulfill their own needs nor send remittance money to their own families, which was the reason they left their home country in the first place.

It is important to keep in mind that human trafficking does not only refer, in this case, to transporting other people illegally in order to benefit from them. Here, it also

refers to the inability of the government and agencies to protect migrant workers from working out of sight in poor and dangerous working conditions.

Sexual and non-labor exploitation

Besides the financial exploitation an employer might face, there are also other means of abuse the migrant workers are exposed to. Female migrant workers are heavily met with sexual abuse. Due to their own gender and their status as foreign employees, female employees have a lower place in the work hierarchy and thus, less power. Many employers abuse this lack of power and engage in non-consensual sexual acts with female migrant workers.

Because of the fact that foreign employees mostly work in environments with few regulations protecting the migrant worker, a woman cannot take immediate action against an employer that has sexually assaulted or harassed her. In many Gulf Cooperation Council states, a woman's testimony is also valued less than a man's. This gender inequality discourages female migrant workers from raising their voices and speaking about the abuse they have been met with. Therefore, they decide under fear of their kafeel to continue enduring these conditions.

Another factor besides sexual exploitation is forced marriage. A number of female migrants are trafficked into marriage finding themselves trapped and being obliged to do domestic work under abusive and poor working conditions. However, questions can be raised concerning this matter: Is marriage a means of trafficking women into domestic work, or is it a consequence of the exploitative human trafficking system? Both questions show that women are faced with a lack of their own rights: they lose the freedom of choosing their partner and are then forced to work in a poor environment while enduring abuse and manipulation. Nevertheless, women migrant workers are even more vulnerable due to their social status and gender, granting them less rights in the Gulf states.

Limitations concerning access to justice and awareness of rights

A significant part of the migrant workers' community is not protected by labor law or the national labor legislation. Therefore, foreign employees need to heavily rely on their standard work contracts, which provide them with very few rights as far as law and justice are concerned. The employees are faced with limitations when filing any complaints, seeking legal protection, or finding a way to resolve their disputes through court. It is evident that migrant workers are legally bound by their own sponsors: they are

the ones that “provide” them with rights, work, and residence as well as the salary that the foreign workers need in order for them and their families to survive.

Due to the limitations the migrant workers when entering the country, they don't have the opportunity to comprehend and inform themselves about their own labor and legal rights. This lack of awareness is strengthened by the living conditions in the home country of a migrant worker: in many cases, foreign workers are not educated or trained before leaving their country. Because of this, migrant workers remain vulnerable to the exploitative and deceptive acts of agencies, promising work contracts and conditions which are contrary to the ones the migrants are met with once they arrive.

Even if the migrant workers are able to distinguish the difference between poor and healthy labor conditions, they are unable to do anything about it, since they find themselves in a vulnerable position without power. This inability underlines the fact that migrant workers' rights are being overlooked: this community doesn't receive any information concerning their freedoms and thus, is fully unaware of how to fight for themselves in case they are in an abusive or manipulative situation at work.

Poor working and living conditions

After crossing international borders and finding a job in the Gulf state, many migrant workers find themselves being victims of exploitation and forced labor. The need to send remittance money back to their family and not risk losing any of it makes the foreign employees prone to exploitation and abuse. Usually, they find themselves living in cramped places which are deemed unsafe and unsanitary. Especially during the pandemic, many migrant workers have expressed the fear of being infected in the cramped dorms they find themselves in. Qatar even had an outbreak in the Industrial Area of the country, proving that the fear of foreign employees was coming to life.

As far as working conditions are concerned, they are poor and dangerous. In many cases, the migrant workers work out of sight or in informal sectors which are not covered by labor law regulations. Working in such places where labor rights are not ensured, a migrant worker is forced to work many hours and is rewarded with a minimum wage salary. Some employers, though, do not give any salary to their foreign employees and exploit them by forcing them to work without earning any money. Even if some Gulf states, for instance, Saudi Arabia, has introduced regulations concerning salary, many employers still do not pay their foreign employees, leaving them with no chance of fulfilling their own needs and sending money to their family back home. Therefore, the foreign employee, unable to do anything about the situation due to the lack of power,

endures the poor working and dangerous living conditions, desperate to earn minimum wage in order to financially support their own family.

It is also worth mentioning that the dangerous working conditions lead to many migrant workers developing health problems or injuries. Moving or working in irregular canals, working in construction without any ensured safety- these are only some scenarios in which a foreign employee might get hurt or worse, killed. In some Gulf states, the migrant worker is able to leave if they are sick or have a certified disability. However, these health problems could have a long-lasting effect on their lives, due to the poor and demanding working conditions the person had to endure. Therefore, it is clear that migrant workers are not protected by labor law in many cases and cannot have access to their own rights if they are victims of exploitation, abuse, and work injuries because of the lack of access to justice.



Figure 1: BBC. "World Cup 2022: How has Qatar treated stadium workers?", *BBC*, 5 April 2022, <https://www.bbc.com/news/world-60867042>. Accessed 24 July 2022

Case studies

Qatar World Cup incidents

As widely known, Qatar will be hosting this year's football World Cup in November. It is worth mentioning that this World Cup is the first ever to be held in a Middle Eastern nation. However, controversies have already surrounded this upcoming event, especially due to the poor treatment of the construction workers. The country has been criticized for its treatment and handling of the thirty thousand migrant workers who are working on the construction of stadiums and housing complexes. Migrant workers are still suffering from not being paid for consecutive months, having wage deductions

without any explanations, and dealing with the pressure of the Kafala system, even if it has been theoretically abolished.

In February 2021, it was revealed that 6500 migrant workers from India, Sri Lanka, Bangladesh, Pakistan, and Nepal had lost their lives since Qatar won the opportunity to host a World Cup event. Even if these deaths have not been categorized by occupation, it is highly likely that these people died while working on the construction of infrastructure for the event. Moreover, these migrant workers live under horrible living conditions. The accommodation is often unsanitary and small, leaving the migrant workers cramped in such places. It has also come out that many residences permits of migrant workers have not been renewed because of their own employers. Although Qatari law requires a residence permit and an ID document for employment in the country, some employers ignore this regulation, and thus, the migrant workers cannot leave the stadium constructions out of fear that they will be fined.

In case a foreign employee asks for help or fills a complaint in regard to the tremendous working and living conditions, it is safe to say that they will be threatened by their Kafael. To sum it up, Qatar's labor regulations are allowing for the exploitation and abuse of more than thirty thousand migrant workers at the moment. Even if the country has supposedly abolished the sponsorship system, the pressure on the migrants remains.

The current situation reminds modern slavery: the laborers are deprived of their own rights and forced to work without having the chance to raise their own voices. The employers are the ones in control and enforce this authority by confiscating traveling documents, threats, or even psychological and physical abuse. It is clear that an ignorant attitude towards the abuse of those workers is being adopted, even if Qatar has been criticized by organizations such as Amnesty International and the International Labor Organization (ILO), it still shows no signs of acknowledgment.

Garment migrant workers in Jordan

The apparel sector concludes Jordan's main sector in industry and makes up a significant percent of Jordan's exports. This industry provides over 60 thousand workers with employment, three-quarters of whom are migrant workers from various nations, such as Sri Lanka and Bangladesh. It is worth mentioning that women represent 69% of the workforce in the apparel sector. However, ever since the dramatic increase of workers in the apparel industry in the 1990s, Jordan has failed to draft new legislations concerning the working conditions and the efficiency of the country's main industry. Despite this fact, action was taken in 2017: the country amended some of its laws concerning the integration of foreign workers in work environments.

The contracts in the garment sector usually last three years. Due to Jordan's legislation, it is very difficult for a migrant worker to leave their own job, since it can only be done under specific conditions: in case both parties consent to breaking the contract or in case it has expired or the worker isn't able to continue working. If none of these conditions, however, are met, then the kafeel can demand damages. Because of the duration of the contract, paying damages for the remaining time of it would be a significant amount of money for the migrant worker. This legislation thus discourages migrant workers from changing jobs due to the financial impact it would have on them.

Furthermore, many employers do not release their employees, abusing them further through forced labor and exploitative actions. The Ministry of Law can, fortunately, release a worker, but cannot exercise this right in order to oblige the sponsor to continue with the release of their foreign employee. It is clear that the government needs a way of obliging the employers as well rather than leaving the workers with the burden of paying damages or enduring abuse and exploitation.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Saudi Arabia

As a member of the Gulf Cooperation Council (GCC), Saudi Arabia has also implemented the Kafala system which has one of its most abusive versions. However, there have been some actions taken with the aim to reform the sponsorship system. In 2016, new regulations were introduced by the Saudi Arabian government, according to which the employee did not need permission to change their workplace under certain circumstances. These circumstances referred to two scenarios: in case the kafeel has failed to renew their migrant worker's residence permit and in case the foreign employee has not been paid for three months in a row. Even though these regulations grant some freedom to the employee, they still do not completely reform the system. Thus, the sponsor still has control over the migrant worker. Furthermore, the regulations concerning the exit of a contract do not cover all migrant workers, but only the ones protected by the labor law.

This has the consequence that a significant number of foreign employees remain under the abusive and manipulative control of their employer. Apart from the exit permit, some controversial fundamental elements of the Kafala system remain unchanged: the migrant worker needs to rely on their sponsor in order to have a valid work and residence permit, whereas manipulative practices such as the confiscating of traveling documents continue to happen. Thus, it is clear that the regulations do not have an impact on the core of the sponsorship system and do not decrease in any way whatsoever the ongoing human rights violations.

International Labor Organization (ILO)

As an organization with the main aim to protect labor rights, the ILO has played an important role in the protection of migrant workers. It has established declarations and resolutions such as the 2017 Resolution concerning fair and effective labor migration governance in order to highlight the importance of promoting fundamental principles and social justice as a means of ensuring the protection of foreign employees. Furthermore, the organization has released numerous documents concerning labor migration and the vulnerability of this community in order to raise the awareness of the general public. It is clear that the ILO has taken essential steps in order to protect the worker rights of migrant workers and include them in the umbrella term of labor law. It has also condemned harsh and abusive versions of the sponsorship system, evident in Saudi Arabia and other Gulf Cooperation Council states. Lastly, the ILO has made reports on the deaths of numerous foreign employees in order to stress the fact that many governments make the decision to hide the real causes of death of many migrant workers. The International Labor Organization has not followed an ignorant attitude on this issue and is reviewing it through resolutions, new sessions, or other measures such as releasing information and making reports.

International Organization for Migration (IOM)

The IOM has sustained throughout the years a specific approach to the issue of labor migration and migrant workers. It aims at promoting the development of new effective policy regulations and the legal impact of labor migration rather than its irregular one. The organization also cooperates closely with countries as a means of preventing abuse and exploitation of foreign employees. It makes the decision to inform the foreign employees about the working as well as the living conditions before they cross the international borders. Taking the above into consideration, IOM prevents the spread of misinformation and manipulation of migrant workers by agencies who promise unrealistic salaries and non-existent work contracts. Apart from the working conditions, they inform migrants about any risks involved in labor migration. It is worth mentioning that one of the goals of the organization is to achieve more access for migrant workers to labor legislation and information on their own rights. Therefore, it is evident that the IOM has taken steps in order to raise the awareness of the foreign employees' community.

Jordan

Even if the sponsorship system is mainly implemented in Gulf states, Jordan has also established a version of the system. This legislation has had a huge impact on the domestic work power in Jordan, which almost make up for half of the nation's workforce. In 2003, the government of Jordan introduced a standard contract for companies and proceeded with integrating migrant workers into the labor law in 2008, thus allowing them to exercise their rights

as workers. It is also worthy to mention that the state established legislation in 2009 which criminalized forced labor with the aim of exploitation. Even if the regulations have allowed foreign employees to have more freedom and not be so dependent on their employees, the agencies of Jordan cannot fully monitor and enforce these legislations, leading to abuse and exploitation being ignored in some cases. Thus, the country has taken steps in order to reform the core of the sponsorship system, but still needs to resolve the issue of enforcing these legislations and monitoring their efficiency as well as the ensuring overall obedience.

Bahrain

Bahrain is a member of the Gulf Cooperation Council (GCC). The Kafala System was implemented in the country until August 2009, when the government announced that the system would be abolished. The country took further steps and created the Labor Market Regulatory Authority (LMRA), an organization that would act as a sponsor for the migrant workers coming to Bahrain. However, the LMRA only regulates the workplace environment and doesn't have the role of the sponsor yet. Nevertheless, Bahrain introduced new regulations which granted more freedom to foreign employees. Migrant workers are not dependent on their kafeel during the duration of the work contract, and they have the right to change workplaces if they want to.

This action raised awareness on the issue of migrant workers and their rights to freedom of movement: this right provides them with more protection since they are now fully able to escape from abusive or horrible working conditions. Although this regulation grants new rights to migrant workers, a further restriction was integrated in 2011, stating that a foreign employee has to wait a year in order to legally change their occupation. It is evident that Bahrain has taken steps in order to reform the core of the sponsorship system, more specifically the dependence on the sponsors. However, the LMRA needs to act as a sponsor in order for the regulations to be futile and for the means of exploitation to decrease.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1939	The ILO Migration for Employment Convention is adopted.
1949	The ILO Migration for Employment Convention is revised.
1970s	The Middle Eastern and North African region faces sudden economic growth due to the demand for their oil resources.
18 June 1998	The ILO Declaration on Fundamental Principles and Rights at Work is adopted.
2003	Jordan introduces a standard work contract.
2008	Jordan integrates migrant workers into the labor law legislation.
August 2009	Bahrain's government announces that the country abolishes the Kafala system.
2011	Bahrain introduces regulations concerning the duration a foreign employee has to wait before changing workplaces.
2012	The "Decent Work for Domestic Workers: Advocating for Institutional Reform in the Middle East" Initiative is introduced.
2014	ILO's Fair Migration Agenda is adopted.
16 June 2017	The ILO Resolution concerning fair and effective labor migration governance is adopted.
2022	The economic growth of the Gulf states is influenced by the ongoing war between Russia and Ukraine.

February 2022	The Qatar World Cup 2022 controversies are starting to be revealed.
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RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work and its Follow-up¹⁰

The International Labor Organization Declaration on Fundamental Principles and Rights at Work focuses on the necessity of social justice especially in the migrant worker community, as well as in the community of people with special needs. The declaration stresses the fact that ensuring the implementation of all fundamental principles in the work environment is an important step for migrant workers to raise their voices freely if they are met with injustice. The ILO encourages Member States to continue putting effort into the establishment of all fundamental principles, such as a healthy and safe work environment, in order to eradicate any exploitative activities. Nevertheless, it obliges Member States to provide migrant workers with special attention, because of their vulnerability and the need to fulfill their needs.

International Labor Organization (ILO) Resolution concerning fair and effective labor migration governance¹¹

This ILO Resolution aims at defining and tackling the issue of labor migration. More specifically, the resolution recommends the idea of introducing effective policy regulations which will be based on reliable data and coordination between any relevant government agencies. Furthermore, the ILO refers to specific sectors which require more attention, such as the protection of migrant workers and the recognition of their own skills and competence. The third part of the resolution describes the actions ILO needs to implement, such as the promotion of international labor principles, social protection as well as collaboration between relevant agencies or institutions. In conclusion, this resolution written by the International Labor Organization has as its main focus to raise awareness about the issue of labor migration and ensure the protection of foreign employees through raising awareness, promoting fundamental principles, and implementing effective policy responses. Therefore, it is clear that the ILO is trying

¹⁰ International Labor Organization. "ILO Declaration on Fundamental Principles and Rights at Work", *International Labor Organization (ILO)*, 16 June 2017, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf. Accessed 4 July 2022

¹¹ International Labor Organization. "Resolution concerning fair and effective labor migration governance", *International Labor Organization*, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_561871.pdf. Accessed 6 July 2022

to adapt a new attitude towards labor migration: an attitude that will promote an immediate and effective reaction to any injustice, primarily protecting migrant workers.

Migration for Employment International Labor Organization (ILO) Convention (Revised)¹²

The Migration for Employment Convention was established by the International Labor Organization in 1939 and was revised in 1949. Its main focus is labor migration. Some of the most important articles, in this case, are articles 2 and 6. Article 2 mentions the obligation of the Member states to assist with satisfactory service migrants for employment and to provide them with accurate and reliable information rather than misinformation. On the other hand, Article 6 solely focuses on the responsibilities of the Member states. Its member state is obliged to integrate immigrants lawfully into the territory of their country, regardless of their beliefs, gender, nationality, sexual orientation, and their religion. Thus, migrant workers are protected from the legislation. Furthermore, article 6 mentions the aspect of social security: there should be actions taken in order to fully provide foreign employees with their own rights and freedoms. In conclusion, these articles highlight the importance of integrating labor migrants smoothly into society and providing them with their own rights, according to the fundamental principles and the fact that they are protected from national and labor law.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Reform the Kafala System Campaign

The “Reform the Kafala System” campaign was established by an organization called Migrant Rights. Its main aim is to inform the audience about the Kafala System and its controversial core. Furthermore, the campaign sheds light on the different versions of the Kafala System in each Gulf state. It goes on to explain any reforms that have happened and elaborates specifically on the dependence the migrant worker is obliged to have. It is clear that the campaign solely focuses on raising awareness. Although the site provides information about the unhealthy and exploitative work environment, it also suggests actions that the governments of Gulf states can implement in order to decrease the impact of the sponsorship system on the foreign employees’ community. The campaign was and still is successful since it provides the key information to the issue. It has country profiles for all countries of the Gulf Cooperation Council and makes article suggestions concerning related research, in order for the reader to find more information in depth. Considering that this campaign wants to raise awareness, it achieves its

¹² International Labor Organization. “CO97-Migration for Employment Convention (Revised)”, *International Labor Organization (ILO)*, 1949, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C097 .Accessed 10 July 2022

goal through a detailed website and an overview explaining why is the sponsorship system so controversial.

Action to Protect and Assist Vulnerable and Exploited Migrants in the Middle East and North Africa” (PAVE) Project

The PAVE Project was established by the International Organization for Migration (IOM) in order to protect migrant workers of the Gulf Cooperation Council states from exploitation and human trafficking. The project is in fact funded by the European Union. To begin with, the project aims at starting dialogues concerning labor migration and the development of new legal regulations concerning migrant workers met with abuse, manipulation, and various forms of trafficking. The project makes recommendations such as the improvement of the given measures for the protection of the migrant community and stresses the importance of collaborating in the region. Furthermore, PAVE also makes study visits in order to make viable and reliable solutions. In conclusion, the PAVE project makes suggestions by engaging the general public, the civil sector, and the government, wanting to establish new legislation to enhance the protection of foreign employees. This attempt managed to shed light on the problems of the regional policies concerning migration and made recommendations in order to amend and improve those regulations. Through study visits, the project managed to reflect on the policies based on evidence and the already implemented approach towards migration. Thus, the PAVE project can be deemed as successful because of the fact that it raised awareness about the situation in the Middle Eastern region and made recommendations based on research in order to improve the existing legislation.

“Decent Work for Domestic Workers: Advocating for Institutional Reform in the Middle East” Initiative

This initiative was established by the International Labor Organization (ILO) in 2012 along with the implementation of Convention 189 which aimed at labor migration. It had the goal of providing a vast variety of options to the Arab Gulf states’ governments in order to reform their national legislations and migration policies, as far as domestic and migrant workers are concerned. The reason behind this is the fact that these governments needed to bring their national legislation closer to the international labor law standards. ILO wanted to implement necessary improvements in the lives of the migrant workers living in the Middle Eastern nations. By strengthening the national laws and integrating foreign employees into the labor law, ILO managed to provide foreign employees with labor laws and more access to their freedoms. The initiative had many positive outcomes since the national laws now are based on the principles of Convention No. 189 and Recommendation No. 201. Furthermore, strategies and action plans were drafted and submitted to the regional authorities for adoption. It is clear that the initiative

managed to raise awareness about the necessity of a reform and made important steps by drafting national strategies and amending the existing legislation in each country of the region.

POSSIBLE SOLUTIONS

Improving migrant workers' existing access to justice

Considering the fact that migrant workers have limited access to justice and their own legal rights, an improvement of this situation is a necessity. Ensuring a migrant worker's legal resources would mean that one would have the chance to report any ongoing abuse and exploitation in order to escape from the poor working conditions. In addition, improving the access to justice would provide foreign employees with a new means of filing complaints in case their kafeel does not comply with the contract. Thus, foreign employees would be encouraged to raise their voices without fearing deportation or the loss of their own job.

Foundation of agencies which will monitor the efficiency of new regulations

Even if the Gulf States like Jordan have taken measures in order to abolish the sponsorship system, they haven't managed to fully implement those regulations. Thus, it is a necessity to found agencies that will monitor the implementation and efficiency of these regulations. Should the regulations not have an effective result, the agencies will establish a report highlighting the need for new regulations. Furthermore, the agencies will be able to monitor any exploitative actions in work environments and thus, this would be a vital step to eradicating the issue. The pressure would be put on kafeels if their manipulative and exploitative demeanor was discovered by government agencies since they would be met with the threat of being legally prosecuted.

Initiating regional dialogues concerning labor migration

A key step to resolving the issue is to initiate regional dialogues. By initiating them, the Gulf Cooperation Council states will adopt a similar if not the same attitude towards migrant workers, and thus, stricter versions of the Kafala system will be amended. Furthermore, regional dialogues will lead to new opportunities: more policy responses will be integrated, and new legislations will be discussed. In case those countries manage to establish a version of the sponsorship system with amendments in its core, then the dependence of the migrant worker on their kafeel will be decreased. To sum up, regional dialogues will allow countries to explore different options, and therefore, new policy regulations may be introduced concerning the protection of labor rights in the migrant worker community.

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