



اللجنة الوطنية لمكافحة الاتجار بالبشر  
National Committee for Combating Human Trafficking

# Our Fight Against Forced Labour and Trafficking for Labour Exploitation in Qatar

2021



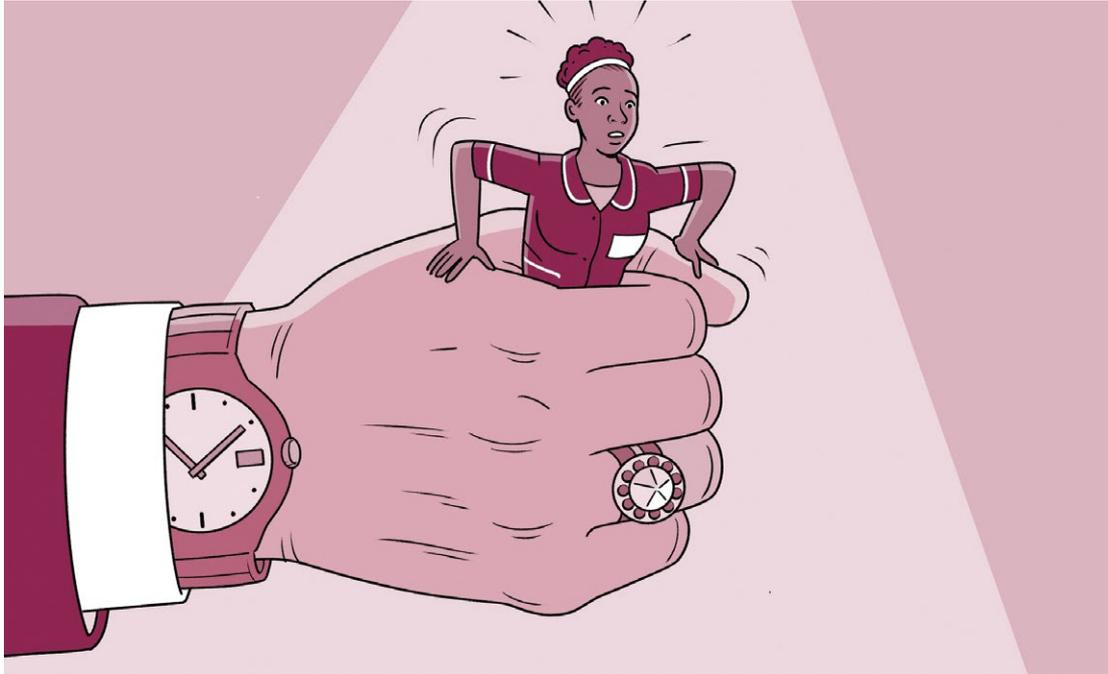
# About this handbook

The objective of this handbook is to increase understanding about forced labour and human trafficking, and the forms that they take in Qatar. The handbook is for the law enforcement officers entrusted to detect these crimes and hold the perpetrators accountable, and the frontline workers who protect and provide support to victims and vulnerable groups. It can also be used by other members of Qatari society who have a role in eradicating these practices, including workers' and employers' organizations, civil society organizations, legal professionals, students and others.

The handbook was developed by the National Committee to Combat Human Trafficking (NCCHT), the Ministry of Administrative Development, Labour and Social Affairs (ADLSA) and the International Labour Organization (ILO) Project Office for the State of Qatar.

## The handbook will explore these questions:

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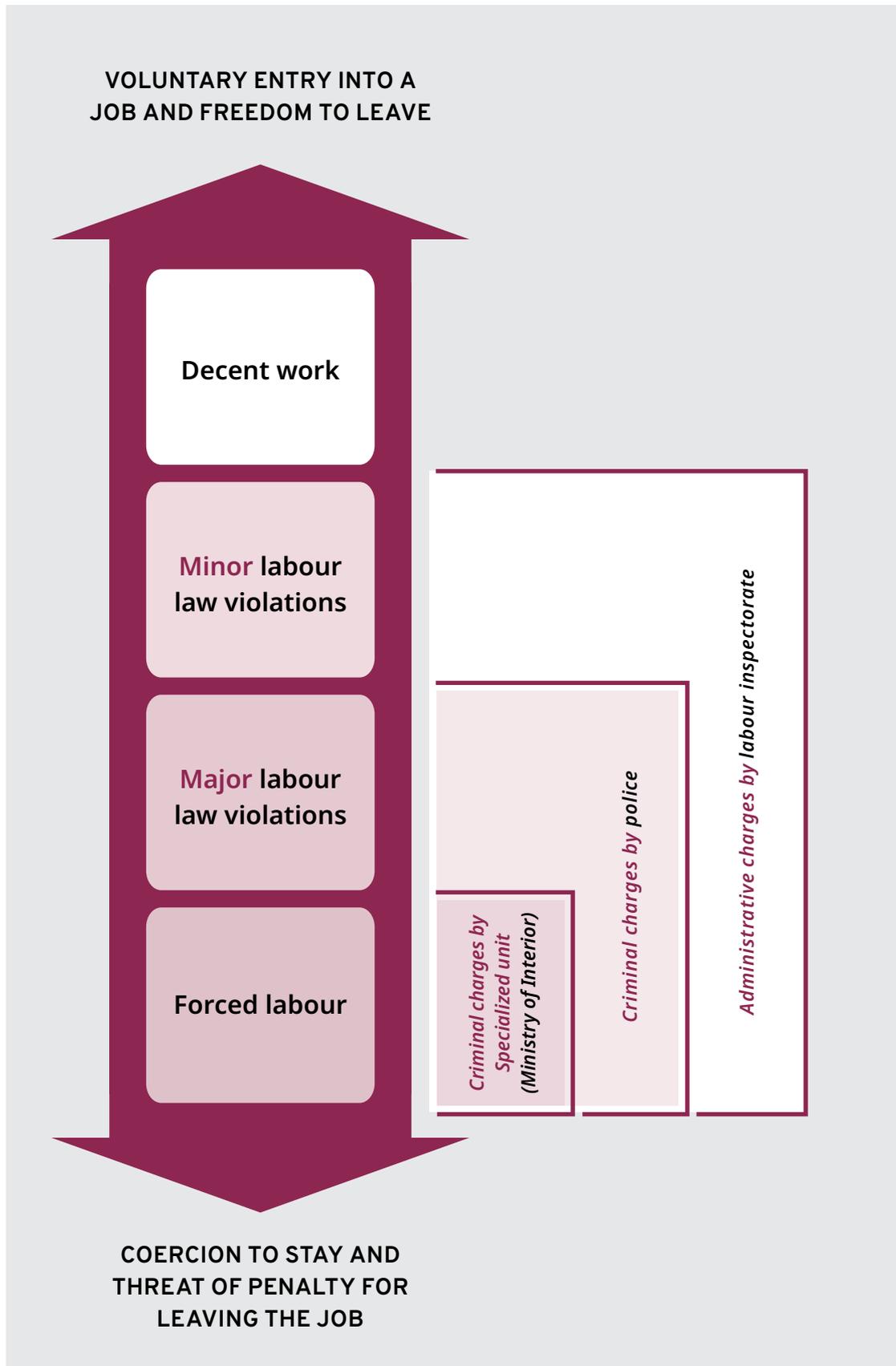
## 1. What is forced labour and trafficking for labour exploitation?

Imagine a spectrum of employer-worker relationships. 'Decent work' is on one end, and as we move away from decent work on the spectrum, the severity of the rights violations increases. There is a point when violations of the labour law crosses over into a criminal offense: forced labour or trafficking for labour exploitation. Men and women in forced labour are deprived not only of their dignity, but of their freedom.

Poor working conditions alone does not constitute forced labour nor trafficking for labour exploitation. For poor working conditions to qualify as forced labour (or trafficking for labour exploitation), forms of coercion or deception need to be used to retain a worker. In practice, determining when exploitative practices can be considered forced labour and trafficking is often not straightforward. This handbook aims to provide more clarity.

The concepts of forced labour and trafficking for labour exploitation are similar and overlap significantly; yet they are not identical. While forced labour is about the end result (i.e. a person trapped in labour exploitation), trafficking is a process that involves the 'handling' or treatment of a person through some form of manipulation, for the purpose of exploitation.

# Spectrum of employer-worker relationships



Forced labour and trafficking for labour exploitation are defined in international law.



***Forced labour is “all work or service that is exacted from any person under the menace of any penalty and for which the person has not offered himself or herself voluntarily.”<sup>1</sup>***

The ‘menace of any penalty’ are the means to compel someone to work against their will. It includes various forms of direct or indirect coercion, such as withholding wages or other promised benefits, threatening to report a worker to the authorities, or an actual or credible threat of violence against a worker. The threat must be understood from the point of view of the worker. For instance, migrant workers who have recently arrived in the country and do not speak the language may be more easily led to believe that they will be deported if they complain to the authorities about their conditions of work.

***Human trafficking “shall mean the 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, or the removal of organs.”<sup>2</sup>***

A person is guilty of human trafficking if he or she knowingly participates in the process of exploiting someone (including, for example, in their recruitment or harbouring), through deception or force.

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1. The definition of forced labour is set out in the ILO Forced Labour Convention 1930 (No. 29). ILO Conventions are international standards agreed among its member States, employers and workers.
  2. The definition of trafficking comes from ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children’ (also known as the Palermo Protocol or the UN TIP Protocol) and supplements the UN Convention against Transnational Organised Crime adopted in Palermo in 2000.

## 2. How are these crimes addressed in Qatari Law?

Workers in Qatar are protected by the Labour Law (No. 14 of 2004) and by the Domestic Workers Law (No. 15 of 2017).

In addition, articles 318-322 of the Penal Code (Law No. 11 of 2004) refers to crimes related to freedom and security of individuals. The term “forced labour” is not defined, but penalties are set out for:

- “Whoever unlawfully, kidnaps or abducts, takes, or holds, detains, or arrests or **deprives any person of their freedom...**” (Art. 318);
- “Whoever brings into or takes out of Qatar a person as a slave, or buys, sells, or donates a person as a slave ...” (Art. 321);
- “Whoever **forcibly, takes somebody to work** with or without salary...” (Art. 322)

Moreover, human trafficking is defined in Article 2 of the Law on Combatting Human Trafficking (No. 15 of 2011), and is nearly identical to that in the international protocol:

*“Whoever deals in a coercive or transactional way with a natural person, including the **use, transport, delivery, harbouring, reception or receipt, whether within the state territory or across its national borders; by means of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another person; if the purpose of the transactions was exploitation in whatever form, including: exploitation in acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, begging, forced labour or the forced rendering of services, slavery or practices similar to slavery, servitude or the removal of human organs, tissues or body parts; shall be committing the crime of human trafficking,**”*

# The three core elements of the definition of human trafficking are:

The **'ACT'** (WHAT is done at any stage in the process)  
 Recruitment, transportation, transfer, harbouring or receipt of persons



The **'MEANS'** (HOW it is done)  
 Force, deception, abduction, threats, abuse of power or a position of vulnerability



The **'PURPOSE'** (WHY it is done)  
 Exploitation, including forced labour, sexual exploitation or removal of organs



### 3. What are some of the common misunderstandings surrounding forced labour and trafficking for labour exploitation?

MYTHS	FACTS
<p>Forced labour is something that happened in the past.</p>	<p>Forced labour constantly takes new forms. It is sometimes referred to as 'modern day slavery'. In 2017, the ILO estimated that there were 24.9 million people in forced labour worldwide.</p>
<p>Forced labour only exists in the least developed countries in the world.</p>	<p>Forced labour is a global problem affecting all countries in the world, including high-income and industrialized countries.</p>
<p>If a country has zero criminal prosecutions of forced labour, then forced labour is not a problem there.</p>	<p>All countries face the challenge of forced labour. It is essential to conduct investigations, secure prosecutions and ensure protection of victims.</p>
<p>Workers in forced labour are only made to work through violence and threats of violence. They are bound in chains and locked behind gates to restrict their freedom.</p>	<p>Workers are coerced in different ways, not only with physical violence or threats of violence, but also through indirect and/or subtle psychological and economic means. These include threats of detention and deportation, and otherwise abusing workers' vulnerability.</p>
<p>Workers with an irregular immigration status are perpetrators of a crime, and therefore cannot be victims of a crime.</p>	<p>Qatari law and international law grants protections for victims of trafficking, regardless of their immigration status. Traffickers and unscrupulous employers often hire irregular workers or deliberately not renew work permits, in order to exploit this vulnerability.</p>

## 4. Why are migrant workers at risk of forced labour and trafficking for labour exploitation?

According to an ILO global estimate in 2017, almost a quarter (23 per cent) of all victims of forced labour were exploited outside of their home country. Migrant workers' level of vulnerability is affected by multiple factors, including:

### Deceptive and abusive recruitment practices, that often lead to high debts

Many migrant workers find their jobs abroad through a network of recruitment agents and intermediaries, incurring high brokerage charges. Many have to take out loans to pay these inflated costs, often with high interest rates. This indebtedness leaves them highly dependent on their employers to maintain an income to repay their debts – and unscrupulous employers may take advantage of this vulnerability.

**Qatari law prohibits recruitment fees from being charged to workers.**



### The power imbalance resulting from the sponsorship system

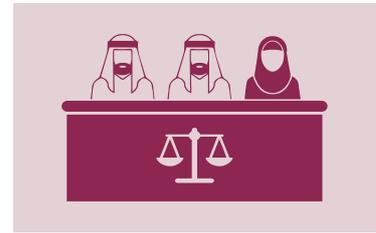
In many Gulf States, the sponsorship regime ties a migrant worker's employment and residency status to one employer. This gives the employer considerable power over the migrant worker, especially in States where the worker is dependent on the employer for a 'No Objection Certificate' (NOC) to obtain alternative employment, or an exit permit to leave the country. In such situations, migrant workers have very little leverage to negotiate with employers, and are thus vulnerable to abuse.

**In 2019 and 2020, Qatar took pioneering steps to dismantle the most restrictive elements of the sponsorship system. Workers no longer need their employers' permission to change jobs or leave the country.**



## A lack of access to effective grievance mechanisms

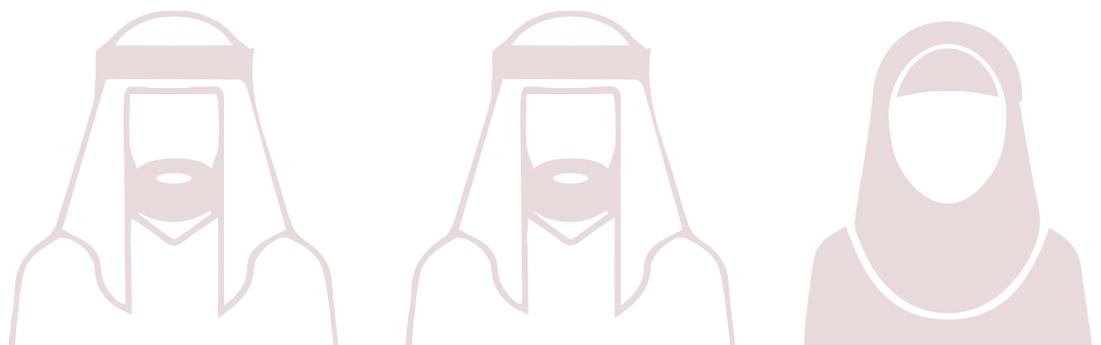
Migrant workers often cannot access or make full use of government complaints mechanisms. They may not be aware of their rights or what to do in case those rights are violated. They may be intimidated or fearful of approaching the authorities.



Certain groups of migrants may face particular challenges in accessing complaints channels, including:

- **first-time migrants** may be less familiar with their rights and less confident in demanding them.
- **domestic workers** are often isolated in homes with less information and less mobility, and their workplace falls outside the remit of the labour inspectorate.
- **migrants with irregular immigration status** are often reluctant to seek assistance from the authorities.

**In line with Qatar's Constitution, everyone has access to justice mechanisms, which include complaints channels and the Labour Dispute Settlement Committees.**



## 5. How can you identify forced labour and trafficking?

Unfortunately, it is not always clear where labour law violations stop and forced labour begins. It can be a subjective decision based on local laws and practices. It can be difficult to collect evidence to prove that the actions to exploit were deliberate and systematic.

Using the definition of forced labour, these two questions can help to assess whether a worker is in forced labour:

- (a) Has the worker given free and informed consent to work?
- (b) Is the worker free to leave the employment relationship without the threat of a penalty (loss of due wages and benefits, deportation, violence or other)?

### But how can you apply this legal concept in practice?

There are **11 indicators** of forced labour that serve as red flags. These indicators are used around the world to support the identification of situations that could constitute forced labour, but they are not proof as such. They should trigger further investigation by the authorities to find out the intentions behind these actions, and the consequences of them.

#### 1. Deception

Persons subjected to forced labour are often lured with promises of decent, well-paid jobs. But once they begin working, the promised conditions of work do not materialize, and workers find themselves trapped in abusive conditions. They may be made to work in a different job, for less pay or for longer hours. In these cases, the initial consent was not informed by the reality, and thus no longer constitutes consent. Had they known the reality, they would never have accepted the job offer, taken out loans or left their family. Contract substitution and visa trading (by companies who sell work visas for jobs that only exist on paper) are forms of deception that may trap workers.



## 2. Debt bondage

The law in Qatar and international law says that workers should not bear the costs of recruitment. However, many workers still pay thousands of dollars in order to migrate, for which they need to take out loans with high interest rates. Debt bondage, through the manipulation of debt by unscrupulous employers or recruiting agents, affects more than half of all people in forced labour globally. Because of the debt incurred and the risk attached to losing the job, workers are not free to leave. Debt bondage bears no resemblance to taking a 'normal' loan from a bank with repayment on mutually agreed and acceptable terms.



## 3. Abuse of vulnerability

Anyone can be a victim of forced labour. However, certain workers are particularly vulnerable, including those with irregular immigration status, first-time migrants, those with low literacy levels and those who do not know their labour rights. When an employer intentionally takes advantage of a worker's vulnerable position, for example by providing misleading information on labour legislation or not renewing their residency permit, this is an indicator of forced labour. Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.



#### **4. Retention of personal documents**

The retention of identity documents or other valuable personal possessions (such as the ATM card and return air ticket) by the employer is an element of coercion if workers are unable to access these items on demand, and if they feel that they cannot leave the job without risking losing them.

If a worker asks their employer to hold onto the passport for safekeeping, this should be documented in writing through a signed consent form. However, employers cannot ask workers to keep their passport, because it is difficult for workers to refuse. If a large number of workers in a company have signed consent forms, this could be an attempt to conceal passport confiscation.



#### **5. Isolation**

People trapped in forced labour are often isolated in closed off locations, and denied contact with the outside world. Workers may live on the worksite, or the worksite may be far from populated areas, and transportation may not be available. Equally, workers may be isolated within populated areas, by having their mobile phones confiscated to prevent them from having contact with the outside world.



## **6. Restriction of freedom of movement**

Those in forced labour may be locked up and guarded to prevent them from leaving. Workers may also be simply not granted permission to leave the premises, which is more likely on sites where workers live and work. For instance, where a domestic worker is not allowed to leave the house on his or her day off, this represents a strong indicator of forced labour.



## **7. Abusive/very bad working and living conditions**

People subjected to forced labour may endure living and working conditions that workers would never accept freely. They may be performing work under conditions that are degrading, difficult or dangerous (e.g. extreme heat, or without adequate protective gear), and in severe breach of the labour law. Those in forced labour may also be subjected to poor living conditions, made to live in hot, overcrowded and unhealthy conditions without any privacy, and provided food that is inadequate in terms of hygiene or nutrition.



## 8. Excessive overtime

People subjected to forced labour may be required to work excessive hours beyond the limits prescribed in the law. They can be denied breaks and days off, or be on-call around the clock. Working more overtime than is allowed by law<sup>3</sup> under some form of threat (for example, threat of dismissal), or in order to earn at least the minimum wage, is an indicator of forced labour. Many migrants want to work overtime, but this should be voluntary, paid and within the legal limits. Moreover, working excessive hours can lead to fatigue, which is a major contributor to accidents and injuries in the workplace.



## 9. Withholding or non-payment of wages

Non-payment of wages does not automatically imply a forced labour situation. However, when wages are systematically and deliberately withheld as a means to compel the worker to remain, and deny him or her the opportunity to change employer, this points to forced labour.



3. Articles 73 and 74 of the Labour Law establish that " The maximum limit of the normal working hours shall be 48 hours per week, and of eight hours a day [...]" and that "Workers may be employed for extra hours, provided that the total working hours per day shall not exceed 10 hours".

## 10. Threats and intimidation

People in forced labour may be subjected to intimidation and threats to subjugate them. In addition to threats of physical violence, other threats include dismissal from employment (and subsequent repatriation), denunciation to the immigration authorities, reporting fabricated absconding or theft allegations to the police, loss of wages, and placement in worse conditions of work.



## 11. Violence

Violence is a punishable crime under any circumstances, and is a very strong indication of the possible existence of forced labour. Workers who are exposed to violence or the threat of violence cannot express free consent.



As a rule of thumb, the more indicators that are present, the stronger the case that a crime is taking place. However, the absence of obvious indicators of forced labour does not mean that forced labour does not exist. Many people in forced labour will show no obvious sign that they are working against their will. They may not even perceive themselves as victims. When asked about their situation, victims of forced labour may provide partial or misleading information, as they may be scared and traumatised.



Tools are available to officials to gather information and collect evidence according to each of these indicators.



## 6. What is Qatar's national strategy to combat trafficking and forced labour?

Since 2017, the Government efforts to fight human trafficking and forced labour have been reinforced by the **National Committee to Combat Human Trafficking (NCCHT)**. The NCCHT has adopted an integrated approach that blends criminal law enforcement with prevention and victim protection measures.

### Prevention

The NCCHT believes that the best way to address forced labour and human trafficking is to prevent it from happening in the first place, by continually addressing the vulnerabilities and systemic shortcomings that allow it to occur.

In line with the National Vision 2030, the State of Qatar is undertaking a comprehensive labour reform agenda. This has led to the adoption of legislation and other measures that have greatly reduced workers' vulnerability to forced labour and human trafficking. These include:

- Removal of the No Objection Certificate (NOC), and allowing workers to change employers after a notice period (Laws No. 18 and 19 of 2020); and the removal of the Exit Permit requirement (Law No. 13 of 2018 and Ministerial Decision No. 95 of 2020) allowing workers to leave the country without permission from their employer. **These major changes to the sponsorship system** remove the possibility for unscrupulous employers to keep workers under their control, and allow migrant workers to terminate employment with reasonable notice, and change employer or return home.
- The Wage Protection System (WPS) (Ministerial Decision No. 4 of 2015) has undergone a series of upgrades to better ensure **the timely payment of workers' wages**. Workers' wages and living conditions are also protected with the introduction of a non-discriminatory minimum wage that applies to all sectors and nationalities, and includes minimum allowances for food and accommodation (Law No. 17 of 2020).
- Enhanced **access to justice** through improved complaints mechanisms, and the establishment of dispute settlement committees to fast-track the mediation and/or resolution of complaints (Law No. 13 of 2017 and Ministerial Decision No. 6 of 2018).

- Introduction of key **protections for domestic workers**, including written contracts, the right to a day off, and a limit on working hours (Law No. 15 of 2017 on domestic workers) and a standard contract for domestic workers with additional protections.
- **Prohibition on passport confiscation** (Art. 8 of Law No. 21 of 2015), and requiring employers to provide workers in shared accommodation with lockers in which to keep their belongings safe (Art. 3 of Ministerial Decision No. 18 of 2014).
- **Prohibition on charging recruitment costs to workers** (Art. 33 of the Labour Law, and Ministerial Decision No. 8 of 2005).
- Opening of Qatar Visa Centres in countries of origin to streamline procedures, provide workers with information and sign electronic contracts prior to departure, thereby **reducing the scope for contract substitution**.
- **Raising awareness** among workers in multiple languages; among employers; and among the general public.

## Prosecution: A criminal justice approach

Forced labour and human trafficking are criminal offences in Qatari Law. Prosecuting these crimes is important for holding up the rule of law, ensuring perpetrators receive appropriate penalties, and recognizing and remedying the victims' experience. An active prosecution sends an important signal to traffickers and unscrupulous employers that they cannot act with impunity, and encourages good employers to continue abiding by the law.

The crime of trafficking is punishable by a maximum jail sentence of seven years and a maximum fine of QAR 250,000



**7 YEARS**



**QAR 250,000**

A specialized unit on trafficking has been established in the Ministry of Interior, and also within the Public Prosecution Office. Senior officials have exchanged experiences on prosecuting trafficking cases with international partners. Training is also provided to frontline officers to increase their ability to identify cases of trafficking and forced labour, and collect the necessary evidence to prosecute. This includes comprehensive training for all labour inspectors and staff of the Labour Relations Department, who have daily interactions with migrant workers.

## Protection: A victim-centred approach

In line with Qatar's Anti-Trafficking Law and international law, victims of severe labour abuses are granted certain rights and protections. They cannot be prosecuted for migration offences or illegal activities that were a direct consequence of their victimization.<sup>4</sup> It is important to ensure that victims are protected from further victimization, securing their immediate safety from harm, intimidation and retaliation.<sup>5</sup>

Victims should be fully informed about their rights as victims, and the services on offer to enable them to make their own informed choices. They should be treated with dignity, and their privacy and confidentiality should be respected.<sup>6</sup> The provision of any such support is not conditional upon a victim's willingness to cooperate in legal proceedings. However, a victim-centred approach may help in securing the cooperation of victims.

Addressing the needs and concerns of victims requires a comprehensive, multi-agency approach. In 2019, in cooperation with Qatar Charity and the Qatar Red Crescent Society, the NCCHT opened six shelters for women and men who have been victims of exploitation or abuse. The shelter or Humanitarian Care Home facilitates victims' access to legal, medical, psychological and other forms of support.



The Humanitarian Care Home, Doha.

4. As per Articles 4 and 25 of Qatar's Anti-Trafficking Law (2011).

5. As per Articles 5, 6 and 7 of Qatar's Anti-Trafficking Law (2011).

6. As per Articles 8 and 20 of Qatar's Anti-Trafficking Law (2011).

## Partnerships:

The NCCHT collaborates with a number of partner countries in efforts to combat trafficking and forced labour, including Australia, the Philippines, Switzerland, the United Kingdom and the United States. The NCCHT also cooperates closely with the International Labour Organization, the International Trade Union Confederation (ITUC), the International Organisation of Employers (IOE), Migrant Forum in Asia and other international organizations and civil society organizations.



## 7. What are Qatar's international commitments in the fight against forced labour and trafficking for labour exploitation?

Qatar is an active member of the international community, including through the United Nations and the International Labour Organization (ILO). Qatar has signed a number of international treaties related to forced labour and trafficking. These are commitments to prevent the exploitation of migrant workers, to care for victims, and to impose criminal sanctions on perpetrators.

**ILO Convention 29 on Forced Labour** calls on States to prohibit, and address as a criminal offence, all forms of forced or compulsory labour. All ILO member States also have an obligation to advance prevention, protection and compensation measures, as set out in the Forced Labour Protocol.<sup>7</sup>

**The UN Trafficking in Persons Protocol**<sup>8</sup> requires States to prevent and combat trafficking in persons and to protect and assist victims of trafficking with full respect for their human rights.

**The UN International Covenant on Civil and Political Rights** states that "*no one shall be required to perform forced labour*".<sup>9</sup>

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7. Qatar ratified this Convention in 1998.

8. Qatar ratified the 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children' (Palermo Protocol) in 2009.

9. Subject to certain provisions that are broadly similar to those in ILO Convention No. 29.

**The UN International Covenant on Economic, Social and Cultural Rights**<sup>10</sup> prohibits slavery, and states in Article 6 *“the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”*.

**The Sustainable Development Goals (SDGs)**, adopted in 2015 by all UN member States including Qatar, places renewed urgency on eradicating modern slavery in all its forms. Target 8.7 of the SDGs is to *“take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking”*.

**The Arab Charter on Human Rights** (adopted by the members of the League of Arab States, including Qatar) sets out different forms of exploitation (Article 10) and states that *“free choice of work is guaranteed and forced labour is prohibited”* (Article 31).

## 8. What is the role of the National Committee for Combatting Human Trafficking?

The NCCHT is chaired by the Ministry of Administrative Development, Labour and Social Affairs (ADLSA) and is comprised of several government and non-government bodies. The NCCHT also cooperates with a large number of national and international partners.

### **NCCHT members include:**

- Ministry of Administrative Development, Labour and Social Affairs
- Ministry of Interior
- Public Prosecution Office
- Ministry of Justice
- Ministry of Public Health
- Ministry of Foreign Affairs
- Government Communications Office
- National Human Rights Committee
- Qatar Social Work Foundation (Center for Protection and Rehabilitation)

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10. Qatar ratified both UN Covenants in 2018.

The Committee aims to act as the national coordinator for monitoring, preventing and combating trafficking in human beings through coordination with the relevant authorities in this regard, and to do so will:

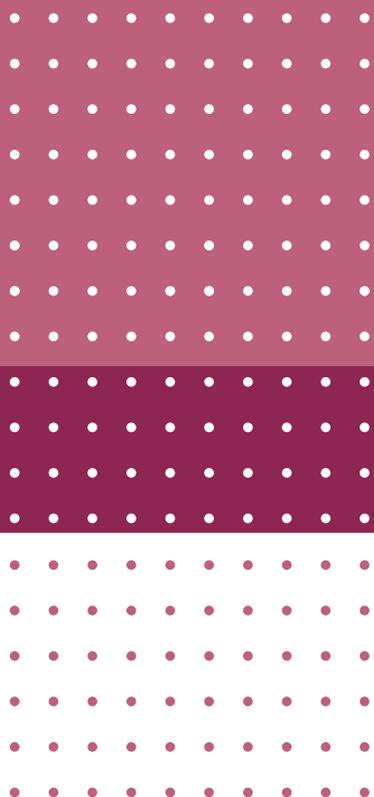
- 1 Develop the national plan to combat trafficking in human beings and prepare the programs and mechanisms implemented in coordination with the relevant authorities in the State.
- 2 Prepare a database containing international legislation relating to human trafficking, trafficking methods and related studies.
- 3 Review the relevant national legislation and ensure its consistency with the international conventions and conventions ratified by the State.
- 4 Prepare and publish an annual report on the State's efforts to prevent, monitor and combat human trafficking.
- 5 To study and take account of international and regional reports on the prevention, monitoring and control of human trafficking.
- 6 Coordinate with the competent authorities and concerned parties to provide protection and support to victims of human trafficking, including the program of protection and rehabilitation to assist the victims in community integration.
- 7 To raise awareness on trafficking in human beings through the holding of conferences and symposia, preparation of bulletins, training programs and others to achieve the objectives of the Committee.
- 8 Exchange information and experiences with Arab and regional organizations and committees to combat human trafficking and strengthen links with them.
- 9 Participate with the concerned authorities in the State in international conferences and forums related to combating human trafficking.
- 10 To carry out any work assigned to the Committee in the field of combating human trafficking.

***You!*** All citizens and residents in Qatar may be witnesses to crimes taking place.

If you suspect a case of forced labour or trafficking, call the NCCHT Hotline: **16044**



Additional information and tools are available on the NCCHT website: **[www.ahtnc.gov.qa](http://www.ahtnc.gov.qa)**



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