

# Kafala violating migrant rights: Can FIFA help to abolish?

**Sheepa Hafiza**, Director, Gender Justice and Diversity, and Migration Programme, BRAC

If we analyse the growth of overseas employment from 1996 to 2012, broadly, there is a continuous growth. It was high during 2006-9 periods. That means there is up and down. On the other hand if we see the scenario of overseas employment remittance from 1976 to 2013, there is also a continuous growth. Though it was apprehended during 2008-9 that remittance income would be affected by economic recession, fortunately it did not affect the remittance growth that much. At present, the total number migrant workers is more than 87 lakh among which 13% are female migrant (According 2013 data). It is a big shift because during 2006-9 the percentage of female migrants was 2-4%. Perhaps, that time we did not have clear statistics about female migrants.

Presently, remittance accounts for 13% of our total GDP. 78% migrants are going to Gulf Cooperation Council (GCC) countries. It is interesting to note that 80% population of GCC countries are migrants. That means, their countries are being built up by the migrants.

Now, what is kafala system? This system prevails in GCC countries. It is an instrument of violation of the rights of migrant workers. In these countries all unskilled migrant has to get sponsorship from an organization or individual to get VISA and work permit. In fact, there can not be anything like unskilled labour because everybody has some skills. This kafala system emerged in 1950. It is a Bedouin culture of hospitality. By the authority of kafala sponsors can employ as well as terminate any worker any time at their whims. The migrant do not have the scope of choosing any job except permitted by the sponsor. Besides this the sponsor also decide interval of re-entry in that country. Migrant workers cannot renew their resident permit without permission of the sponsor. So this is a system of total control exercised by the sponsor on a migrant worker. This system clearly violates employment rights which are very much related to one's right to life. There is no legal protection against this inhuman system. So often the workers face psychological, verbal, physical and sexual threat and abuse. Many human rights organizations have termed this kafala system as 'modern day slavery'.

Now if we look at some statistics we will see that through this system sponsors withheld VISA of 90% migrant workers. 56% did not have government health card that is essential to access facilities of public hospitals. 21% migrant workers rarely or never received their salary on time. They got only a portion of the salary after a long period.

Among the migrant workers the situation of domestic workers, most of whom are female, is the worst. They face heavy workload, food deprivation and inadequate living condition. They have to work roughly for 62 hours in a week with unpaid and under paid wages. Their passports are confiscated and they have little communication scope with their families. They often fall victim to psychological and physical violence and sexual abuse.

There are some international instruments that can protest against this inhumane practices going through Kafala system. These are UDHR, Union Convention on Protecting the Rights of All the Migrant Workers and Their Families 1990, Decent Works for Domestic Workers Convention and CEDAW. Bangladesh government have ratified all these instruments.

There are different types of kafala system in different countries. In 2009, UAE launched a wage protection and non exit permit system. Kuwait announced in 2011 that it would abolish the kafala system. It has been made easier for migrant workers, except domestic workers, to change their sponsors. In Oman no exit permit is needed. A migrant worker requires NOC to change his job if he works less than two years in that job. In 2009, Saudi Arabia passed a bill for the protection of rights of migrant workers. Bahrain has dismantled the kafala system. Qatar does not have any intention to abolish the kafala system following the footsteps of its neighbours. Now the issue of Qatar has come to fore as she is going to host the FIFA World Cup 2022. It is expected that Qatar will recruit more than 155 million labourers to build the necessary infrastructure for the world cup. It will spend US \$220 billion for this purpose. In Qatar, 964 workers died between 2012 and 2013 in construction works. Now, everyday more than one people die in Qatar. The comment that the death rate of migrant workers is less than native death rate is very objectionable because the death statistic of natives includes people from all ages whereas the dead migrant workers are quite young. This high rate of death at such an early age is unacceptable.

According to International Trade Union, at least 4000 migrant labourers will die before the ball being kicked off in 2022 FIFA World Cup. On June 2012, Human Rights Watch presented a report where they urged for building a better world cup protecting migrants workers in Qatar ahead of FIFA World Cup 2022. This gave an awareness message about the migrants workers' rights. International Trade Union Confederation is calling for an end to the kafala system. UN General Assembly also said that it will continue pressure on Qatar to reform the labour law and implement it fully. On May 14, 2014 Qatar government confirmed that they had hired a British firm to reform the law. The firm made following recommendations:

- No exit permit will be required.
- Requiring wages to be paid electronically to prevent the tendency of giving low wages.
- Enforcing a newer accommodation standard for workers.
- Giving some sorts of freedom of movement. If migrant workers want to change job earlier they would still require permission from the employer but it cannot be restricted.

So we see the silver lining in this proposal. Qatar is the second largest destination country for the Bangladesh migrants. World Cup related constructions will open an opportunity for Bangladeshi migrants. Since Qatar will need more workers Bangladesh as a sending country can play a vital role in changing the kafala system by influencing FIFA and other relevant international bodies. Now-a-days a huge number of migrants are going to this region from India and Nepal but they have a more organized and controlled mechanism. Their government is more conscious about their rights. We can also mobilise these countries to abolish the kafala system. Government, NGOs, INGOs, civil society, media all have to join hands to achieve this success. That's why we have to identify our specific roles and try our best to abolish this curse of modern day slavery. We never say that a country do not follow any rules and regulations on migration. We only want these rules and regulations should be humane and respectful to rights of migrant workers.

**Shahnoor Wahid**, Special Supplements Editor, The Daily Star  
It is encouraging to hear that Qatar government is formulating harsher penalties against violation of labour laws. It will be a laudable success if they really implement this new law. We have to monitor whether it is just in the paper or they are really going to do it. This alliance should follow up the process.

**Modasser Hosain Masum**, Project Manager, Dhaka Ahsania Mission  
Migrant labourers earn highest remittance after RMG sector but they do not get enough attention from the government as well as non government organisation and civil society. Civil society members should raise their voice against such gross violation of human rights. As a designated authority, National Human Rights Commission should come forward and take immediate measures to alleviate the plight of the migrant labourers in GCC countries.

**Sumaya Islam**, Director BOMSA  
I want to focus on female migrant workers. In recent times most of the women migrants are going to Lebanon, Jordan and Dubai. We do not have any clear statistic about their situation. As far we know, they are the worst sufferers of violation of migrant rights. According to a study, 70% female migrant workers do not get wages properly. They suffer from food deprivation, physical and mental torture and sexual abuse. Kafala system binds them to this inhumane condition in the foreign land. They are also not getting any help from the home country.

**Md. Sekender Ali Mina**, Executive Director, Safety & Rights  
In Qatar most of the migrant workers will go for construction work. We do not know about their skills, wage, health and other basic facilities. We should be aware of these facilities and make the potential migrants aware also.

Everyday about eight to ten dead bodies of migrant workers are coming back to the home country. Do we know what the reasons are? Do they get compensation? We should seriously deal with these issues. These issues should be seriously considered in the reformulation of Qatar's labour law. We should monitor the reformulation process. Foreign Ministry of Bangladesh and their embassy in Qatar should try to influence the reformulation process in favour migrant workers.

This alliance should be made more powerful and more vocal. That's why the membership criterion should be more open. We have to raise our voice again and again to get serious attention from both the sending and receiving countries.

**Rezaur Rahman**, Law, Life & Culture  
It is interesting to note that the reform



*National Alliances for Migrants Rights, Bangladesh (NAMR,B) has recently organised a consultation on "Kafala violating migrant rights: Can FIFA help to abolish?" We publish a summary of the discussion*

-- Editor

## PARTICIPANTS



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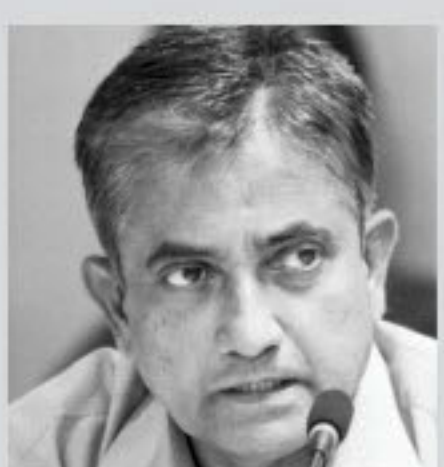
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proposal is being proposed by the home ministry of Qatar in consultation with their foreign ministry. They are going through international pressure following the FIFA World Cup 2022. So we have a unique opportunity to create global pressure on this country to reform the labour law in a worker friendly way.

We have to keep in mind two things. First the issue of migrant workers should be comprehensively addressed in Universal Periodic Review (UPR). There will be three sessions of UPR before the world cup 2022. Bangladesh as a participant should play an active role in mobilising support in favour of this issue. Secondly, Bangladesh as a member of OIC country can bring up

the issue to the forum of Muslim countries where GCC countries are prominent members.

**S.A. Al-Razi**, WARBE

Sometimes it happens that sponsors recruit workers for two years but the project end after few months. In this case there should be system so that the workers can switch to other jobs. I think this option should be included in our recommendation list.

**Syed Mahub Elahi**, Chairman, OKKAF

The president of FIFA governing body has bilaterally urged Qatar to improve the condition of migrant workers while at the same time he has said that FIFA has very little to intervene. He also said

that along with Qatar government construction companies also responsible for the well being of the workers. The irony is that most of the construction companies are based out in western countries like the USA and UK. So we should also urge these western governments to create pressure on their companies so that they carefully recruits migrant workers and ensure their rights.

Bahrain is the example where the kafala system is abolished. We should highlight this example.

**Shameem Ahmed Chowdhury**, Sadia International

We have to mobilize other sending countries to create a common platform. From that platform sending countries will set some standards. In case of violation of these standards the sending countries will suspend manpower export to that particular country. We should also engage representatives of employment countries. Then they will convey the message to their government and it will definitely help to change their mindset.

We have to empower our embassies for effective results in the employment countries. The embassy officers have to be skilled on language of destination country for easing the gap in communication with the locals.

**Ali Haidar Chowdhury**, Senior Vice President, BAIRA

It is a matter of joy that recently we, the sending countries, have jointly formed a forum in Manila on behalf of ILO and IMO. We will send our workers following some common standards.

**Sarawat Binte Islam**, Programme Manager, Manusher Jonno Foundation

Already an allegation has been raised against Qatar. Qatar may loose the hosting opportunity. Our migrant workers have already started to going their under different working scheme. We have to take precautionary measures so that if the venue is changed our worker would not suffer from any discrimination.

**Shariful Hasan**, Senior Reporter, Prothom Alo

Qatar's record of migration management is the best among GCC countries. Actually the problem lies in our government who do not pay sufficient attention to the welfare of the migrant workers. In Nepal, the government have formed a probe committee to find out why unnatural deaths of migrant workers are happening. Did Bangladesh government ever ask the Qatar government about unnatural death of her migrant workers? Bangladesh government refuses to accept this truth. So first of all the government should change its attitude towards migrant workers.

**Omar Faruque**, Executive Director, OKUP

I think it will be wise not to relate the FIFA with Kafala system. This is very sensitive issue. Qatari people will not tolerate anything that harms their interest. It will rather make them annoyed. We should rather focus on diplomatic channels. We can form a group where we can sort out the problems and inform them.

**Md. Abu Taher**, Team Leader-EMPHASIS Project, CARE Bangladesh

We are the part of the government. So there is no scope to blame the government. In Asia, the migration issue is less prioritised. The government also has resource limitation in this sector. We should try to help them. If we want to see our country in the list of middle income country by 2021 there is no alternative to migration. I am hopeful about migration development. NGOs have a big role to play in making aware governments of sending countries about this issue through their multinational branches.

**Hassan Imam**, Programme Coordinator, Migration Programme, BRAC

Qatar is one of the most power countries in the Middle East. So this is an opportunity for us. If any change happens in Qatar in terms of labour law it will definitely influence its neighbours in a positive way.

We have to strengthen our network which will make our voice louder and stronger. I hope there will be no kafala system in 2022.

**Fatema**, Returnee Migrant

I worked in Lebanon as a domestic help. They confiscated my passport. They did not pay me on a regular basis. When I wanted to come back home they did not allow me rather I suffered from various kind torture and abuses. I am a sufferer of the kafala system. I want it to be abolished.

**Khursheda Begum**, Returnee Migrant

When I asked for salary they tortured me inhumanly. If we were able to earn adequate money in Bangladesh we would not have gone to foreign countries. It was a horrible experience. It shows that the government do not care for us.

**Arafat Ara**, Financial Express

A big market for the migrants will be created following FIFA World Cup in Qatar. We have to careful that we do not loose this opportunity by being too critical of the Qatar government.

**Sabiha Laiju Nishi**, Programme Coordinator, SHISHUK

Qatar needs labour for their construction work. We need to send labour for our development. So there should be a win-win situation where both can benefit. Another point is that the government should ensure that the family of sufferers should get proper compensation.

**Rina Roy**, Director, Manusher Janno Foundation

Kafala system has to be removed. World Cup 2022 is an opportunity to create a massive campaign both locally and internationally to abolish this system. We should expand our alliance and engage all the concerned national and international bodies.

We should also try to contact with the labour organizations in the employment countries. We can also aware EU and US government who can ask their companies to make a safe recruitment process.

We have to make people aware about the kafala system. We know very little about this system and the upcoming changes in this system. The whole labour law of Qatar should be reviewed. The complaint and compensation mechanism should be carefully reviews so that there does not remain any loophole.

**Kazi Abul Kalam**, Deputy Secretary, Ministry of Expatriates' Welfare and Overseas Employment

Our workers go to the destination country through companies or individuals. Our statistics says 60-70% workers are going there individually. If we want to say about exploitation it is done by the sponsor who is a Bangladeshi. So this sponsor system should be clearly understood.

Bangladesh is known as a leading country in the migration management. The government is trying their best. We are now way behind Nepal in facilitating a smooth migration process and well being of the migrants. In Nepal, domestic migrant workers don't get permission from the government to go abroad. They have to go via other country. So they are getting no help from their home country. Even their families have to receive dead bodies from India.

Now we have to decide whether we want reform or abolishment of kafala system. Qatar announced that migrant workers would not require exit permit. But sponsor confiscate migrant workers' passports. So they still remain bound to sponsors. So the sponsor system itself should be changed. We have to also think that without sponsor's supports how a female migrant worker will arrange her accommodation in the foreign land. So we need to think carefully before doing any campaign against kafala system.

The government discussed the issue of migrant workers in GCC countries in the Colombo process and Abu Dhabi Dialogue. As a result of these discussions receiving countries are seriously addressing the issue of wage protection, dispute elimination and call centre.

We already have appointed a labour councillor in Qatar. In the past we did not have any embassy in Lebanon. Now we have an embassy in Lebanon but still there is no labour attaché in that embassy. We should expedite the employment process.

**Mohammad Golam Mostofa Khan**, Joint secretary -Director (Employment), BMET

In the destination countries there are some migrants who stay illegally. Last month Saudi government returned about 300 migrants. Among them fifty percent went there in the name of performing Omrah but did not come back. Another group were staying after completion of permitted time. Other group is very clever who overstay there to be caught and sent by the Saudi government to save their ticket money. So we have some moral problems also.

We are receiving about 100-150 complaints from the migrants everymonth. When we inform these to the recruiting agents they try to solve these. But many of complaints are withdrawn after few days.

The government will try their best to strengthen cooperation with Qatar through diplomatic channels and inform them about the existing problems of our migrant workers. We will also seriously consider your recommendations.

The government is always in favour of migration. We have increased the amount of compensation money from 1 lakh taka to 3 lakh taka. We give money for funeral to family of the dead migrant workers. It has been increased from 10,000 to 30,000 taka. We are trying to find the cause of increasing death rate of migrant workers. Hope we will soon be able to revert the trend and protect our workers in the destination countries. But the government have to go through check and balance. Otherwise over criticism of kafala system may restrict the number of