



Sharan Burrows
General Secretary
International Trade Union Confederation
By email

4 November 2022

SUBJECT: Public statements on labour reform process in Qatar

Dear Sharan,

Ahead of the conclusion of your tenure as ITUC General Secretary, we feel compelled to write to you to express our concerns about public statements the ITUC has made about the labour reform process in Qatar and the ITUC's failure to speak out against serious abuses by the Qatari authorities, since Qatar initiated its technical assistance program with the International Labour Organisation (ILO) in 2017. We do not take lightly our decision to write on this matter. We are doing so because the ITUC is an internationally respected body and its comments have significant importance and impact.

We recognise the pivotal role that the ITUC has played in creating the conditions for Qatar's reform process. Indeed, the ITUC's highly effective work within the ILO played a major role in leading Qatar to begin its Technical Cooperation Programme with the ILO. However, we have been increasingly concerned by statements that have either exaggerated the effectiveness of legal reforms in Qatar or downplayed the seriousness or prevalence of ongoing human rights abuses. We are also concerned by the ITUC's continuing failure to scrutinise the actions of the Qatari authorities. This has extended to not calling for the release or fair trial of individuals whom Qatari authorities detained and prosecuted after they criticised Qatar's record on migrant workers' rights.

We firmly believe that effective trade unions are critical to the realisation of workers' rights around the world and that global union federations, not least the ITUC, have tremendous potential to help bring about change in the Gulf region. Indeed without trade unions and the right to collective bargaining and freedom of association, migrant workers will always be vulnerable to serious abuses in Qatar and beyond. Nevertheless, an exaggeration of the progress that Qatar has made will not hasten labour reforms or persuade Qatar to allow trade unions to operate. On the contrary it relieves the pressure on Qatar at a most critical juncture. In the time that remains in your tenure and going forward, we would urge the ITUC to refrain from public statements that misrepresent the situation in Qatar and to offer evidence-based assessments of Qatar's labour reform process.

We have attached our concerns in full in an annex, which, alongside this letter, we will be making public in the interests of transparency. We would of course be happy to discuss the points we have raised with you and/or other ITUC colleagues. We look forward to working with the ITUC on these critical issues in the coming years.

Yours sincerely,



Nicholas McGeehan
Director



James Lynch
Director

ANNEX: CONCERNS ABOUT ITUC STATEMENTS

Kafala system

In June 2022, on a video produced by Qatar’s Ministry of Labour, the ITUC General Secretary stated, among other things, that “*the system of modern slavery - kafala - is dead.*” This statement represented a highly significant, definitive, and positive assessment of one of the most critical questions facing migrant workers in Qatar. The reality is that while the important legal reform enacted in August 2020 finally repealed the requirement to obtain a No-Objection Certificate (NOC), allowing workers to move jobs without seeking their sponsors’ consent, numerous independent rights groups have documented serious problems with the implementation of the reform. These reports, and accounts from trade unions and migrant workers in Qatar, confirm that kafala is certainly not dead. In [October 2021](#), for example, Migrant-Rights.org stated in a detailed report on what it called the “de facto NOC”, that job mobility in Qatar was a “mirage”.

In a 2021 Amnesty report, a worker from Kenya [described his inability to change jobs](#) despite the reform. “Those things [about the job transfer process] they just say they are working but the truth is you might get a confirmation message that you have [been approved] but when the Ministry revisits your message back in the system, they cancel [because of the relationships] that the Ministry of Labour has with the companies. And for it to work out you might spend even a year following up and at the end they deny you.” A September 2022 article in the [Guardian](#) quoted one worker who laughed at the suggestion that he could move jobs, saying that, “if we could change jobs, everyone would leave [the company]!”

Protection from heat

In October 2022, the ITUC General Secretary was [quoted in the international media](#) as saying that Qatar’s law regulating working in extreme heat is “one of the best in the world”. On the contrary, Ministry of Labour decision No. 17 for 2021 specifying measures to protect workers from heat stress falls significantly short of the protection required to prevent heat-related illness and death. Heat-stress experts consulted by Amnesty International for their August 2021 report were highly critical of the new regulations. Professor David Wegman, who is an expert on health and safety in the construction industry described the new legislation as “an improvement that falls far short of what is necessary for the protection of labourers who are subject to heat stress exposures of all types” and provided [a detailed outline](#) of its shortcomings.

Migrant worker deaths

In the [same interview](#) the ITUC General Secretary was quoted as saying that “claims that more than 6,000 workers had died on construction sites over the past decade were ‘a myth’”. According to Qatari government data, 15,021 non-Qataris died in the ten years between 2010 and 2019 – of all ages, causes and occupations. 9,405 (63%) of these deaths were Asian nationals and of these, the vast majority (87%) were men. According to Qatar’s [labour force surveys](#), 50.1% of non-Qatari male employment is in the construction sector. Due to Qatar’s failure to provide properly disaggregated data, we do not know precisely how many construction workers have died in Qatar, and due to Qatar’s failure to investigate migrant worker deaths, we cannot say how many of these deaths relate to negligence. However, the evidence, much of it drawn from Qatari government data, shows a deeply problematic pattern of migrant worker deaths in Qatar. In this regard, we would draw your attention to Amnesty’s August 2021 report, which argued that Qatar has failed to protect migrant workers’ right to life. We urgently need an investigation into this problematic pattern of deaths to prevent further needless deaths and the ITUC should be

public in its support for such investigations. To say, in the context of this evidence and the urgent need for investigations, that claims of thousands of deaths are a ‘myth’ is deeply irresponsible.

Domestic workers

In a June 2022 Qatari Ministry of Labour video, the ITUC General Secretary claimed that, “Even domestic workers in this country don’t have any discrimination, they are paid indeed the same level of minimum wage.” The notion that domestic workers do not endure discrimination is at odds with a large body of research from a wide range of organisations. In 2020 [Amnesty International said](#) that domestic workers were “the most vulnerable people in the country”. Domestic workers continue to be excluded from the country’s labour law, and are subject to a separate regulatory regime from other workers.

In April 2020, the UN Special Rapporteur on Racism issued a [report on her visit to Qatar](#) and included a specific section on the discrimination that domestic workers endure.

Among low-income migrant workers, many domestic workers, who are predominantly women, confront distinct and extreme difficulties in Qatar, and face multiple and intersecting forms of discrimination, including extreme human rights violations due to their gender, nationality, temporary worker status and low income.. ... The isolation of domestic workers makes it impossible for many to even access the different labour justice mechanisms that may be available to them in principle. The most vulnerable live in abject terror, reinforced by the threat of “absconding” charges and the reasonable fear that their abusers will use morality laws, which criminalize premarital sex, to accuse them of zina (consensual illicit sexual acts).

Amnesty International has also documented how it is particularly difficult for domestic workers to change jobs in Qatar despite the kafala reform. Seven workers interviewed by Amnesty International for their 2021 [Reality Check report](#) said that their employers would not provide them with an NOC compared to only one that had. “Live-in domestic workers are in an especially vulnerable situation because their workplace – their sponsor’s house – is also where they live. Women who spoke to Amnesty International said they were scared of submitting a job transfer request through MADLSA’s platform because as soon as they did this, their employer would be notified, putting them at risk of retaliatory actions.”

ITUC Global Rights Index

The ITUC’s Global Rights Index is one of the organisation’s most important tools to assess and hold to account governments around the world for their performance on fundamental labour rights. We have been concerned about how the index has treated Qatar since 2017. Qatar was conspicuously absent from the ITUC’s 2019 [annual global rights index](#), which gives states around the world a score of between 1 (best) and 5+ (worst) based on its respect for collective labour rights. Whereas Qatar and four of the other Gulf states received a score of 5 in [the 2018 report](#), Qatar did not appear in 2019. Qatar reappeared in 2020, one of 8 countries that had improved its rating (up one place to 4) along with an explanation for its omission in 2019: “The country was going through a period of rapid legislative reform in 2019 and was not rated in the 2019 ITUC Global Rights Index.” The report, published in June 2020, claimed that Qatar had “dismantled its kafala system” even though Qatar’s actual kafala reform, which provided for the first time a legal right to change jobs without the employer’s permission, wasn’t announced until [30 August 2020](#).

Case of Malcolm Bidali and fair trial for Abdullah Ibhais

In 2021, the ITUC failed to issue public calls for the release of Kenyan security guard Malcolm Bidali. Bidali was detained in May 2021 after the Qatari authorities uncovered he was the author of anonymous blog posts criticising

Qatar's treatment of low-paid migrant workers. On 30 May, Qatar charged him with receiving payments "by a foreign agent for the creation and distribution of disinformation within the State of Qatar." In July 2021, Qatar's Supreme Judiciary Council handed down a criminal order stating Malcolm Bidali had broadcast and published "false news with the intent of endangering the public system of the state" under Article 6 of the controversial cybercrime law, in relation to the exercise of his free expression through his blogging. Malcolm was ordered to pay a fine of QR25,000 (approximately US \$6,800), as well as having his personal mobile confiscated and his social media accounts on Twitter and Instagram through which "the crime was committed", blocked. Throughout his detention Malcolm Bidali was denied access to legal counsel. He was finally able to leave the country in August 2021.

Also in 2021, the ITUC failed to issue public calls for the fair trial of Abdullah Ibhais, who is currently serving a three year prison sentence. Ibhais previously was Arabic-language media manager for Qatar's 2022 FIFA World Cup organizers, the Supreme Committee for Delivery and Legacy. Before Qatari authorities detained him in December 2021, he told Human Rights Watch and FairSquare that he believed the case against him was in retaliation for his criticism of the handling of a migrant workers' strike in Qatar in August 2019. He says his stance is what led the Supreme Committee to hand over highly sensitive allegations to the Qatari authorities in which they expressed suspicions that Ibhais was engaged in activities aimed at "harming the state or its security." He told Human Rights Watch and FairSquare that in the days following his initial arrest in November 2019 that his interrogators coerced him into signing a confession by threatening him with serious state security charges if he did not confess to the lesser charge of bribery and misuse of state funds. The court of appeal judgement issued in December 2021 shows that the court failed to uphold Ibhais' right to a fair trial. The appeal court, as with the court of first instance, the court said that it trusted that the confession, on which his conviction was based, was true despite Ibhais' explicit claim that it was coerced.

The ITUC may have been making private efforts in these cases. However, the fact that the union did not make public calls on either of these very high profile cases, was undermining. It had the effect of raising questions about whether the ITUC shared other groups' assessments regarding the government's unfair and unproved allegations.

Compensation calls

In May 2022, a coalition of NGOs and trade unions wrote to FIFA President, Gianni Infantino, and asked that FIFA "establish a comprehensive programme to ensure all labour abuses to which FIFA contributed are remedied, and to set aside appropriate financial resources." The letter noted and provided detailed supporting documentation that "hundreds of thousands of migrant workers have not received adequate remedy, including financial compensation, for serious labour abuses they suffered while building and servicing infrastructure essential for the preparation and delivery of the World Cup in Qatar." The ITUC had the opportunity to join this call but has until now declined. We encourage the organisation to revisit this decision.