

# **QATAR**

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COMMITTEE ON THE  
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# INTRODUCTION

Amnesty International submits the following information to the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW), in advance of its examination of the initial report of Qatar in February 2014, submitted under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). This examination provides an opportunity to review Qatar's progress since its accession to the treaty in 2009 in abiding both in law and practice by the provisions of the Convention. Amnesty International welcomes the steps taken by the Government of the State of Qatar to fulfil its treaty obligations as a state party to the Convention, including the submission of its initial report to CEDAW on 28 November 2011.

Although the Qatari government has taken positive steps with regard to combating discrimination against women and preventing human trafficking, Amnesty International is concerned that women in Qatar continue to face barriers in fully exercising their human rights in law, policy and practice. In this briefing Amnesty International highlights four areas of concern. They include: domestic violence – including against domestic workers – and sexual violence in the criminal justice system; human trafficking; discriminatory provisions in law with regard to marriage, freedom of movement and nationality; and lack of legal protection for migrant domestic workers and abuses in the workplace. It is important to note that the concerns listed here are not exhaustive.

This documentation draws on Amnesty International's ongoing research programme on Qatar, which involves regular contact with local and international non-governmental organizations, victims of human rights violations and their families, lawyers, government officials, and other individuals. It also relies on media monitoring, and extensive reading of academic and other reliable publications on Qatar.

In addition to the detailed recommendations listed under each specific question, Amnesty International considers that the Qatari authorities should:

- Lift its reservations to Convention on the Elimination of All Forms of Discrimination Against Women or to amend them in such a way that they are compatible with the object and purpose of the Convention; and
- Become party to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

# 1. DOMESTIC AND SEXUAL VIOLENCE

## (QUESTION 7 LIST OF ISSUES)

### 1.1. GAPS IN QATAR'S LAWS PROTECTING WOMEN FROM VIOLENCE IN THE HOME (ARTS 2, 3, 5)

In its National Strategy 2011-2016 the Government has recognized that there is “no process for tackling domestic violence and child protection issues currently in operation”, specifically pointing to two main challenges: “the lack of a systematic data collection system and incomplete investigations of suspected cases of abuse or neglect.” The strategy also commits the Government to taking important steps:

*“The government will reduce domestic violence by establishing a comprehensive protection system that ensures privacy, protection and support for victims as well as anyone reporting violent incidents, establish help centres, streamline data collection methods and, most important, criminalize domestic violence.”*

In addition the strategy states that “formalized legal protection for those who report cases of violence to authorities will be established.”<sup>1</sup>

While women have the right to press charges for physical or sexual abuse under the Penal Code, there is at present no specific law criminalizing domestic violence, despite the Government's National Strategy stating that this law is planned. Additionally, marital rape is not defined as a crime under Qatari law. The Qatar Foundation for the Protection of Women and Children told Amnesty International in March 2013 that it had not received any complaints about marital rape and was not aware of any such cases in the courts.

The Qatar Foundation for the Protection of Women and Children, which provides support and shelter to “victims of domestic and social violence”, provides training every year to police detectives in dealing with cases of domestic violence, but the Foundation told Amnesty International in March 2013 that attendance at this training is not mandatory for police officers. The Foundation nonetheless told researchers that every police station had an officer who was trained in how to address issues of marital violence.

### 1.2. INCIDENCE OF DOMESTIC VIOLENCE (ARTS 2, 3, 5)

The Government's National Development Strategy 2011-16 states:

*“Since 2004 Qatar has seen a significant jump in the number of reported domestic violence incidents against women and children. Such violence has devastating consequences not only for the victims but also for society as a whole.”<sup>2</sup>*

In September 2012, the Qatar Foundation for the Protection of Women and Children was quoted as stating that it had provided support to 521 women and 474 children during the first eight and a half months of the year, most of which were reported through the foundation's office at Hamad hospital.<sup>3</sup> In a separate statement in November 2012, the

organization also reported a 54 per cent rise between 2011 and 2012 in reports of violence against women. Eighty-six percent of complaints received related to physical assault, six percent related to sexual violence and three percent to “mental torture”. Fifty-nine per cent of the women submitting complaints said that their husbands were responsible for the violence.<sup>4</sup>

In March 2013 the Qatar Foundation for the Protection of Women and Children told Amnesty International that about one third of the cases they dealt with related to Qatari families, and the remainder to foreign families.

As well as family members, women working as domestic workers – who number about 80,000 according to Qatar’s 2010 census – face violence in the home. In 2011 the Director of Search and Follow up at the Ministry of Interior was reported in the Qatari media as stating that domestic violence is one of the major causes of domestic workers leaving their employers.<sup>5</sup> In March 2013 the Qatar Foundation for Combating Human Trafficking, which mostly provides support to women working as domestic workers, provided Amnesty International with data regarding 52 serious cases of abuse of women it dealt with during 2012. Of these women, the Foundation states that 22 reported physical abuse, 11 said they were victims of sexual abuse and 19 were apparently victims of forced labour, visa trading or the trafficking of children.

During research on the situation of domestic workers in Qatar in 2012 and 2013, including interviews with 50 women, meetings with government officials, sending country embassies, and employers of migrant workers, Amnesty International found evidence of domestic workers suffering from physical violence and sexual abuse in the home. In particular, twelve women reported to Amnesty International during interviews in 2012 and 2013 that some form of violence was used against them by their employers, including: slapping in the face; pulling hair; poking in the eyes; kicking down the stairs; pushing; throwing hot oil; kicking in the stomach; holding hot objects against the skin; and pinching or scratching of the skin. Three of the women who spoke to Amnesty International reported that they had been raped in the home in which they worked, by their sponsors, family members or other migrant workers, and one woman alleged that she had been the victim of serious sexual abuse by her sponsor following an attempted rape. The individuals who the women said were responsible for the violence were from a range of nationalities.

### **1.3. SPECIFIC BARRIERS TO ACCOUNTABILITY FOR DOMESTIC WORKERS WHO ARE VICTIMS OF VIOLENCE (ARTS 2, 3, 5)**

At a meeting with representatives of Doha’s Capital Police Station in October 2012, Amnesty International was told that there were few cases of domestic workers who had reported violent attacks against them. Officials said that this was because violence against domestic workers was rare, as they were treated as members of the family. But Amnesty International considers that many domestic workers are in fact fearful to report abuse to the authorities.

An embassy official from a labour sending country, who reported that a large proportion of the requests for assistance that they receive from migrant workers were related to physical or sexual abuse of domestic workers, told Amnesty International in October 2012 that most

domestic workers do not go to the police with complaints. The representative said that this was because they fear that, rather than getting help they will instead face accusations of “illicit relations”, “absconding”, or other charges such as theft.

The embassy representative said that in their experience, most cases of abuse which reach the Public Prosecutor’s office are referred there by embassies, the Qatar Foundation for Combating Human Trafficking or the Qatar Foundation for the Protection of Women and Children, rather than from the police. The representative told Amnesty International that in the embassy’s experience, very few cases of physical or sexual assault brought against the employers of domestic workers reach court.

Amnesty International understands from data provided by the Qatar Foundation for Combating Human Trafficking that investigations had been opened into around 20 of the 52 cases of abuse it dealt with in 2012, but none of these cases had yet resulted in a conviction. At least two women had received compensation after dropping their cases, though it is not clear to Amnesty International who paid this compensation.

In July 2013 Amnesty International asked the Qatari authorities for detailed statistics on the number of cases relating to complaints by domestic workers against their sponsors and how these have been dealt with, but has not received this information.

#### **1.4. THE CHARGE OF “ILLICIT RELATIONS” AS A HINDRANCE TO THE REPORTING OF RAPE OR SEXUAL ASSAULT (ARTS 2, 3, 5)**

Consensual sexual relations outside marriage are illegal in Qatar under the Penal Code. Amnesty International is concerned that when women report rape to the authorities, they are at risk of being accused of and even charged with “illicit relations”. The existence of the charge of “illicit relations” acts by itself as a disincentive to women from filing charges with the authorities.

In March 2013 Amnesty International interviewed one woman employed as a domestic worker who said she called the police immediately after she was raped by a man who broke into her employer’s house in February 2012, but following an interrogation by three male and one female police officers she was charged with “illicit relations”. She spent nearly four months in prison, during which time she attended court eight times, before being released on bail awaiting further sessions of her trial. As far as she was aware, there had been no proper investigation of her allegation of rape.

A senior prison official told Amnesty International in March 2013 that foreign women convicted of this offence generally receive one-year prison sentences followed by deportation, although there are cases where the judge allows the person to go back to their sponsor or another employer following completion of the sentence.

The same prison official told Amnesty International researchers in March 2013 that around half the 75 women in detention were being held on charges related to “illicit relations”. Amnesty International does not have information as to how many of these women had made allegations of rape prior to being charged with “illicit relations”. Thirteen children were held

in the women's prison during Amnesty International's visit, in most cases due to their mothers being held on charges of "illicit relations".

Amnesty International opposes the criminalization of consensual sexual relations, irrespective of sexual orientation or marital status. Almost two decades ago, the UN Human Rights Committee (HRC) confirmed that criminalization of consensual sex between adults was a violation of the right to privacy.<sup>6</sup> "Illicit relations" is not an internationally recognizable offence and it should be removed from the Penal Code.

The chilling effect that the existence of this charge has on the willingness of women to report sexual violence or rape, together with the fact that pregnancy is frequently used as evidence of this 'crime', means that the charge has a disproportionate and discriminatory impact on women.

## RECOMMENDATIONS

### **Amnesty International recommends that the Qatari authorities:**

- Implement its commitments, stated in the National Strategy 2011-16, to "put in place a comprehensive domestic violence protection system";
- Specifically criminalize domestic violence, ensuring that the definition is not limited to relatives living in the same residence but also includes all persons, thereby protecting domestic workers;
- Make it mandatory for all police officers to undergo training to identify and assist victims of domestic violence, including women working as domestic workers;
- Develop a dedicated cross-government strategy to ensure that domestic workers can complain of violence, including sexual abuse, and other abuse, without fear or harassment and that where sufficient admissible evidence exists, perpetrators are prosecuted;
- Prevent employers who have been convicted of violence or other abuse against their domestic worker from recruiting new workers;
- Reform the Penal Code to remove the prohibition on consenting sexual relations outside marriage;
- Release immediately and unconditionally those women convicted of "illicit relations" or detained pending prosecution on such charges, especially those who are detained or imprisoned with their children.<sup>7</sup>

## **2. HUMAN TRAFFICKING (QUESTION 8 LIST OF ISSUES)**

### **2.1. LAW ON HUMAN TRAFFICKING (ARTS 2, 5, 6)**

Amnesty International welcomes the fact that the Law No. 15 on Combating Human Trafficking was passed in 2011. The Law defines the crime of human trafficking, and mandates a prison sentence of seven to 15 years for those convicted of the crime, depending on the severity of the offence. In March 2013, government officials informed Amnesty International that one person had been charged with the crime of human trafficking for offences relating to sexual exploitation; however, there is no further information as to the details of the charge, nor whether a prosecution took place or whether a conviction resulted.

Under the Human Trafficking Law (Articles 2 and 25), victims of human trafficking, including those trafficked into “forced labor or servitudes, slavery or semi-slavery practices” are exempted from the penalties for breaching the terms of the Sponsorship Law, which normally include detention and deportation.

Amnesty International welcomes this provision and encourages the Government of Qatar to implement it in practice. The organization recommends that the Ministry of Interior carry out a full screening of domestic workers detained on charges of “absconding” or for other breaches of the sponsorship law, in order to assess whether or not they have been victims of human trafficking, forced labour or other abuses.

### **2.2. HUMAN TRAFFICKING PRACTICES IN THE RECRUITMENT OF DOMESTIC WORKERS (ARTS 2, 5, 6, 11)**

Despite the existence of a law criminalizing human trafficking, Amnesty International has found practices amounting to human trafficking in the recruitment of domestic workers. There is evidence to suggest that many domestic workers arrive in Qatar and find that the terms and conditions of their work are different from those that they had been promised either verbally or in writing, in some cases by recruitment agents or brokers in their home countries and in other instances by their employer in Qatar.

For example, one domestic worker who arrived from the Philippines in June 2012 told Amnesty International in March 2013 that she had been told by her recruitment agency in her home country that for a monthly salary of US\$400 (1,456 riyals) her working hours in Qatar would be 08:00 – 20:00 every day, with a day off every Friday. When she arrived her employers told her she had to work from 05:00 – 23:00, an 18-hour day, for a monthly wage of 900 riyals (US\$247). She was not given a weekly day off as had been promised and had to work seven days a week.

The psychological impact of such deception can be severe. In March 2013 Amnesty International was told by officials at Hamad Hospital’s Psychiatric Unit that anxiety or depression caused by deception about work was the number one cause of admission to the unit, and that 30 women working as domestic workers were admitted each year – the highest

figure for any job category. Attempted suicide was the most common reason for admission. In August 2012 an occupational therapist based at the Unit told a local newspaper that 12-15 domestic workers visited the unit daily for treatment to cope with anxiety, which led in some cases to suicide attempts. She stated that deception over the type of work was a major factor in the women's distress.<sup>8</sup>

In some cases documented by Amnesty International, such deceptive practices are clearly used for the purpose of subjecting a migrant worker into forced labour, thus constituting human trafficking. For example, in March 2013 Amnesty International researchers interviewed a 20-year-old female domestic worker identified in this document as "Grace", from an African country, who arrived in Qatar in August 2012 having been recruited directly by her female sponsor, a national of a European country. She told researchers that before she left her home country she spoke to her employer directly, who promised her payment of 800 riyals (US\$220) a month and told her she would be given days off. When she arrived her employer told Grace that she would only earn 730 riyals (US\$200) a month. She was not allowed to have days off and was only allowed to leave the house twice between August 2012 and March 2013, in order to attend two church services.

Grace was led to believe that she would have her own bedroom but was in fact made to sleep in the same room as one of the children she was looking after. Grace had her pay withheld: in March 2013, she said she had only been paid for three of the seven months she had worked. Grace had repeatedly asked her employer if she could leave and return home but her employer had spoken to Grace's mother in her home country and told her that she could not return home. The employer later told Grace she would not let her leave unless she paid over US\$700 compensation for the costs of her original outbound flight to Qatar, a sum she did not have, because four months of her salary had been withheld.

Her employer was also holding her identity cards and passport, rendering it impossible for her to arrange her own travel home. She was facing credible threats, including of violence: her employer regularly threatened to hit Grace, told her that she could "do whatever she wants with me", and refused to stop her daughter from punching and slapping Grace. Based on her testimony, Amnesty International believes she was a victim of human trafficking for the purpose of forced labour.

## RECOMMENDATIONS

### **Amnesty International recommends that the Qatari authorities:**

- Work closely with governments of migrant workers' countries of origin to prevent instances of contract substitution;
- Hold accountable recruitment agencies found to have deceived women over the terms and conditions of their work;
- Improve awareness among both domestic workers and state officials of the Human Trafficking Law and the possibility of bringing convictions for the crime of human trafficking;<sup>9</sup>
- Increase the application of the provision under the Human Trafficking Law that allows for victims of human trafficking to be exempted from the provisions of the Sponsorship Law.

## **3. DISCRIMINATION IN LAW (QUESTIONS 10, 16, 19 LIST OF ISSUES)**

### **3.1. NATIONALITY (ARTS 2, 3, 9)**

Legislative provisions discriminate against women in relation to nationality. Nationality is not granted to foreign husbands of Qatari women. In addition, children of Qatari women who marry a foreign national also do not qualify for Qatari citizenship, unlike children born to Qatari fathers and foreign mothers, who do. Amnesty International was informed of one case in which a 32 year old man, whose mother was Qatari and whose father was foreign, was refused citizenship by the authorities on two occasions despite having lived in Qatar all his life and had to continually re-apply for his residency in the country.

### **3.2. EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS (ARTS 2, 3, 15)**

Qatar's Constitution prohibits discrimination. Article 35 states that "All persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion".

However, legislative provisions restrict women's right to freedom of movement. Women must obtain approval of their husband or guardian (normally her father or another male relative) before applying for or renewing a passport. Women under 25 years must also obtain permission from their guardian to leave Qatar.

### **3.3. MARRIAGE AND FAMILY RELATIONS (ARTS 2, 3, 16)**

Domestic legislation discriminates against women; in particular, laws concerning marriage and divorce favour men.

A woman must obtain the permission of her guardian, when choosing her marriage partner. If her guardian does not grant permission, then the marriage contract cannot be concluded as her guardian is the one who represents her in the marriage contract. This requirement clearly restricts a woman's right to freely choose a spouse and women's equal right to marriage. It denies women "legal capacity identical to that of men", thereby violating women's right to equality before the law.

Men can obtain an instant divorce from their wife at any time, without payment and without having to provide a reason (this is known as *talaq*). Men can also marry another woman, while separated from their other wife.

By contrast, women must file for a divorce through the courts (known as *tatleeq*). The application must be made on specific grounds and must be supported by evidence. Women have no guarantee that the court will agree to grant them a divorce. Women can also ask for an annulment of the marriage (known as *tareeq*). However if the marriage has not been

consummated, women are expected to pay back any gifts or money received from their husband when they married.

Women are entitled to custody of their children. However, irrespective of custody, the father remains the legal guardian of any children and holds their passports. Women must request permission from their ex-husbands in order to take their children out of Qatar, even temporarily on holiday, when placing their children in school or on any other legal matter. One woman told Amnesty International that following her divorce, she wanted to take her three year old son on a one-week holiday to Dubai. As she and her husband had cut all ties, she had to apply for permission through the court system, which took over three months to obtain.

## RECOMMENDATIONS

### **Amnesty International recommends that the Qatari authorities:**

- Ensure that national laws that discriminate against women are amended to make them consistent with international human rights law and standards, including family laws, laws and procedures relating to the authority of guardians over women, nationality laws, and housing regulations;
- Take steps to combat societal attitudes that are discriminatory against women.

# 4. MIGRANT DOMESTIC WORKERS

## (QUESTION 12 LIST OF ISSUES)

### 4.1. EXCLUSION OF DOMESTIC WORKERS FROM THE LABOUR LAW ( ARTS 2, 3, 11)

Domestic workers are not protected by the terms of Qatar's Labour Law, which states (Article 3) that "Except as otherwise provided for in any other law the provisions of this law shall not apply to ... the persons employed in domestic employment such as drivers, nurses, cooks, gardeners and similar workers."

As a result domestic workers have no legal rights as workers under Qatari law, meaning they cannot lawfully demand essential rights such as: limits on their working hours; a day off; annual leave; a grievances process in the event of abuse; the provision of medical care; or decent accommodation. Some of these rights may be specified in employment contracts during the recruitment process, but, without the force of a legal requirement, it is unclear how workers can enforce them. While Amnesty International has separately documented serious problems with the enforcement of the Labour Law, the existence of a law is an essential foundation for the protection of labour rights.

The result is that domestic workers are particularly exposed to exploitation and other abuse from their sponsors, as there are few checks against the power of the employer beyond the criminal justice system. The Qatar Foundation for Combating Human Trafficking has stated

that it receives 200 to 300 requests for help a month from domestic workers or their relatives.<sup>10</sup>

The Committee Against Torture, in its 2012 concluding observations on Qatar, stated that it “regrets the absence of labour legislation that protects domestic work, while noting that a draft law on domestic workers is presently under review” and recommended that the authorities “adopt, as a matter of urgency, labor legislation covering domestic work and providing legal protection to migrant domestic workers against exploitation, ill-treatment and abuse”.<sup>11</sup>

In 2011 the Government of Qatar, along with other Gulf Cooperation Council governments, voted in favour of adopting the International Labour Organization (ILO) Convention 189 Concerning Decent Work for Domestic Workers, which commits ratifying states, among other things, to the following:

“Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.”<sup>12</sup>

Government officials have previously announced that a specific law to clarify the “rights and duties” of domestic workers would be introduced.<sup>13</sup> However, Amnesty International is concerned by statements attributed to a Ministry of Labour official in March 2013 that “there is no need for a law for housemaids... Since there is a contract signed between a maid and her employer, a law isn’t needed.” The same official was also quoted as saying that a weekly day off was “a maid’s right” but rejected the idea of limiting domestic workers’ hours to eight hours, saying “maids don’t work for eight hours a day.”<sup>14</sup>

Representatives of the Supreme Council for Family Affairs told Amnesty International researchers in March 2013 that they were open to a law to regulate the employment of domestic workers and had participated in the drafting discussions on this law. However, they questioned why such a law should include a mandatory weekly day-off for domestic workers, since they believed that domestic workers are given days off by sponsors without legal protection. They rejected Amnesty International’s overall contention that domestic workers currently lack protection for their labour rights under Qatari domestic law. Amnesty International does not consider that Qatari Government officials can reasonably state that domestic workers currently enjoy the “right” to a weekly day off when this is not guaranteed by a legal protection.

The position that no legislation is necessary seems to be at odds with the State of Qatar’s National Development Strategy 2011-16, which states that:

“The government will devise a set of regulations, including standards and conditions, to better manage the recruitment and employment of domestic helpers. This way forward will be supported by new legislation covering the legal rights of domestic workers... Stronger regulations will improve the relationship between the family and domestic helpers, particularly in relation to clearer demarcation of

responsibilities and duties.”<sup>15</sup>

A senior Ministry of Interior official also told Amnesty International in October 2012 that it would be difficult to give women working as domestic workers a day off because they might behave illegally or inappropriately on their days off, such as by drinking alcohol or meeting boyfriends. Such considerations are not a valid justification for denying workers a fundamental labour right. Amnesty International is concerned that such statements indicate the existence of discriminatory attitudes towards female migrant workers among government officials.

In January 2013, the six governments of the Gulf Cooperation Council, including Qatar, adopted a draft model contract for domestic workers across the region.<sup>16</sup> There are measures contained in the draft unified contract seen by Amnesty International which would – if implemented – be positive for domestic workers, such as its provision for a weekly day-off and the requirement for salaries to be paid by bank transfer. However, the draft fails to comply with ILO Convention 189 Concerning Decent Work for Domestic Workers in several respects, including the fact that no maximum working hours for domestic workers are stipulated and the lack of provision guaranteeing workers effective protection against abuse, harassment and violence.

Additionally, it remains unclear whether this contract would – if adopted – have any basis in law. A standard contract, without a legal basis, would be very difficult to enforce for domestic workers, who face challenges accessing legal procedures in any case. The draft contract makes no mention of a complaints or grievance process when workers’ contracts have been breached. Domestic workers in Qatar require legal protection for their rights under the Labour Law and access to specific legal mechanisms to claim their rights.

## **4.2. WORKING CONDITIONS OF MIGRANT DOMESTIC WORKERS (ARTS 2, 3, 11)**

Amnesty International interviewed 50 women employed as domestic workers in the course of three research visits to Qatar in October 2012, March 2013 and November 2013. Researchers found that a number of patterns of abuses were reported by many of these women. Interviews with sending country embassies, conversations with recruitment agencies and a small number of employers of domestic workers indicate that these practices are consistent with abuses suffered more widely by domestic workers.

### **LATE PAYMENT OR NON-PAYMENT OF WAGES**

Late payment or non-payment has been reported to Amnesty International by a number of domestic workers. One Indonesian woman told Amnesty International that she worked for her employer for at least 17 months without being given a salary. Some domestic workers said that their employers refuse to pay them directly, instead saying that they would transfer money directly to their families in sending countries. Even if they do send the money, such practices constitute a clear breach of contract, with the risk that the worker is never paid or significantly underpaid – a problem exacerbated by the fact that many employers prevent domestic workers from making phone calls, which makes it harder for workers to contact their relatives.

A Filipino worker who had worked for four months told Amnesty International researchers in

March 2013 that, as far as she was aware, her employer had only transferred payment for one month to her family in the Philippines. Many workers reported receiving payment consistently late and only after they had insisted on being paid. Several domestic workers said they were subjected to verbal abuse for enquiring about their payment. Employers appear to exploit the isolation faced by domestic workers, which makes it more difficult for them to complain to the authorities or stop working, and non-payment can therefore often continue for very long periods.

#### EXCESSIVE WORKING HOURS

Domestic workers have generally reported to Amnesty International that they work extremely long hours. A Qatar Statistics Authority study in 2009 found that domestic workers in Qatar worked for an average of 60 hours a week, which was the fifth highest figure for domestic workers in the world in 2013 according to the ILO.<sup>17</sup> This is an average figure and Amnesty International has interviewed women who worked for more than 60 hours a week. Additionally, many of the women who Amnesty International interviewed were not given a day off to rest by their employers.

Fourteen women interviewed by Amnesty International said they worked for at least 15 hours a day, seven days a week, amounting to average working weeks of more than 100 hours. Amnesty International researchers found that it was quite typical for domestic workers to describe working hours of 05:00 until 23:00 or even later. A Filipino worker told Amnesty International, for example, that seven days a week, she had to start work at 04:00 and would not be allowed to sleep until around midnight. Many reported working particularly long hours during Ramadan. One woman described effectively “working 24 hours” as she had to sleep in the same room as the baby and would have to attend to the baby throughout the night. When the baby was sick and waking at regular intervals through the night, this meant she was almost permanently working.

In some cases the workers described how, due to the pressure of work, they were not able to eat any food until after lunchtime. Many women told Amnesty International they were provided with little or inadequate food by their employers. In one case a Filipino woman said she was hit by her employer after she had been found trying to eat her breakfast. She described how she was always hungry due to the amount of work she was expected to do and the little food she was provided with. In another case, a worker said she was only provided “cup noodles” to eat and was forbidden from eating other food in the house.

#### PASSPORT CONFISCATION

Despite the provision in Article 9 of the Sponsorship Law that “the sponsor must deliver the passport or travel document to the sponsored person once the procedures for issuing or renewing the residence permit are accomplished”, and the penalty of up to 10,000 riyals for failing to do this, Amnesty International has found that it is rare for employers to return domestic workers’ passports. Among the 50 domestic workers that researchers interviewed, only three said they held their own passports.

#### INADEQUATE LIVING SPACE

Many of the domestic workers Amnesty International has interviewed reported that they were not provided with adequate living space. Two women told researchers that they did not have proper beds but had to sleep on mattresses on the floor. One woman, from the Philippines,

explained how she was given a room that her employer's family used to store equipment and furniture they were not using. She was given an old mattress to sleep on the floor and, as she had nowhere to store her possessions, kept her clothes in her suitcase next to her bed. Another worker described to researchers how she was not given her own room and had to sleep in the same bedroom as one of the children in the house.

Six women said they were not given rooms with locks on the doors. In one such case, a Filipino domestic worker reported sleeping in a room where her employers' clothes were kept and which had no lock. Her female and male employers would walk into her room without asking, sometimes as late as midnight. When the family went abroad, she said she was so terrified that another worker might attempt to rape her in the middle of the night, that she fled the house.

#### RESTRICTIONS ON FREEDOM OF MOVEMENT AND COMMUNICATION

Amnesty International found that the movement of domestic workers was restricted and many were not allowed to leave the house they were employed in. Some workers told Amnesty International researchers that they were only allowed to leave the house when accompanying their employer or their employer's family. Several reported being locked in when their employers left the house.

Researchers also heard accounts from many domestic workers that they were not permitted to make phone-calls to their family or friends. Some reported that their phones had been confiscated by their employers or their recruitment agency or that they were forbidden to use their phones. A representative of a recruitment agency told Amnesty International researchers in March 2013 that in "most cases" the agency removed mobile phones from domestic workers on arrival, because if sponsors found workers with mobile phones, they would assume that the worker had a boyfriend. Some women spoke of being forbidden from speaking to other domestic workers when outside of the family home.

#### HUMILIATING TREATMENT

Many domestic workers reported that they were subjected to humiliation and dehumanising treatment. For example, two domestic workers who were employed in the same household told researchers that they were forced to eat on the floor and were not allowed to sit on any of the chairs in the house in which they worked. Another worker said that she had to eat in her room and use separate crockery and cutlery from the rest of the family because her teeth were "not clean". One woman from the Philippines told Amnesty International that if one of her hairs fell out during her work, her employer would call her "dirty". Another worker told researchers she was regularly called a "prostitute" by her employer. Several spoke of being called "animal" or "bitch" in Arabic by their employers.

#### FORCED LABOUR

During its research on the domestic work sector in Qatar, Amnesty International has identified a number of cases which meet the ILO definition of forced labour: "work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".<sup>18</sup>

Some women said that when they asked to stop work and return home, they were told, sometimes by employers and sometimes by recruitment agents, they would have to "repay"

all the money which had been spent on their recruitment if they wanted to leave. Others said they were subjected to verbal or physical abuse by their employers when they made efforts to return home.

For example, three domestic workers separately told Amnesty International in March 2013 that when they asked to return home because their terms of employment were so different from what they had been promised, their employers simply told them they could not leave. One Filipino woman described how her female employer told her that if she tried to leave, she would be made to work 10 months without salary or she would file a criminal charge against her. The employer also threatened to kill her.

### **4.3. THE EFFECT OF THE SPONSORSHIP SYSTEM ON DOMESTIC WORKERS AND THE CHARGE OF “ABSCONDING” (ARTS 2, 3, 11)**

Under Law No 4 of 2009 (the “Sponsorship Law”) migrant workers in Qatar cannot change jobs without the permission of their sponsor. This creates an excessively unequal power relationship, in which workers have limited avenues open if they are being exploited. If workers arrive in Qatar to find that they have been deceived about the terms and conditions of their work during the recruitment process, or are subjected to abusive working or living conditions by their employer, the question of whether or not they can change jobs depends on their employer – the very person responsible for their abuse. The Sponsorship Law allows for the Ministry of Interior to transfer sponsorship “in the event of abuse” but there is no published definition of what such abuse entails, and according to data provided by the Ministry of Interior to Amnesty International in March 2013, only 49 people were able to permanently move jobs in this way in 2012.

As a result of these restrictions in the law, it can be very difficult for women working as domestic workers to leave their employers by simply asking, and some women facing abuse therefore run away from their employers, either seeking refuge with their embassies, the Qatari authorities, or trying to find new employment. Leaving a sponsor leaves women open to the charge of “absconding”. Amnesty International understands that “absconding” is the charge filed for violating Article 11 of the Sponsorship Law, which holds that expatriates must not act in breach of the relevant purpose for which they were granted residence in the state.

Amnesty International has found that in many cases, once a domestic worker flees, their sponsor hands their passport to the Ministry of Interior and a charge of “absconding” is filed against the worker, which can lead to prosecution and a prison sentence but more usually results in detention pending deportation.

Among female foreign nationals, domestic workers are particularly prone to being deported for violating the Sponsorship Law. Officials at the deportation centre told Amnesty International in March 2013 that of the 378 women in the centre at the time of the visit, between 90 and 95 per cent had been employed as domestic workers. There were at least 88 women from the Philippines, which along with Indonesia was the main sending country represented among the detainees.

Amongst some government officials, there is limited sympathy for domestic workers who have fled their employers. A senior Ministry of Interior official told researchers in October 2012 that in most cases women flee to new employers in order to try to earn higher salaries, rather than because they are genuinely escaping from abuse.

However, Amnesty International has interviewed domestic workers who reported experiencing abuse at the hands of their employers and fled, only to be subsequently detained and held at the deportation centre pending deportation. One female domestic worker interviewed by researchers in the deportation centre clearly bore the physical marks of her abuse. She said she had been repeatedly physically assaulted by her employer. Amnesty International raised her case in a letter to the Qatari authorities in April 2013 but did not receive a response.

## RECOMMENDATIONS

### **Amnesty International recommends that the Qatari authorities:**

- Ratify ILO C189 Domestic Workers Convention, incorporate its provisions into domestic law, and implement them in law, policy and practice;
- Reform the Labour Law to ensure that domestic workers – along with other categories of workers excluded from the protections of the law – have their labour rights protected by law;<sup>19</sup>
- Remove the requirement in the Sponsorship Law for foreign nationals to obtain the permission of their current employer before moving jobs;<sup>20</sup>
- Remove the requirement in the Sponsorship Law for foreign nationals to obtain the permission of their current employer in order to leave the country;
- Ensure that any domestic worker detained and/or issued with a deportation order for “absconding” from their current sponsor has their case thoroughly and independently reviewed to investigate the possibility of abuse or labour exploitation by his or her employer;
- Enforce Article 9 of the Sponsorship Law requiring employers to return passports to workers and ensure that Ministry of Interior officials refuse to accept workers’ passports as a way of sponsors filing “absconding” charges against workers;
- Investigate and hold accountable any sponsor who is illegally withholding his or her employees’ passports.

## ENDNOTES

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<sup>1</sup> Qatar National Development Strategy 2011-2016: Towards Qatar National Vision 2030, Page 170.

<sup>2</sup> Qatar National Development Strategy 2011-2016: Towards Qatar National Vision 2030, Page 169.

<sup>3</sup> *Violence against women, kids ‘on the rise’*, The Peninsula, 18 September 2012

<sup>4</sup> *Violence against women on the rise*, The Peninsula, 20 November 2012

<sup>5</sup> *More runaway cases in Ramadan, says official*, The Peninsula, 19 August 2011

<sup>6</sup> *Toonen v. Australia* CCPR/C/50/D/488/1992, para. 8.2.

<sup>7</sup> Pursuant to Rule 64 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, “Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children”.

<sup>8</sup> *Housemaids learn coping skills with occupational therapy*, Gulf Times, August 22, 2012.

<sup>9</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda, Mission to Bahrain, Oman and Qatar (UN Doc: A/HRC/4/23/Add.2), April 2007, paras. 95 (i), (k).

<sup>10</sup> *QFCHT succour for harassed workers*, Qatar Tribune, 8 January 2013.

<sup>11</sup> Concluding observations on the second periodic report of Qatar, adopted by the Committee at its forty-ninth session (29 October–23 November 2012) (CAT/C/QAT/CO/2), 25 January 2013. Para 18 (a).

<sup>12</sup> *ILO passes landmark treaty to protect domestic workers*: AFP report carried by Global Nation website, 16 June 2011.

<sup>13</sup> *Qatar to draft law on domestic workers*, Gulf News, 23 November, 2010.

<sup>14</sup> *Panel to protect rights of workers soon*, Peninsula, 18 March 2013.

<sup>15</sup> Qatar National Development Strategy 2011-2016: Towards Qatar National Vision 2030, Page 169.

<sup>16</sup> Undersecretaries of GCC Ministries of Labour Approve the GCC Unified Draft Contract of Domestic Labor, Bahrain News Agency, 15 January 2013.

<sup>17</sup> *Domestic workers across the world: Global and regional statistics and the extent of legal protection*, ILO 2013. Page 57. The four countries where the study identifies domestic workers working for longer hours than Qatar are: Namibia, Tanzania, Saudi Arabia and, Malaysia.

<sup>18</sup> ILO Convention concerning Forced or Compulsory Labour 1930, article 2.

<sup>19</sup> A/HRC/4/23/Add.2, April 2007, para 95(c).

<sup>20</sup> A/HRC/4/23/Add.2, para 95(d).

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