



► Briefing note

February 2023

The background to the ILO-Qatar technical cooperation programme

The ILO Project Office in Doha opened in April 2018 with the aim of implementing a technical cooperation programme designed to support major labour reforms in Qatar. The setting up of the office followed a complaint submitted through the ILO's supervisory system, which helps to ensure that countries implement the ILO Conventions that they ratify.

This note sets out the steps taken under the ILO supervisory mechanism and the subsequent negotiations that lead to the opening of the Project Office. It summarizes some of the key developments under the technical cooperation programme.

► From complaint to cooperation. 2013 - 2017¹

Qatar has been a member of the International Labour Organization (ILO) since 1972 and has ratified six ILO Conventions, including five fundamental Conventions.²

According to article 24 of the ILO Constitution, complaints – known as *representations*, can be submitted against a Member State when it “has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party”.³

On 16 January 2013, the International Trade Union Confederation (ITUC) and the International Federation of Building and Wood Workers (BWI), made a representation to the ILO Governing Body (the executive body of the ILO) under article 24 of the ILO Constitution, alleging non-observance by Qatar of the rights of migrant workers in the country under the Forced Labour Convention, 1930 (No. 29) which was ratified by the Government of Qatar in March 1998.

The complainants claimed that there was widespread forced labour of migrant workers in Qatar. They stated

that these practices were largely a result of the ‘kafala’ or sponsorship system that prohibited migrant workers from leaving the country or changing their employment without their employer’s permission. They also outlined other abusive practices, such as the confiscation of workers’ passports and the withholding of wages. They raised concerns about the lack of enforcement of labour legislation, due to weak complaint mechanisms, an inadequate labour inspection system, and a lack of strong penalties that would deter abusive employers.

¹ The section draws heavily from the 2019 *Monitoring compliance with international labour standards: The key role of the ILO Committee of Experts on the Application of Conventions and Recommendations* report available [here](#) (page 51 onward).

² Ratifications for Qatar: C029 - Forced Labour Convention, 1930 (No. 29); C105 - Abolition of Forced Labour Convention, 1957 (No. 105); C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111); C138 - Minimum Age Convention, 1973 (No. 138); C182 - Worst Forms of Child Labour Convention, 1999 (No. 182); C081 - Labour Inspection Convention, 1947 (No. 81);

³ RULES OF THE GAME: An introduction to the standards-related work of the International Labour Organization.

In March 2013, the ILO Governing Body declared that the representation submitted by the ITUC and BWI was admissible. An ad hoc tripartite committee, made up of representatives of workers, employers and governments, was set up to examine it. These developments were noted by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR)⁴. Pending this examination, the CEACR deferred its consideration of the issue until the publication of the ad hoc committee recommendations.

The Government's response - 2013

The Government of Qatar denied the widespread existence of forced labour in the country. It said that its national law guaranteed all workers the freedom to conclude or terminate employment contracts and to leave work at any time.

The Government stated that the kafala system did not lead to objectionable practices, and that it safeguarded both employers' rights and the rights of migrant workers.

It also stated that it paid special attention to meeting its obligations towards migrant workers and endeavoured to combat all forms of forced or compulsory labour by coordinating with the embassies of migrant workers' countries of origin to resolve any individual infringements by enterprises. The Government further indicated that it had concluded many bilateral agreements with countries of origin, which outlined the terms to be included in the consolidated labour contracts. These contracts, the Government said, prescribed better conditions than those specified in the national legislation.

The Government indicated that the practice of confiscating passports had occurred in the past, but no longer happened since employers would be held legally accountable and would be subject to administrative penalties for doing so.

It did not deny that there were cases of wages being delayed or not being paid but claimed that this was occurring less frequently because of measures taken by the Government.

The Government stated that it allowed migrant workers to make complaints and that although the number of complaints received had declined, the Ministry was undertaking measures to facilitate the process.

Recommendations by the tripartite ad-hoc committee and the formal complaint - 2014

The ad hoc committee published its recommendations on 24 March 2014. While it noted the response from the Government, it concluded that many of the allegations made by the ITUC and the BWI were credible and that forced labour of migrant workers was still an issue in the country. It therefore asked the Government to review the functioning of the kafala system to ensure that it did not place migrant workers in vulnerable situations. It also recommended that the Government ensure reasonable access to justice for migrant workers and that adequate penalties were applied for violations of forced labour legislation.

These recommendations were approved by the ILO Governing Body in March 2014. In June 2014, several worker delegates at the International Labour Conference lodged a formal complaint against Qatar on the same issue under article 26 of the ILO Constitution. This is the highest level of the complaints procedure. This complaint was declared admissible by the Governing Body in November 2014.

Measures taken by the Government in response to the complaint - 2015

In 2015, the CEACR noted information provided by the Government indicating that a bill had been drafted to repeal the kafala system. The Government also pointed to increased efforts to ensure that workers' passports would not be withheld, as well as improved workers' access to complaints procedures and the strengthening of the labour inspection service. Taking note of this information, the CEACR nevertheless considered that most of the legislation and practices leading to the exploitation of migrant workers were still in place in the country and urged the Government to take concrete and timely action to address them.

⁴ The CEACR examines government reports on ratified Conventions. Today it is composed of 20 eminent jurists appointed by the ILO Governing Body for renewable three-year terms. The experts come from different geographic regions, legal systems and cultures. The role of the CEACR is to provide an impartial and technical evaluation of the application of international labour standards in ILO member States. (For more: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_672549.pdf (p. 106))

In June 2015, the case was discussed by the Committee on the Application of Standards (CAS)⁵. In its conclusions, the CAS urged the Government to abolish the kafala system and replace it with a work permit system that would allow the worker to change employer and leave the country. It also asked the Government to work with countries of origin to ensure that recruitment fees were not charged to workers and to tackle contract substitution (the practice of contracts signed prior to departure being replaced with different conditions of work once in Qatar). Furthermore, it urged the Government to vigorously enforce the legal provisions on passport confiscation, to facilitate access to the justice system for migrant workers and to hire additional labour inspectors.

At the November 2015 Governing Body, the Government submitted a report in reply to the article 26 complaint in which is signalled the adoption of a new law revising the kafala system.

Noting this information, the Governing Body asked the Government to receive a high-level tripartite visit to assess the impact of these measures, including the impact of the newly adopted law.

High-level tripartite mission to assess the impact of new measures - 2016

In March 2016, a high-level tripartite delegation visited Qatar. While acknowledging the measures taken by the Government, the mission report confirmed most of the allegations made in the complaint. At its session in March 2016, the Governing Body acknowledged the report and urged the Government to follow up on the issues identified by the mission.

In its 2016 report, the CEACR noted the outcome of the high-level mission, as well as further reports submitted to it by the ITUC and other workers' organizations. It also noted the Government's reply to these reports. From this information, it concluded that the legislative changes adopted in 2015 did not fully abolish the abusive kafala system, as the law still tied workers to employers for up to five years and workers continued to be prevented from freely leaving the country, as the law still allowed employers to object to the approval of exit visas, following which workers had to go through lengthy appeal procedures.

The CEACR noted the Government's indication that it had adopted various measures to address several issues. These included:

- ▶ the signing of additional agreements with labour-sending countries;
- ▶ an improvement of workers' access to their contracts, visa information and information on their rights;
- ▶ the implementation of a "wage protection system"; and
- ▶ the intensification of labour inspections.

The CEACR however also noted the findings outlined in the high-level mission report and those of the ITUC, stating that, despite these measures, abusive practices were still widespread and that many measures were implemented by large companies only, not the many small ones through which migrant workers were subcontracted and which employed most of the migrant workforce.

Regarding migrant access to the courts and to other complaint mechanisms, the CEACR noted the Government's assertion that several awareness-raising activities for migrants had taken place and that migrant support services had been set up to help workers submit their complaints. However, it also noted that, according to the mission report, most migrants, especially those in small enterprises, were not aware of the measures and did not have access to them.

In view of these outstanding issues, the CEACR reiterated its previous comments, urging the Government to adopt timely and effective measures to address all the issues highlighted in the mission report and by the ITUC.

Addressing the remaining gaps and the closure of the complaint - 2017

Following these new comments, in October 2017 the Government of Qatar sent a communication to the ILO Governing Body in which it indicated a range of additional measures that had been taken.

These included the adoption of a new law in 2017, relating to dispute settlement. The Government also pointed to the adoption of a second law, providing specific protections for migrant domestic workers, who are particularly vulnerable to labour rights abuses.

⁵ The CAS, made up of government, employer and worker delegates, each year examines the annual report of the CEACR in a tripartite setting and selects from it a number of country observations for discussion. The governments referred to in these comments are invited to respond before the CAS and to provide information on the case. (For more: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_672549.pdf (p. 107))

The Government announced that it had removed the constraints previously imposed on migrant workers who wanted to switch employers. It confirmed that workers could now submit an online notification to the Government to change employers. Furthermore, the Government highlighted a new law giving workers the right to return to their home countries after notifying their employers. The only reasons preventing departure were the existence of claims against the worker, an open court proceeding against him or her, or a criminal sentence imposed on the worker. The new law also established a grievance committee, to which migrant workers could appeal if their departure was denied. Cases before the committee would be decided within three days. The Government said it would launch additional campaigns to raise awareness of these mechanisms. In addition, the Government also highlighted a range of other measures aimed at protecting migrant workers against abusive practices, such as the extension of its wage protection system to small companies, an improvement to occupational safety and health systems and better protection against the imposition of recruitment fees and contract substitution.

Taking into account this information, as well as reports from workers' organizations and other international actors, who stated that conditions in the country had started to improve due to the Government's measures, the Governing Body decided in October 2017 to close the complaint procedure under article 26. As part of the decision to close the complaint, it was agreed that the Office and the Government of Qatar would negotiate and establish a comprehensive three-year technical cooperation programme to support the ongoing labour reform measures.

The establishment of the ILO-Qatar technical cooperation programme - 2018

An ILO Project Office was established in Qatar in April 2018, to deliver the technical cooperation programme to support the Government's labour reform agenda. The three-year programme (2018-2021) was based on five pillars of work:

1. Wage protection
2. Labour inspection and occupational safety and health
3. An employment contract system to replace the kafala system
4. Forced labour
5. The promotion of workers' voice and access to justice

The ILO worked with the then Ministry of Administrative Development, Labour and Social Affairs (ADLSA)⁶, as well as several other institutions in Qatar. An already ambitious programme was made even more challenging by the COVID-19 pandemic. As a result, the constituents and programme had to adapt and respond to new challenges facing workers and employers.

Between 2018 and 2021, the project supported several reforms relating to wage protection and minimum wages, labour inspection and occupational safety and health, labour market mobility through dismantling the most problematic elements of the kafala system, decent work for domestic workers, forced labour, workers' voice and grievance mechanisms. These are documented in the annual reports submitted to the ILO Governing Body.⁷

The ILO and the Government of Qatar agreed to continue the cooperation through a second phase of the programme, from July 2021 until December 2023. This second phase of the programme builds on the achievements of Phase 1, with an emphasis on strengthening the implementation and enforcement of the new legislation.

6 In October 2021, the Ministry of Administrative Development, Labour and Social Affairs (ADLSA) was restructured into different ministries, including the Ministry of Labour, the Ministry for Social Development and Family, and the Civil Service Bureau.

7 Annual reports were submitted to the GB in 2018, 2019 and 2020.

The work of the technical cooperation programme is well documented through various reports and assessments. A summary of the key achievements and remaining challenges of Qatar's labour reform agenda is available [here](#). An ILO [Infostory](#) was also produced to present in an easily accessible format the progress made and the remaining challenges. Although the second phase does not require formal annual reporting to the Governing Body, it was agreed that annual progress reports continue to be published as previously, to present key developments and priorities in order to maintain communication with interested parties on the broad scope of the continuing work in Qatar⁸.

The ILO Project Office's assessment of the reforms draws on regular and frequent interactions with the labour ministry, the business community and workers. Engagement with workers includes daily interactions with those who approach the office for information or support, as well as meetings with migrant worker representatives, and community leaders. The Office assesses administrative data from the Government and has also commissioned research.

An independent [evaluation](#) of the first phase of the technical cooperation project was finalized in June 2022, following several interviews, consultations, a desk review, and analysis of data and information. The second phase of the project has undergone an evaluation assessment that was finalized in August 2022. This has allowed the project to re-assess the log frame and its theory of change, to enhance project performance. An independent mid-term evaluation of Phase 2 will be carried out in early 2023, and plans regarding a longer-term presence of the ILO in Qatar are under discussion.

The ILO, through its independent supervisory body (CEACR) has and will continue its regular examination of these developments to ensure continued progress and full compliance with the Convention. The latest comments of the CEACR on Qatar are available [here](#).

Funding mechanism of the ILO-Qatar programme

The ILO technical cooperation programme is funded through a "Direct/Domestic Trust Fund" (DTF). Under this funding mechanism, Member States provide the ILO with financial resources to deliver technical assistance in their own territory, over and above the regular support that the ILO can provide from its regular budget. There are currently 25 such DTFs in high and middle-income Member States, each with their own programme of action, duration, staff, priorities and objectives.

More details on the financing of ILO technical cooperation projects, including DTFs, are available [here](#) and [here](#). The technical cooperation project in Qatar has a budget of around US\$ 25m, covering nearly six years (2018-2023).

The project's budget covers staff, operational costs, training, events and activities, research and communication materials. The scope of these activities is detailed in the project's annual reports. ILO technical support is primarily provided to the Ministry of Labour, which is leading the labour reforms, which have had a direct impact on the lives of hundreds of thousands of migrant workers (see [here](#)). In terms of direct support to migrant workers, the ILO Project Office provides legal and case management support to thousands of migrant workers.

Phase 1 of the project had 14 staff members, and there are currently 12 staff. The project also draws on the expertise of ILO officials in several departments in Geneva and the regional office in Beirut. The salary of the Head of the Project Office / Chief Technical Advisor comes from the ILO, not from the project budget.

⁸ Reports covering the phase 2 of the programme were published in 2021 and 2022.

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