**The right to freedom of association of migrants**

**Report presented by:** Maat association for Peace, Development and Human Rights) in Special Consultative Status since 2016).

**Submitted to:** The UN Special Rapporteur on the human rights of migrants

**Submitted in respect of:** thematic report on the right to freedom of association of migrants

**About the NGO**: Maat for Peace, Development, and Human Rights

Maat was established in 2005 as a non-partisan, non-profit civil society organization, the Foundation is registered at the Egyptian Ministry of Social Solidarity under the number 3166 of 2008 amended to 7829 of 2010.Maat is in Special Consultative Status with the UN Economic and Social Council, is the Northern Africa Coordinator in the NGO Major Group for Africa affiliated to UNDESA, the Foundation was the Head of National Network of the Euro-Mediterranean Anna Lindh for the Dialogue Between Cultures, as well as being a founder and member of a broad number of local, international and regional networks. Moreover, Maat is a member in the General Assembly of the African Union Economic, Social and Cultural Council.

Maat's vision is" A citizen aware of his rights, a homeland based on human rights respect and good governance practices, and a genuine global partnership for peace and sustainable development."

Maat has five main working fields:

1. Decentralization and Good Local Governance.
2. Social Peace and Marginalized Groups Development.
3. International Mechanisms to Protect Human Rights.
4. Elections and Supporting Democracy.
5. International Cultural Dialogue and Solidarity for Peace and Development.

**Preface**

Qatar's policies and legislations continue to restrict the freedom of expression, association, establishing trade unions and the overall human rights situation, particularly the rights of migrant workers. Despite joining the ” International Covenant on Civil and Political Rights (ICCPR) " and " International Covenant on Economic, Social and Cultural Rights", there hasn’t been a marked improvement in the Human Rights situation of both nationals and migrant workers. Qatar has made reservations that significantly limit the effectiveness of the human rights guaranteed by the two Covenants. Furthermore, Qatar didn’t join the "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" until now.

Gulf countries are considered as the second prime destination for African migrants. That is due to cultural, religious and historical links, where about 3 million Africans live in the gulf area now. Unlike Asia, Africa is still lacking a multilateral forum for dialog with the Gulf countries to facilitate cooperation on African labor migrants, which justifies the violations against African migrants in Gulf countries, and mainly in Qatar[[1]](#footnote-1).

Since Qatar was granted the right to host the World Cup in 2022, foreign employment has increased rapidly from 2010. Qatar population has increased from 1.6 million in December 2010 to 2.747 million in September 2019[[2]](#footnote-2). Foreign workers represent 95% of the workforce in Qatar. But as the number of workers coming for economic opportunities increase rapidly, many of them were victims of the exploitative labor system in Qatar[[3]](#footnote-3).

As a result of the increasing and serious violations against migrant workers, the absence of protecting laws, Qatar's non-compliance with human rights treaties and conventions in addition to being exposed to criticism at different international levels, Qatar started to make some reformations which develop the migrant workers conditions. Since 2017, the Qatari Government has passed several new legislations as temporary minimum wage and domestic labor law. Also, it established dispute resolution committees and fund to support and secure workers .The Qatari government has partially reformed the kafala system without completely abolishing it, whereas restricting the cancellation of the departure authorization requirement for most workers.

As to the right of foreign and migrant workers to form or join associations and trade unions, Qatar has declared that it does not intend to make any amendments in this regard, which is contrary to the international treaties that Qatar has ratified, and limited that to the formation of joint workers committees and joint representations committees, and this is in agreement with” International Labor Organization ILO”. Therefore it is clear that the actions taken by the Qatari Government are only shallow measures to improve Doha's image which has been greatly affected by serious violations against foreign workers and immigrants in Qatar[[4]](#footnote-4).

**Qatar's obligations to migrant workers under international and national law:**

Qatar is not a part of most of the international human rights treaties and mainly "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" which explains the widespread violations to migrant workers and the violation of their rights to join or form associations, which contravenes article 26 and 40 of the Convention.

Qatar is considered a member in ILO. It has ratified five conventions that define basic international labor standards, but it has not ratified the ILO convention No.87 "The Freedom of Association and Protection of the Right to Organise 1948", and ILO Convention No.98 "Right to Organize and Collective Bargaining 1949", which provides the right to establish trade unions and professional associations and organize strikes and pickets in order to demand workers' rights[[5]](#footnote-5). This makes it clear that Qatar refuses to grant this right, especially to migrant workers[[6]](#footnote-6).

In section three of the constitution of Qatar "Public Rights and Duties Chapter", article 45 refers to "freedom of association in accordance with the terms and conditions prescribed by law”. However, in applying this article, Qatari and non-Qatari suffer from the arbitrariness for forming trade unions, especially for foreign workers, who represent about 95% of the total number of workers in the country[[7]](#footnote-7).

The Qatari government also stated that it would interpret the term "trade unions" in accordance with its national law. "Article 116" of the Qatari Labor law stipulates that the right to form trade unions or associations is restricted to Qataris, and that migrant workers are deprived of their rights to freedom of association and to form trade unions[[8]](#footnote-8).

Article 120 of the Qatari Labor law No. 14 of 2004 also states that public officials, domestic workers, public health workers and members of the security forces cannot organize strikes. Qatari law prohibits migrant workers from organizing strikes where it is regarded as a clear violation of international law that affirms the right to organize peaceful strikes[[9]](#footnote-9).

**The situation of civil society organizations concerned with immigrants in Qatar**

In regard to the role of civil society organizations, article 35 of the Private Associations and institutions Act 2004 prohibits the participation of civil society organizations in unspecified political activities. Also, civil society organizations are required to obtain a license from the Ministry of Social Affairs, which in turn, may refuse to register any organization if it may cause threat to the public interest. That makes the number of civil society organizations registered in Qatar very limited[[10]](#footnote-10).

As a result of the non-recognition of the right of migrant workers to form associations and trade unions, 2019 witnessed strikes of thousands of workers, in a country that banned the rights of migrant workers to join trade unions, protesting against the labor system that puts them at risk of harm, poor working conditions, late wages and the threat of wages cuts by employers.

A migrant worker at a Qatari company which, provides maintenance, cleaning, plumbing and other services, says that he was accompanied by 800 to 1,000 other employees, who refused to go to work on 5 August 2019. The employee explained that there were repeated threats from the administration to deport them if they refused to sign new contracts which greatly reduce their wages. The migrant worker indicated that five police cars, including three riot police cars, arrived at the protest site at about 7 p.m., 3 hours after the beginning of the workers' gathering[[11]](#footnote-11).

According to Amnesty International report 2018, the Qatari authorities have continued to prohibit the right of migrants to peaceful assembly and association, whereas, still refuses to establish labor associations and limits this right to Qatari citizens after meeting a set of strict rules [[12]](#footnote-12).

**The violations of Qatar against migrant workers**

In a report published by the British newspaper "Guardian", it clarified Qatar's failure in investigating the sudden deaths of hundreds of migrant workers. Confirming that they do not work in suitable security and safety standards, and in most cases under high temperature, which leads to heart attacks or what the Qatari authorities call "natural causes of death". Foreign workers in Qatar are exposed to lethal levels of thermal pressure; temperatures reach more than 45 degrees, where they work in those climates more than 10 hours a day, which causes great pressure on the heart and blood vessels[[13]](#footnote-13).

Many international human rights organizations described Qatar's handling of foreign workers and immigrants as "modern slavery" as a result of violations[[14]](#footnote-14) and certified testimonies by foreign workers. Those testimonies include "Graham Vance's ",from south Africa, aged 28, who described his stay in Qatar as "hell", whereas he was held for 11 months, after one of his colleagues, called "Zacari Casks" , died after falling from 40 meters high. He was accused by Qatari authorities of killing his colleague in an attempt to discredit their responsibility for not providing a suitable working environment for foreign workers[[15]](#footnote-15).

**Recommendations:**

After observing the current situation of migrant workers in the State of Qatar, Maat for Peace and Development would like to recommend the following:

1. Ratifying ILO convention No.87 "The Freedom of Association and Protection of the Right to Organise 1948", and ILO Convention No.98 "Right to Organize and Collective Bargaining 1949"
2. Ratifying the International Convention of the Protection of the Rights of All Migrant workers and members of their families.
3. Issue national laws to promote and respect the right to organize peaceful protests and strikes.
4. Full cancelation of the Kafala system, including allowing workers to change jobs without the need of employer approval, making it easier for workers to leave abusive working conditions.

1. International Organization for Migration, African Ambassadors and Experts Discuss Labour Migration to Middle East and Gulf Countries , link : <https://ethiopia.iom.int/african-ambassadors-and-experts-discuss-labour-migration-middle-east-and-gulf-countries> [↑](#footnote-ref-1)
2. عدد سكان قطر يرتفع في سبتمبر لـ 2.75 مليون نسمة, على الرابط التالي:

   https://www.mubasher.info/news/3538400/%D8%B9%D8%AF%D8%AF-%D8%B3%D9%83%D8%A7%D9%86-%D9%82%D8%B7%D8%B1 [↑](#footnote-ref-2)
3. أوضاع حقوق العمال الأجانب ، منظمة العفو الدولية ، علي الرابط التالي : <https://www.amnesty.org/ar/latest/campaigns/2019/02/reality-check-migrant-workers-rights-with-four-years-to-qatar-2022-world-cup/> [↑](#footnote-ref-3)
4. الواقع عن كثب تقرير عن أوضاع حقوق العمال الأجانب قبل أربع سنوات من بدأ بطولة كأس العالم لعام 2020 في قطر ، منظمة العفو الدولية ، 5 فبراير 2019 ، علي الرابط التالي : <https://www.amnesty.org/download/Documents/MDE2297582019ARABIC.PDF> [↑](#footnote-ref-4)
5. IBID [↑](#footnote-ref-5)
6. Ratifications of C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) : https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300\_INSTRUMENT\_ID:31223 [↑](#footnote-ref-6)
7. دستور دولة قطر ..، علي الرابط التالي : <https://www.wipo.int/edocs/lexdocs/laws/ar/qa/qa009ar.pdf> [↑](#footnote-ref-7)
8. التقرير السنوي لهيومان رايتس ووتش لعام 2018 ، علي الرابط التالي : <https://www.hrw.org/ar/world-report/2019/country-chapters/325549> [↑](#footnote-ref-8)
9. Qatar's violation of freedom of opinion and association laws undermines fundamental individual rights , 5/7/2019 , link : <https://euromedmonitor.org/en/article/2975> [↑](#footnote-ref-9)
10. IBID [↑](#footnote-ref-10)
11. قطر: إضراب عمال وافدين بسبب ظروف العمل ، هيومان رايتس ووتش ، 8 أغسطس 2019 ، علي الرابط التالي : https://www.hrw.org/ar/news/2019/08/08/332834 [↑](#footnote-ref-11)
12. التقرير السنوي لمنظمة العفو الدوليه لعام 2017 ، الرابط : https://www.amnesty.org/download/Documents/POL1067002018ARABIC.PDF [↑](#footnote-ref-12)
13. العمالة الأجنبية فى قطر.. مئات الوفيات الغامضة فى الطريق للمونديال.. الجارديان تفضح انتهاكات حقوق العمال داخل الدوحة.. خبراء: الإجهاد الحرارى والظروف غير الآدمية أبرز أسباب الوفاة وتعتيم قطرى مفضوح ، اليوم السابع ، 10 /10/2019 ، علي الرابط التالي : <https://www.youm7.com/story/2019/10/10/العمالة-الأجنبية-فى-قطر-مئات-الوفيات-الغامضة-فى-الطريق-للمونديال/4448410> [↑](#footnote-ref-13)
14. قطر: إضراب عمال وافدين بسبب ظروف العمل، هيومان رايتس ووتش ، 8 أغسطس 2019 ، علي الرابط التالي : <https://www.hrw.org/ar/news/2019/08/08/332834> [↑](#footnote-ref-14)
15. قطر يليكس ، عامل جنوب إفريقي يكشف يوميات الرعب في جحيم قطر ، 5 فبراير 2018 ، علي الرابط التالي : <http://bit.ly/2NCnQl2> [↑](#footnote-ref-15)