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INTERNATIONAL TRADE UNION CONFEDERATION
ITUC OnLine

Gulf Countries: Increase Migrant Worker Protection Gulf, Asian Labor Ministers at 3rd Abu Dhabi Dialogue

Brussels, 23 November 2014 (ITUC OnLine) – Labor ministers from Gulf and Asian countries meeting on November 26 and 27, 2014, should improve labor law protection, reform abusive immigration policies, and increase dialogue with trade unions and nongovernmental groups, 90 human rights organizations and unions said today.

Millions of contract workers from Asia and Africa, including an estimated 2.4 million domestic workers in the Gulf, are subject to a wide range of abuses, including unpaid wages, confiscation of passports, physical abuse, and forced labor.

“Whether it’s the scale of abuse of domestic workers hidden from public view or the shocking death toll among construction workers, the plight of migrants in the Gulf demands urgent and profound reform,” said Rothna Begum<<http://www.hrw.org/bios/rothna-begum>>, Middle East women’s rights researcher at Human Rights Watch. “This should include a thorough overhaul of the abusive kafala visa sponsorship system.”

The ministers will meet in the third round of the Abu Dhabi Dialogue, an inter-regional forum on labor migration between Asian countries of origin and Gulf Cooperation Council (GCC) countries of destination. Nongovernmental groups participated in the first two rounds but were not invited to this year’s gathering. Labor ministers from the GCC states are to meet separately on November 23 to discuss a draft domestic workers contract and the proposed formation of a cross-GCC body to oversee migrant domestic work.

The kafala system, used to varying extents across the Gulf, restricts most workers from moving to a new job before their contracts end unless they obtain their employer’s consent, trapping many workers in abusive situations. Many migrant workers feel intense financial pressure not only to support their families at home but also to pay off huge debts incurred during recruitment. Poorly monitored labor recruitment agencies, in both the migrants’ countries of origin and in the destination Gulf states, often overcharge migrant workers, deceive them about their working conditions, or fail to assist them if they encounter workplace abuse.

In Saudi Arabia and Qatar, migrant workers cannot leave the country without obtaining their employer’s consent for an “exit permit” from the authorities. Some employers have refused to pay wages, return passports, or provide permission for “exit permits” in order to exact work from workers involuntarily.

A November analysis<<http://www.ituc-csi.org/gcc-legal-and-policy-brief?lang=en>> by the International Trade Union Confederation (ITUC), “Facilitating Exploitation,” highlighted how gaps in national labor laws in GCC countries either partially or completely exclude domestic workers.

An October Human Rights Watch report, “I Already Bought You,”<<http://www.hrw.org/news/2014/10/22/united-arab-emirates-trapped-exploited-abused>> and an April Amnesty International report, “My Sleep is My Break,”<<http://www.amnestyusa.org/research/reports/my-sleep-is-my-break-exploitation-of-migrant-domestic-workers-in-qatar>> found common patterns of abuse against domestic workers in the United Arab Emirates and Qatar respectively, including unpaid wages, no rest periods, excessive workloads, food deprivation, and confinement in the workplace. In several cases, domestic workers reported physical or sexual abuse and had been in situations of forced labor, including trafficking.

“The proposals made by GCC countries fall far short of the changes needed to protect domestic workers’ rights, safety, and dignity,” said Elizabeth Tang, general secretary of the International Domestic Workers Federation (IDWF). “GCC countries should join the growing number of countries worldwide<<http://www.hrw.org/news/2013/10/27/pressure-grows-protect-domestic-workers>> that are extending full protection of their labor laws to domestic workers, including a minimum wage, a weekly rest day, the right to organize, and social benefits.”

The GCC has discussed a potential region-wide standard employment contract for domestic workers. Recent media reports<<http://www.emirates247.com/news/emirates/gcc-to-form-body-for-joint-housemaid-hiring-2014-10-26-1.567676>> suggest that the GCC is also considering establishing a body to coordinate policies on hiring domestic workers that would consist of recruitment agency and government representatives. These developments have lacked transparency and have suffered from inadequate consultation with migrant domestic workers, trade unions, and migrants’ rights organizations. Migrants’ countries of origin are also discussing their own standard contract through a separate process.

“Standard contracts are not a substitute for labor law reform, and taken alone do not meet the standards in the ILO Domestic Workers Convention<http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:2551460>,” said Sharan Burrow, general secretary of the ITUC. “The GCC should work in closer coordination with – not separately from – countries of origin to develop labor migration policies that fully respect the human and labor rights of migrants.”

Migrants in the Gulf make an important contribution both to the economies of their own countries and those of the countries where they work. In 2011, migrant workers in GCC countries sent home more than US\$60 billion<<http://www.aljazeera.com/indepth/interactive/2013/04/201342914169120172.html>> in remittances. Competition for jobs among the workers’ countries of origin, combined with their relative lack of bargaining power in relation to the labor-destination countries, means that the pressure they exert for better labor protections is weak.

“The meetings over the next few days provide a key opportunity to promote regional minimum standards that would avoid a counterproductive race to the bottom in labor conditions,” said William Gois of Migrant Forum Asia. “The governments should develop a concrete action plan, in consultation with migrant workers themselves and the organizations that represent them, with benchmarks to monitor its progress.”

Kuwait University Law School will host an event on November 23, 2014, at which panelists from Amnesty International, Human Rights Watch, IDWF, the ITUC, and Migrant Forum Asia will discuss the rights of migrant domestic workers.

The groups recommend that the governments:

- * Establish and enforce comprehensive labor law protections for migrant workers, including domestic workers;
- * Reform the kafala (sponsorship) visa system to ensure that workers can change employers without being required to first obtain their consent;
- * Remove the “exit permit” requirement in Saudi Arabia and Qatar;
- * Strengthen regulation and monitoring of labor recruitment agencies, including eliminating recruitment fees for workers;
- * Ensure that migrants have access to justice and support services; and
- * Expand the Abu Dhabi Dialogue to include labor-origin countries from Africa, such as Ethiopia, Uganda, and Kenya, and participation by nongovernmental groups.

Governments should ratify and implement international labor and human rights standards, the groups said. These include the International Labour Organization (ILO) Convention 189 on Decent Work for Domestic Workers<<http://HRW.pr-optout.com/Url.aspx?528421x5086338x-894522>>, the ILO Forced Labor Protocol, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

The first round of the Abu Dhabi Dialogue was hosted by the United Arab Emirates in 2008 and the second meeting was held in Manila in 2012.

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The groups signing on to this statement include:

1. Amnesty International
2. Building and Woodworkers' International
3. Human Rights Watch
4. International Domestic Workers Federation
5. International Trade Union Confederation
6. Migrant Forum Asia
7. Solidarity Center
8. Action Aid
9. Anti-Slavery International
10. Asian Pacific Forum on Women, Law and Development (APWLD)
11. Center for Women's Global Leadership (CWGL)
12. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association
13. Migrant Rights International
14. Post 2015 Women's Coalition
15. Public Services International
16. SOLIDAR
17. General Federation of Bahrain Trade Unions, Bahrain
18. Domestic Workers Rights Network (DWRN), Bangladesh
19. Association for Community Development (ACD), Bangladesh
20. National Domestic Women Workers Union (NDWWU), Bangladesh
21. Refugee and Migratory Movements Research Unit, Bangladesh
22. WARBE Dev, Bangladesh
23. Cambodia Domestic Workers Network (CDWN), Cambodia
24. Legal Support for Women and Children (LSCW), Cambodia
25. Hong Kong Domestic Workers General Union (HKDWGU), Hong Kong
26. Hong Kong Federation of Asian Domestic Workers Unions (FADWU), Hong Kong
27. Overseas Domestic Workers Union (ODWU), Hong Kong
28. Progressive Union of Domestic Workers in Hong Kong (PLUDW), Hong Kong
29. Thai Migrant Workers Union (TMWU), Hong Kong
30. Union of Nepalese Domestic Workers in Hong Kong (UNDW), Hong Kong
31. Center for Indian Migrant Studies, India
32. Migrant Domestic Workers Trust, India
33. Migrant Forum India
34. Migrants Rights Council, India
35. National Domestic Workers Movement, India
36. Tamil Nadu Domestic Workers Union, India

37. Tamil Nadu Domestic Workers Welfare Trust, India
38. Confederation of Indonesian Trade Unions (CITU) KSPI/CITU, Indonesia
39. Congress of Domestic Workers in Yogyakarta (KOY), Indonesia
40. JALA PRT, Indonesia
41. KAPRTBM (Domestic and Migrant Workers Protection Action Committee), Indonesia
42. Konfederasi Serikat Buruh Sejahtera Indonesia (KSBSI), Indonesia
43. Merdeka Domestic Workers Union, Semarang, Indonesia
44. Migrant CARE, Indonesia
45. Rural Women's Voices, Indonesia
46. Sapulidi Domestic Workers Union, Jakarta, Indonesia
47. Tunas Mulia Domestic Workers Union, Yogyakarta, Indonesia
48. All Nepal Federation of Trade Unions (ANTUF), Nepal
49. Home Workers Trade Union of Nepal (HUN), Nepal
50. Migrants' Center AHRCDF, Nepal
51. POURAKHI, Nepal
52. Pakistan Rural Workers Social Welfare Organization (PRWSWO), Pakistan
53. Center for Migrant Advocacy, Philippines
54. Federation of Free Workers (FFW), Philippines
55. Federation of Free Workers Women's Network (FWN), Philippines
56. KAKAMMPI, Philippines
57. Kanlungan Center, Philippines
58. Scalabrini Migration Center, Philippines
59. Sentro ng mga Nagkakaisa at Progresibong Manggagawa, SENTRO, Philippines
60. Trade Union Congress of the Philippines (TUCP), Philippines
61. Unlad Kabayan, Philippines
62. Domestic Workers Union (DWU), Sri Lanka
63. Good Shepherd Sisters, Sri Lanka
64. Sri Lanka Nidahas Sevaka Sangamaya (SLNSS), Sri Lanka
65. Hope Workers Centre, Taiwan
66. Hsinchu Catholic Diocese Migrants & Immigrants Service Center (HMISC), Taiwan
67. Homenet Thailand, Thailand
68. Network of Domestic Workers in Thailand, Thailand
69. Thai Domestic Workers Network, Thailand
70. Mehru Vesuvalia (individual capacity)
71. Domestic Services Workers Union, Ghana
72. Jamaica Household Workers Union, Jamaica
73. Solidarity with Migrants, Japan
74. Joint Committee with Migrants in Korea (JCMK), South Korea
75. National House Managers Co-operatives (NHMC), South Korea
76. Cambodian Migrant Workers Solidarity Network (CMSN), Malaysia
77. Centro de Apoyo y Capacitación para Empleadas del Hogar (CACEH), Mexico
78. Nigeria Labour Congress (NLC), Nigeria
79. Federación de Trabajadoras del Hogar del Perú (FENTRAHOP), Peru
80. Humanitarian Organization for Migration Economics (HOME) Singapore
81. Transient Workers Count Too (TWC2), Singapore
82. Federation of Somali Trade Unions (FESTU), Somalia
83. South African Domestic Service and Allied Workers Union (SADSAWU), South Africa
84. Trade Unions' Congress of Tanzania (TUCTA), Tanzania
85. National Union of Domestic Employees (NUDE) Trinidad and Tobago
86. The Service Workers Centre Cooperative Society Limited (Trinidad)
87. AFL-CIO, USA
88. Centro de los Derechos del Migrante, USA
89. National Domestic Workers Alliance (NDWA), USA
90. United House and Domestic Workers Union in Zambia, Zambia

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