

Forum: Human Rights Council

Issue: Ensuring human rights for migrant workers in the Middle East

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Introduction

Migration has always been one of human's key features of survival as people move in seek of a better life. Push factors that determine the migration of an individual or a group of people varies from political, social, and economic factors.

In recent years, there has been an increasing flow of migration from origin migrant workers countries to the Gulf Cooperation Council (GCC), oil exporting countries that has taken under many forms which has brought different effects. The oil boom in the 1970s has led to rapid increases of demand on foreign workers, attracting millions of migrants from Asia and Africa with contemporary labour contract in construction, domestic work, and service industries. With social and economic disadvantages in migrant countries, this employment appeals as an opportunity for workers to earn money and provide financial support for families in their home countries. However, many are lured and trapped in a non-return forced labour as they suffer from hazardous exploitation and poor living conditions with low wages and no legal and social protection from the government. Low-skilled migrant workers pick up blue collar jobs mostly from private recruiting agents that are poorly regulated by the government control the high recruitment fees charged to workers. The overwhelming migration costs result to migrant workers suffering from debt before they leave their countries and become obligated to continue working to pay off their debt and support the family.

Migrants are considered to be illegal in destination countries, thus not being provided with adequate housing, food, and medical care. Migrant domestic workers are more exposed to abuse and exploitation as they are tied to the 'kafala system', a system that ties domestic workers' visa to their employers that prohibits them from leaving without the employer's consent. This leads to them being more vulnerable to physical and sexual abuse, suffering from food and sleep deprivation that is prolonged for months and years. Migrant domestic workers are underpaid, confined within the house, neglected by the government and excluded from labour law protections. Although some managed to flee to their embassies, they received little help and protection, ending up being sent back to their employers, continuing to endure their slavery living condition. Despite migrants being fully aware of the difficulties

and hard working conditions, many still risk to work for opportunities in the Middle East to provide financial supports in their home countries.

Definition of Key Terms

Exploitation

The act of using a person or a group's labour for one own's benefits

Gulf Cooperation Council (GCC)

A cooperative regional political and economic organisation of 6 Middle Eastern countries including Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Oman, and Bahrain, established in the aim of unity between member nations based on their common objectives and Islamic beliefs.

Kafala System

Also known as the Sponsorship System, to which the sponsor employer has total control over the household migrant worker's visa, mobility, residency and rights Migrants are employed through a *kafeel*, a sponsor who is fully responsible in paying for the migrant's immigration costs in coming to the country.

Remittances

The amount of money earned by migrant workers which is transferred back to their country of origin. Migrant labourers are considered as the main financial support of their families back home as the money sent is spend on improved housing and sanitation, food, healthcare, and education.

The "3-Ds" job

Undesirable jobs that are considered as "Dirty, Dangerous, and Demeaning" or Dirty, Dangerous, and Difficult", often taken by unskilled or low-skilled workers.

Workers who take the "3-Ds" jobs are low paid thus being vulnerable to health risks due to long working hours under harsh conditions with minimal safety insurance and well equipped tools.

Xenophobia

The hatred, prejudice, and discrimination towards strangers and foreigners of a different community, society, culture, or country. Xenophobia victims are highly vulnerable to the lack of

rights and protection from the government along with the violence caused by outbreaks from the native citizens.

Debt bondage

Also known as the most common form of slavery, debt bondage is a forced labour form of debt that the employer inflates the amount of debt while the workers receive low to none wages in repaying to extend the workers' working time for for them to be exploited. Workers suffer from many forms of physical and mental abuses, lack of access to basic human rights, violence and discriminations.

Background Information

Origins

The finding of oil in the 1930s and '40s in the Middle East has become one of the leading step for international migration as migrants come to develop upon infrastructures. It was the mid-70s that marked the increase in oil prices, leading to large scale industrial projects and building developments that led to a huge demand of migrant workers from Asia and Africa. Countries in the Middle East and North Africa(MENA) region such as Saudi Arabia, the United Arab Emirates, Jordan, Kuwait and Lebanon are highly dependent on foreign labour to support the country's economies as they have received millions of migrants that exceeds their native population. In recent years, there has been a growing pressure from migrant workers, human rights organisations and international bodies along with high media exposure in calling for government actions to strictly reform and enforce their labour and immigration regulations.

Poor recruitment agency management and regulation

Migrants are mostly tricked and trapped through private recruitment agencies, specifically by unlicensed subagents through false contracts and promises. Recruitment agencies ally with local authorities to illegally charge migrants with high commissions and immigration visa costs which pushes them into debt-bondage contracts. In worst situations, migrants are lured into non-existing jobs and women are susceptible in becoming victims of sex trafficking and prostitutions. Governments in migrant source and destination countries have not enforced a strict policy framework in regulating standards for recruitment agencies, particularly with inspections for illegal recruiters and addressing penalties in case of violation.

Underpayment or non-payment of wages

Migrant workers' wages do not comply with what has been promised by recruitment agencies as they receive less than expected, have not been paid for months and years or even not paid at all. This issue roots to their fundamental skills level, specifically in their education. It is reported by the International Organization for Migration (IOM) that half of the labour workers in the Middle East are illiterate or have little ability to read and write, while the rest of the population have low levels of education and skills.

Human rights abuses

Migrants including day labourers and domestic workers suffer from the lack of access to basic necessities and rights in their living and working conditions.

As migrant day labourers mostly take the "3-Ds" jobs and working in hazardous conditions, they are more vulnerable to health risks when exposing with workplace hazards such as toxic chemical substances, pesticides, ergonomic injuries, etc. Most of them are not well trained with safe protective equipments and tools, thus being ensured with compensation insurance in case of damages and accidents. Migrant day labourers live in labour camps with poor accommodation and sanitation, not having enough basic necessities provided such as space, food, water, and access to healthcare. .

It is harder to manage exploitation within migrant domestic workers as they are isolated and confined within the house, making inspections impossible due to GCC laws that prohibit labour inspectors into private homes. They are not given the basic human rights access to sufficient food, safe health care, adequate accommodation, appropriate work and sleep time, thus the protection from physical and mental abuses. Domestic workers are not paid on time or even not paid at all, being limited with any outside contacts as well as being prohibited in contacting their families. They suffer from insults, humiliations, tortures and even been sexually taken advantages of by their employers. Migrant domestic workers live in degrading working and living conditions, sleeping on kitchen or hallway floors, being exploited and overwhelmed with their obligated duties under the abusive threats and force of their employers.



Figure #1: Labourers work on a construction site in Dubai

Saudi Arabia

As one of the countries ranking with the highest number of labour migrants of an estimation of 6.4 million and is constantly increasing, its migrant population comprises 70% of the nation's total population. Saudi Arabia is heavily dominated by the Kafala system, as the Human Rights Watch has documented countless of reports of migrants exploitation and abuses from company industries or private household employers over the past decades. It is almost considered impossible for migrants to flee and leave the country as they need to show their visa and residency documents which is mostly held and confiscated by their employers.

United Arab Emirates (UAE)

According to the UN, the UAE holds one of the largest international migrant stock of 7.8 million migrants out of a total population of 9.2 million in 2013. The government has enforced the Kafala System in 1971 which allows companies to recruit temporary migrant labourers. The system has raised concerns as it increases the exposure of workers under exploitation as the majority estimation of migrants in the UAE has reported to be underpaid suffering from abuses. The UAE acknowledges its gaps and limitations in labor law protections and has recently implemented the first measure out of all the GCC Countries in tackling the issue of force labor and protecting underpaid migrant workers. However, the measure is reported to be lacking strict enforcements and does not apply on domestic workers.



Figure #2: Migrant workers in the UAE

Timeline of Events

Date	Description of event
28 June 1930	The International Labour Organization (ILO) adopted the Forced Labour Convention as the fundamental document on taking effective measures toward the abolition of forced labour.
10 December 1948	The Universal Declaration of Human Rights adopted by the UN General Assembly is the first document that sets out the universal human rights for all people from all nations.
01 July 1949	The International Labour Organization (ILO) establishes Migration for Employment Convention, requiring member states to ensure certain rights to migrant workers such as free and adequate employment assistance, access to medical services, equal treatments of migrant workers in measures of labour rights, etc.
24 June 1975	The International Labour Organization (ILO) adopts the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment for Migrant Workers

- 16 June 2011 The International Labour Organization's (ILO) Convention No.189 on Decent Work for Domestic Workers has been adopted which implements on global standards and measures for an estimated of 50 million to 100 million domestic workers worldwide. The regulation requires governments to assist and provide domestic workers with equivalent labor protections to other workers, to strictly monitor recruitment agencies and ensuring protection against violent abuses.
- 9 April 2013 The United Nations International Labour Organization (ILO) has reported an estimation of 600,000 migrant workers are lured into forced labour throughout the Middle East. It particularly emphasized on the vulnerability of human trafficking of migrants and the Kafala System that heavily exists among nations.

UN Involvement, Treaties & Events

UN has shown great efforts in ensuring protection and rights of migrant workers that has increased over the past recent decades. The acknowledgements of migrant workers rights still have not been truly recognised in some countries, thus requiring stricter enforcement of regulations and corporations among member nations to provide workers with the access to basic human rights and necessities as well as the required protection.

- Ensuring the protection of rights of all migrant workers and members of their families **(A/RE/45/158)**
- Addressing the concern of violence against women migrant workers **(A/RES/64/139)**
- Providing protection of human rights and fundamental freedoms for individuals who are not internationals of the country in which they live **(A/RE/40/144)**

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