



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Institut International pour les Droits et le Développement, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2021]

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\* Issued as received, in the language(s) of submission only.



## **Migrant worker conditions in United Arab Emirates**

### **An agenda for change**

Migrant worker conditions as has attracted the attention of the public opinion in the past — “both in the Gulf and in Europe”.

Migrant workers’ rights in the Gulf region were discussed in Brussel by the European Parliament’s Delegation for relations with the Arab Peninsula.

The event comes as the European Parliament debates a due diligence process designed to ensure that countries and companies using abusive workplace practices are signalled out. The legislative initiative report calls for a binding EU law ensuring companies are held accountable and liable when they harm – or contribute to the abuse of – human rights, the environment and good governance. Such a law should also guarantee that victims have access legal remedies.

The International Institute for Rights and Development (IRDG) is highly concerned about the massive problems migrant workers face while struggling to access to justice and asking for their rights. IRDG asserts on the necessity to advocate the right of mobility for migrant workers in the Gulf Region.

On 14 Dec 2020 (GLOBE NEWSWIRE) - Washington, London - On Human Rights Day, Raúl Grijalva, who serves as Vice Chair in the International Workers’ Rights Caucus, led the effort. Pompeo to urge the Gulf States to uphold human rights for migrant workers and abolish the discriminatory Kafala System,” he tweeted. The letter made particular focus on UAE due to the high levels of human rights abuses regarding the Kafala System (Modern Slavery) and human trafficking of female victims from east Europe to UAE.

In the United Arab Emirates (UAE), the number of sex trafficking prosecutions and convictions increased, yet authorities allegedly jailed unidentified trafficking victims for offenses of prostitution, extramarital sex, or absconding from their employers. Furthermore, there were no reported convictions of labor traffickers during the period of the recent TIP report, and cases of labor violations and forced labor were not treated as trafficking offenses. While labor trafficking offenses remain a primary concern in the country, the government took no “new steps to dismantle the [Kafala] sponsorship system.” In response to the COVID-19 pandemic.

IRDG as well as other prominent organizations expressed their concern about vulnerable low-paid migrant workers in the UAE and the cramped and unhygienic conditions of detainees. The UAE upheld a policy of no minimum wage for migrant workers, who comprise 90% of its population”.

A central feature of the Kafala system is that once an immigrant has entered the country under the aegis of a specific sponsor, this cannot be changed without the explicit consent of the sponsor in question. The law requires a non-objection certificate (NOC) everywhere, except Qatar, which abolished the practice in August 2020. Furthermore, foreigners cannot leave a GCC country without their sponsor’s consent.

This asymmetrical relationship often allows for exploitative and poorly regulated working conditions, which can range from underpayment and non-payment of due wages, or failure to provide workers with identification, to difficult and dangerous working conditions, and overcrowded and substandard living conditions.

Roula Hamati from the International Organisation on Migration pointed out that the gulf region is facing a big problem in implantation of policies stating the significance of addressing the power imbalance. She also referred to the massive problems migrant workers face while struggling to access to justice and asking for their rights. Hamati asserted on the necessity to advocate the right of mobility for migrant workers in the Gulf Region.

Sharon Burrow, Secretary General of the European Trade Union Confederation, declared that they have been concerned over a decade about the modern slavery context in the Gulf countries in terms of contract substitution, wage theft, inadequate accommodation, and restricted right to mobility. “All these violations are entirely unacceptable”, Burrow said.

“We are now noticing a great progress and clear reforms in Qatar, not only in Kafala system but at different levels including minimum wage, transparent amount for accommodation and food, and freedom of workers to voice” ETUC’s representative mentioned.

“We have amazing results with the case of Qatar thanks to collaboration among NGOs, trade unions, the UN system, and the supreme committee towards enacting really solid laws. Not only migrant workers benefit from the reforms in Qatar, but also so many companies are making the advantage of those reforms enhancing their business and making their workers happier”, ILO’s representative said.

## **Labor Abuses**

Labor abuses in the UAE persist. Despite some reforms, many low-paid migrant workers remain acutely vulnerable to forced labor. The kafala (visa-sponsorship) system ties migrant workers to their employers. Those who leave their employers without their consent before the end of a contract can face punishment for “absconding,” including fines, prison, and deportation. A 2017 law extended key labor protections to domestic workers, but the provisions remain weaker than those in the country’s national labor law. Domestic workers face a range of abuses, including long working hours, unpaid salaries, and physical and sexual abuse.

United Arab Emirates, where rapid modernization tends to hide a gruesome reality of modern-day slavery. The country has many forms of slavery —the exploitation of children (sometimes as young as five years old) as camel jockeys; the sexual enslavement of women; and the migrant workers who enslave themselves.

The United Arab Emirates (UAE) is a destination for men and women, predominantly from South and Southeast Asia, trafficked for the purposes of labor and commercial sexual exploitation. Migrant workers, who comprise more than 90 percent of the UAE’s private sector workforce, are recruited from India, Bangladesh, Pakistan, Nepal, Sri Lanka, Indonesia, Ethiopia, Eritrea, China, and the Philippines. Women from some of these countries travel willingly to work as domestic servants or administrative staff, but some are subjected to conditions indicative of forced labor, including unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, or physical or sexual abuse. Trafficking of domestic workers is facilitated by the fact that the normal protections provided to workers under UAE labor law do not apply to domestic workers, leaving them more vulnerable to abuse. Similarly, men from India, Sri Lanka, Bangladesh, and Pakistan are drawn to the UAE for work in the construction sector but are often subjected to conditions of involuntary servitude and debt bondage.

## **Recommendations**

IRDG calls upon the government of the United Arab Emirates to:

- Adopt a model in raising the sponsorship system and maintaining the minimum wage, the Qatari model could be a proper model to adapt in the region.
- protect the migrants and women rights, who were forced to work outside their countries to cover the economic needs, and treat them in an ethics of tolerance.
- Protect them from diseases, pandemics and dangerous heat stress which they are exposed to while working in the Dubai Expo 2020,
- Apply in a proper way the ILO resolution “R151 - Migrant Workers Recommendation, 1975 (No. 151)” which assigns to it the task of protecting the interest of workers when employed in countries other than their own.

- Provide them with social services, In accordance with the provisions of Paragraph 2 of the Recommendation ``R151 - , migrant workers and their families should benefit from the activities of social services and have access thereto under the same conditions as nationals of the country of employment.

Finally, The International Institute for Rights and Development would like to urge the UAE uphold human rights for migrant workers and abolish the discriminatory Kafala System.

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