

THE FIVE CORRIDORS PROJECT - CORRIDORS 2 AND 3

Nepal to Kuwait and Qatar: Fair recruitment in review

JULY 2021



ABOUT THIS DOCUMENT

The Five Corridors Project is an initiative led by FairSquare Projects, which aims to identify key measures that governments can take to ensure that migrant workers can migrate safely and with dignity. FairSquare Projects is a non-profit human rights organisation that tailors rigorous research with communication and advocacy work to promote systemic change. The Five Corridors Project is supported by Open Society Foundations, Humanity United and Porticus. The organisations that funded this project played no role in the design or execution of the research, and our conclusions and recommendations may not necessarily reflect the viewpoints of Humanity United, OSF or Porticus.

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Cover photograph: Visa applicants at a Migration Resource Center in Kathmandu, Nepal, 2015. © ILO

Assessment against the Five Corridors indicators:

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2. Legal and regulatory framework relating to fair recruitment

“It is critical that [Qatar’s] reforms are followed by stringent implementation and prosecution of those who fail to comply.” CIVIL SOCIETY ORGANISATION MIGRANT-RIGHTS.ORG, 2020

Summary

Nepal has ratified seven of the nine core international human rights treaties, but it has not engaged in meaningful cooperation with international human rights mechanisms. Nepal has ratified seven of the eight ILO fundamental conventions but has failed to ratify several instruments specifically designed to protect migrant workers’ rights. The country’s 2007 Foreign Employment Act (FEA) regulates private recruitment agencies, and empowers the Department of Foreign Employment (DOFE) to investigate fraudulent activities. The FEA mainly focuses on procedures although it provides some protections for migrant workers throughout the arc of the recruitment process, granting the right to insurance, setting a limit to the fees recruitment agencies can collect from workers, and prohibiting gender-based discrimination. The Act requires pre-departure orientation sessions, Nepali-language contracts, and airport contact points, but offers limited provisions in relation to their return and reintegration. It also fails to offer protections for undocumented migrants who are excluded from accessing grievance mechanisms and legal assistance. In addition to the FEA, Nepal’s civil and criminal law addresses fraudulent practices in recruitment, human trafficking, bonded labour and slavery. Civil society actors were heavily involved from an early stage in the development of the FEA, although worker organisations currently report that they are being excluded from policy and legislative reforms, in a trend consistent with the wider shrinking of civic space in Nepal. Recruiters also complain they are left out of the process, despite concerns about the influence of opaque industry lobbying efforts.

Kuwait has ratified seven out of the nine core international human rights treaties, and seven of the eight core ILO conventions. Kuwait’s legislative and policy framework on fair recruitment processes is weak, with little clarity on who is liable for recruitment costs. Domestic work is the only sector where the law is clear on criminalising the acceptance of any recruitment costs from migrant workers, and in general there are almost no fair recruitment regulations. Indeed, there is a general perception across many of Kuwait’s business institutions that fair recruitment is a problem predominantly to be addressed in origin countries. Undocumented migrants, even those who lose their documents as a result of abusive employment, are vulnerable to arrest and deportation merely on account of their status. Whilst Kuwait has one of the GCC’s most progressive attitudes to workers’ organisations, collective bargaining rights are still severely restricted. There is no formal role for workers’ organisations in the process of drawing up new legislation and policy relating to fair recruitment, although the ILO has welcomed the establishment of an Advisory Committee for Labour Affairs, which brings together representatives of government, the Kuwaiti Chambers of Commerce and Industry, and the Kuwaiti Trade Union Federation.

Qatar has ratified seven out of nine of the core international human rights treaties, and five of the eight core ILO conventions. The country is currently three years into a technical cooperation agreement with the ILO, and has launched a series of significant fair recruitment reforms as part of a wide-ranging labour reform process. The 2004 Labour Law contains protections against

various abusive recruitment practices, including a prohibition on Qatari entities charging workers recruitment fees. Qatar's legislation fails to address these initial worker selection processes in the country of migrant origin and deals only with subsequent stages such as visa processing, work contracts and repatriation of workers at end of service. This means that migrant workers entering Qatar have typically been recruited through registered or unregistered recruitment agencies, sub-agents and local brokers in the country of origin and have paid for those services. The 2004 Law excludes several categories of migrant workers, including domestic workers, who are the subject instead of a subsequent 2017 Law that fails to

provide the same level of safeguards, and especially with regard to the payment of recruitment fees. Undocumented migrants including those who have fled from abusive employers are excluded from legal protections and face arrest and deportation. There are no Qatari worker organisations representing migrants. However, international trade unions have recently engaged in a sustained dialogue with the Qatari government to promote workers' rights, including fair recruitment, under the ILO Technical Cooperation Programme. Private sector organisations are invited to input on legislative proposals by Ministries, the Shura Council and Council of Ministers. Legislation and regulation on recruitment agencies has not been revised since 2005.

Recommendations to the Government of Nepal:

- Ratify the ILO Private Employment Agencies Convention, 1997 (No. 181) and in keeping with its provisions, fully prohibit the payment of fees and related costs, in line with the ILO definition, by migrant workers to recruitment agencies.
- Review and update the Foreign Employment Policy, which dates to 2012, prior to the transition to federal governance.
- Increase the transparency of processes to develop new laws and policies around migrant workers, and invite more structured participation from unions, civil society and the private sector.

Recommendations to the Government of Kuwait:

- Ratify the ILO Private Employment Agencies Convention, 1997 (No. 181) and in keeping with its provisions, amend the 2010 Private Sector Labour Law to explicitly prohibit the payment of recruitment fees and related costs by all migrant workers, in line with the ILO definition.

- Amend the 2010 Private Sector Labour Law to hold employers responsible for recruitment fees paid by their employees to third parties, including outside Kuwait.
- Provide domestic workers with the protection of the Private Sector Labour Law

Recommendations to the Government of Qatar:

- Ratify the ILO Private Employment Agencies Convention, 1997 (No. 181) and amend legislation to align the definition of recruitment fees and related costs with the ILO definition.
- Provide domestic workers with the protection of the national Labour Law

2.1 Has the government ratified core international human rights and core/relevant labour conventions? Does it meaningfully engage with UN and ILO oversight bodies?

Nepal

Nepal has ratified seven of nine core international human rights treaties, acceding to both the International

Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR) without entering any reservations. It is not party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families despite local NGOs' and the NHRC's repeated calls for its ratification.¹⁹⁰ According to a human rights lawyer specialising in migration issues, Nepal's failure to ratify the Migrant Workers Convention relates to its fears of accountability over its failure to protect migrant workers, including Indian nationals working in Nepal, and a perception that protection to Nepali migrants should be afforded by destination countries.¹⁹¹

Although Nepal has ratified seven of eight ILO fundamental conventions, it is not party to several instruments specifically designed to protect migrant workers' rights, such as the ILO conventions relating to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Migration for Employment Convention (revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Private Employment Agencies Convention, 1997 (No. 181) or the Domestic Workers Convention, 2011 (No. 189).¹⁹² Nepal is also a signatory to the "Palermo" Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.¹⁹³

Beyond legally binding conventions, Nepal endorsed the Global Compact for Safe, Orderly and Regular Migration (GCM) Subsequently, in partnership with the International Organisation for Migration (IOM), the government organized a series of multi-stakeholder consultations with development partners, government agencies, UN agencies, civil society organisations (CSOs), academia, private sector companies and the media to develop a national position paper on GCM.¹⁹⁴ The

government set out its commitment to achieving the Sustainable Development Goals (SDGs), including those relating to migration governance and eradication of forced labour, in its 2017 SDGs baseline report.¹⁹⁵ Nepal has increasingly played an active role in regional labour migration processes. In 2017, it assumed chairmanship of the Colombo Process, a regional consultative process of 12 Asian countries that focuses on the management of foreign employment and protection needs of contractual migrants. In this role, Nepal coordinated regional consultations on the GCM, and together with other member states developed recommendations, which were reflected in the GCM's framework document.¹⁹⁶ Nepal also participates in the Abu Dhabi Dialogue – a ministerial-level regional consultative process on migration between the Gulf States, Malaysia and the Colombo Process countries.¹⁹⁷

However, Nepali research group CESLAM has expressed scepticism that these commitments on fair recruitment at an international level have not resulted in changes domestically: "despite chairing the recent Colombo Process as well as making international commitments for safe, orderly, and regular migration through the Global Compact on Migration (GCM) and Sustainable Development Goals (SDGs), [Nepal] has not considered prioritising these critically important issues that have far-reaching implications".¹⁹⁸ CESLAM's Assistant director told us that Nepal's participation in these processes lacked internal coordination and coherence across different parts of the government.¹⁹⁹

Nepal has failed to bring national legislation governing labour migration in line with its international legal obligations. According to one researcher, "the government has [not] internalised international norms, standards and principles around recruitment because they are not inside ... the Foreign Employment Act".²⁰⁰ Further, it has not engaged in meaningful cooperation

190. Krishna Neupane, Secretary General, People Forum for Human Rights, remote interview, 5 June 2020.

191. Anurag Devkota, Human Rights Lawyer, LAPSOJ, remote interview, 1 December 2020.

192. ILO, [Nepal's record of ILO Convention Ratification](#).

193. UN Human Right Council, "[Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)", (2000).

194. IOM, "[Global Compact for Migration \(GCM\)](#)"; Migrant Forum Asia, "[Nepal National CSO Consultation on the Implementation of the Global Compact for Migration](#)."

195. National Planning Commission, Government of Nepal, "[Nepal's Sustainable Development Goals](#)", (June 2017).

196. Colombo Process, "[Colombo Process Engagement in the Global Compact for Safe, Orderly, and Regular Migration \(GCM\), Towards a Joint Contribution to the GCM](#)", (September 2017); Colombo Process, "[Joint Recommendations of the Colombo Process Member States to the Global Compact for Migration](#)", (November 2017).

197. IOM, "[Migration Governance Snapshot: Federal Democratic Republic of Nepal](#)", (August 2018): 4.

198. The Kathmandu Post, "[Forgetting about rights](#)", (26 February 2018).

199. Dr. Jeevan Baniya, Assistant Director of Centre for the Study of Labour and Mobility at Social Science, remote interview, 8 June 2020.

200. Dr Angela Sherwood, interview, 4 September 2020.

with international human rights mechanisms. The Office of the High Commissioner for Human Rights was closed in 2012 after the Nepali government refused to extend its tenure,²⁰¹ and its engagement with UN Special Procedures – thematic human rights experts - over the past decade has been limited. Nepal has not issued a standing invitation for country visits to the Special Procedures of the Human Rights Council, although it accepted a visit by the special rapporteurs on the human rights of migrants and violence against women in 2018.²⁰²

The Nepali authorities work closely with the ILO office in Nepal, particularly on the implementation of the Decent Work Programme (2018-2022).²⁰³ Nepal also engages with the ILO supervisory bodies, albeit in an inconsistent manner, with some delays in its mandatory reporting.

Kuwait

Kuwait has ratified seven of nine core human rights treaties including both the ICCPR and ICESCR in 1996 but entered a number of reservations and interpretative declarations that discriminate on the basis of gender and nationality.²⁰⁴ It stated that social security would only apply to Kuwaiti nationals, and that it would not apply the provisions of Article 8 (1d) of ICESCR regarding the right to strike.²⁰⁵ Like other GCC countries, it has not ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Kuwait has ratified 19 ILO conventions, including seven out of eight fundamental conventions and two out of four governance conventions.²⁰⁶ It has not ratified the ILO Convention 189 on Domestic Workers, C143 Migrant Workers Convention, and Members of Their Families, nor ILO Convention 181 on Private Employment Agencies.

Kuwait works with the local ILO office having entered into a Decent Work Programme in 2018.²⁰⁷ The programme's priorities include enhancing the skills of women and men foreign workers, improving the governance of foreign labour, and strengthening social dialogue and tripartism.²⁰⁸ To date, the collaboration between the ILO and the Kuwaiti authorities has resulted in a set of legislative reforms aimed at strengthening protections for domestic workers' human rights (see 1.5).²⁰⁹ However, in 2019, the ILO Committee of Experts noted "with regret" Kuwait's repeated failure to submit Conventions, Recommendations and Protocols to its parliament (the National Assembly).²¹⁰

The Kuwaiti authorities regularly engage with the UN system. In 2019, IOM's Director General described Kuwait "as one of IOM's biggest partners, contributing significantly to advancing migration governance".²¹¹ Its partnership with IOM over the past 25 years has contributed to Kuwait's increased efforts to combat human trafficking and labour mobility management. Kuwait has also issued a standing invitation to all thematic procedures in 2010, and facilitated recent visits by the Special Rapporteur on trafficking in persons and the Working Group on the issue of discrimination against women.²¹²

Qatar

Qatar is party to seven of nine core human rights treaties.²¹³ In 2018, Qatar ratified the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, lodging reservations which undermine women's and migrant rights. The government stated that it would apply its own interpretation to the term "trade unions", in line with the 2004 Labour Law, which prohibits migrant workers from forming or joining unions.²¹⁴ Like

201. OHCHR, "Nepal country profile"

202. OHCHR, "Country visits of Special Procedures of the Human Rights Council since 1998".

203. ILO, "Federal Democratic Republic of Nepal, Decent work country programme 2018-2022", (October 2018).

204. UN, [Kuwait's full record of UN Treaty ratification](#)

205. UN, [ICESCR ratification and reservations status](#)

206. ILO, [Ratifications for Kuwait](#)

207. ILO, "Kuwait and ILO sign the country's first Decent Work Programme", (9 December 2018).

208. ILO, "Decent Work Country Programme For Kuwait", (2018).

209. "Kuwait and ILO sign the country's first Decent Work Programme", ILO, (9 December 2018).

210. ILO, "Observation on submission to competent authorities (CEACR) - adopted 2019, published 109th ILC session (2021)", (2019).

211. IOM, "Kuwait Renews Support for IOM's Lifesaving Humanitarian Operations", (18 January 2019).

212. OHCHR, [Kuwait homepage](#).

213. Qatar's full record on UN Treaty Ratification is available [here](#).

214. Human Rights Watch, "Qatar Joins Core Human Rights Treaties", (25 May 2018); Amnesty International, "Qatar finally joins two key human rights treaties - but what does it really mean for migrant workers?", (13 June 2018); Amnesty International, [Qatar: Promises yet to be fulfilled](#)", (February 2019).

other GCC states, it has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. It is however party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), and it signed the Arab Charter on Human Rights in 2009.

Qatar was elected to the UN Human Rights Council for a fourth term from 2018 until the end of 2020 and engages with UN human rights mechanisms through regular communication. It issued a standing invitation to all thematic special procedures in 2010 and recently accepted, amongst others, visits by special rapporteurs on the human rights of migrants, racism, business and human rights and education in addition to the working group on arbitrary detention.²¹⁵

Qatar has ratified five of eight core ILO Conventions.²¹⁶ It has not ratified the ILO's Freedom of Association, Collective Bargaining and Equal Remuneration Conventions or ILO Conventions No. 97 concerning Migration for Employment (1949), No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (1975), No. 87 concerning Freedom of Association and Protection of the Right to Organize (1948), No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (1949), No. 189 concerning Decent Work for Domestic Workers (2011), or No. 181 concerning Private Employment Agencies (1997).

In 2014, the ILO accepted a complaint brought against Qatar regarding non-compliance with its obligations as signatory to Conventions No. 29 on Forced Labour and No. 81 on Labour Inspections.²¹⁷ The complaint was closed after the Qatari authorities agreed to enter into a three-year technical cooperation agreement with the ILO in 2017. The ILO established a Project Office for the State of Qatar in Doha in April 2018, which works closely

with the Ministry of Administrative Development, Labour and Social Affairs (ADLSA).²¹⁸ While fair recruitment was not one of the five core workstreams for the technical cooperation programme, ADLSA and the ILO committed to ensuring, among other things that "recruitment practices are improved through better monitoring and regulation and the implementation of the Fair Recruitment guidelines in three migration corridors", and that "restrictions on migrant workers' ability to change employer and exit the country are removed".²¹⁹

In annual progress reports submitted to the ILO Governing Body, ADLSA and the ILO have highlighted elements of the programme which promoted fair recruitment and labour mobility, including "partnerships with private companies and tailor-made capacity-building activities",²²⁰ and "technical support [...] to recruiters, which entailed training and coaching to develop policies and tools required to ensure fair recruitment."²²¹

2.2 Are there national fair recruitment laws and policies? Does legislation address the entire spectrum of the recruitment process, including in relation to advertisements, information dissemination, selection, transport, placement into employment and return to the country of origin. Is legislation reviewed and evaluated?

Nepal

The 2007 FEA sets the administrative and licensing requirements for private recruitment agencies. It regulates agencies' conduct and empowers DOFE to monitor recruitment and investigate offences, prescribing penalties for fraud and misrepresentation. It also established a welfare fund, Foreign Employment Tribunal (FET) and Foreign Employment Promotion Board (now

215. OHCHR, [Qatar's visits of Special Procedures of the Human Rights Council since 1998](#).

216. Qatar is a party to the Forced Labour Convention (Convention No. 29), the Abolition of Forced Labour Convention (Convention No. 105), the Discrimination (Occupation and Employment) Convention (Convention No. 111), the Minimum Wage Convention (Convention No. 138) and the Worst Forms of Child Labour Convention (Convention No. 182). It has also ratified the Labour Inspection Convention (Convention No. 81).

217. ILO, "[Complaint alleging non-observance by Qatar of the Forced Labour Convention, 1930 \(No. 29\), and the Labour Inspection Convention, 1947 \(No. 81\), made by delegates to the 103rd Session \(2014\) of the International Labour Conference under article 26 of the ILO Constitution](#)", GB.323/INS/8(Rev.1), (March 2015).

218. See ILO, "[ILO Project Office for the State of Qatar](#)".

219. ILO, [Follow-up to the decision adopted by the Governing Body at its 331st Session to support the technical cooperation programme agreed between the Government of Qatar and the ILO and its implementation modalities](#), GB.334/INS/8, (October 2018): 7-8.

220. ILO, [Follow-up to the decision adopted by the Governing Body at its 331st Session to support the technical cooperation programme agreed between the Government of Qatar and the ILO and its implementation modalities](#), GB.334/INS/8, (October 2018): 3-5.

221. ILO, [Annual progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO](#), GB.334/INS/8, (October 2019): 5.

called the Foreign Employment Board).²²² It is supported by the 2008 Foreign Employment Rules (FER) which provide more detail on the implementation of the Act.

Although the preamble to the FEA states that its aim is to protect both “the right[s] and interest[s] of employee[s] going for foreign employment and foreign employment entrepreneur[s]”,²²³ the Act does not take a human rights-based approach to migration and does not include strong human rights provisions and safeguards that would protect those most vulnerable to abuse. As an ILO representative in Nepal explained, it is primarily administrative legislation, which outlines the procedures and steps required to enable aspiring migrants’ access to foreign employment through legal channels.²²⁴ As a result, as one expert on Nepalese migration puts it, it does not recognise “the competing interests between recruiters and human rights principles”.²²⁵ Crucially, it lacks a definition of fair recruitment, often leading government officials and recruiters to overly focus on recruitment fees and confuse fair recruitment with the 2015 “Free Visa, Free Ticket” policy, while omitting all the other principles and standards.²²⁶

Nonetheless, the procedures included in the FEA cover most stages of the recruitment process, ranging from authorization and licensing of private recruitment agencies to conduct foreign employment business to the distribution of labour permits and the negotiation of BLAs. The FEA requires agencies to obtain a prior approval from DOFE to place migrant workers in jobs overseas (section 15); mandates the publication of job advertisements (section 16); sets out the procedures relating to worker selection (section 17); stipulates that all workers must leave for foreign employment via the national airport and obligates agencies to seek permission if travel must be organized from a foreign airport (section 22); outlines the process for preparing a contract (section 25); grants the right to insurance

provided through the recruitment agency (section 26); and allows the government to specify the upper limit of the amount an institution can collect from each worker, including a service fee and promotional costs. However, aside from establishing a welfare fund to aid repatriation in specific cases such as injury, the FEA sets out limited provisions in relation to the processes of return and reintegration of returnee Nepali migrant workers. At the time of writing, a draft Reintegration Directive was in the process of being drafted, through a process led by the Foreign Employment Board.²²⁷

In addition to the FEA, fraudulent, abusive and deceptive practices in the labour recruitment process can be addressed in Nepal’s civil code and criminal law. The General Code of Nepal prohibits human trafficking and the subjecting of any person to slavery or bonded labour. However, the definition of human trafficking in the 2007 Human Trafficking and Transportation (Control) Act (the HTTCA) and its 2008 Rules is inconsistent with international standards. It is primarily focused on trafficking for the purpose of “prostitution” and sexual exploitation as well as child and organ trafficking, and does not address labour exploitation.²²⁸ As a result, human trafficking cases continue to be prosecuted under the FEA, which provides for a lighter set of penalties. Following its ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in June 2020, Nepal is now legally obliged to bring its legislation on human trafficking in line with the legal framework and definitions of the Palermo Protocol.

The Foreign Employment Board reviews laws relating to foreign employment and provides recommendations to the government.²²⁹ MOLESS publishes an annual Labour Migration Report reviewing trends and evaluating key policy issues relating to labour migration.²³⁰ Although the FEA has been regularly updated since 2007, most

222. *Foreign Employment Act, 2007*, Sections 38 and 64.

223. *Foreign Employment Act, 2007*, Preamble: 1.

224. ILO representative, Nepal office, remote interview, 21 October 2020.

225. Dr Angela Sherwood, remote interview, 4 September 2020.

226. ILO representative, Nepal office, remote interview, 21 October 2020.

227. Currently reintegration programmes for returnee workers are entirely run by CSOs. Pourakhi Nepal run a reintegration programme for returnee women migrants. Pravasi Nepali Coordination Committee provides capacity-building trainings, counselling and other services for returnee migrants including a livelihood project whereby it provides returnees with seed money to start income generating activities.

228. *Human Trafficking and Transportation (Control) Act, 2064 (2007)*, Article 4: “To take anyone from his/her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurement, influence, threat, abuse of power and by means of inducement, fear, threat or coercion to the guardian or custodian and keep him/her into ones custody or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation”. See also Section 15(l)(g) of the HTTCA and Anurag Devkota, “[Breaking the chain](#)”, The Kathmandu Post, (26 December 2019).

229. Bandita Sijapati and Amrita Limbu, “[Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms](#)”, CESLAM, (2017): 46.

230. See MOLESS, “[Nepal Labour Migration report 2020](#)”, (2020).

recently in March 2019 (see 2.5),²³¹ it has not undergone a major review or reform aimed at addressing significant gaps in the regulatory framework and strengthen rights protections for migrant workers.²³²

Kuwait

Kuwait's legislative and policy framework on fair recruitment at present is limited and weak and does not cover the entire spectrum of the recruitment process. It mainly addresses fraudulent licensing, the contracting process and work permit requests, but fails to regulate information dissemination, workers' selection, transport and placement into employment. It contains limited provisions related to advertisement and migrant workers' return to the country of origin.

Law No. 6 of 2010 concerning Labour in the Private Sector (the 2010 Private Sector Labour Law) regulates the recruitment and employment of the majority of Kuwait's migrant workers.²³³ It does not explicitly prohibit the payment of recruitment fees and costs by workers, nor does it define who should be liable for them.²³⁴ Under Article 10, the Minister is required to "issue a resolution setting forth the procedures, documents and fees that shall be paid by the employer", but no such decision has been issued to date.²³⁵ Under the same article, employers must "bear the expenses of the worker's return to his country."

Unlike the Private Sector Labour Law, the 2015 Domestic Workers Law (see Kuwait 2.3), which was drafted with the support of the ILO, explicitly prohibits employers and recruiters from accepting recruitment charges from migrant workers and prescribes criminal penalties including prison sentences. However, the absence of a credible enforcement mechanism remains a significant shortcoming.²³⁶

By law, only Kuwaiti nationals can own recruitment agencies. These agencies are not subject to any fair

recruitment regulations, except for those recruiting domestic workers under the 2015 Domestic Workers Law and associated ministerial decisions.²³⁷ Agencies recruiting staff for the domestic service sector are prohibited from using advertising methods for their services "which classify domestic workers on the basis of their religion, gender, race or cost of recruitment, or using any practices that degrade their humanity" under Article 5 of the 2015 Domestic Workers Law.²³⁸ Article 51 of the same law obliges employers (or recruiters if it is within six months of the workers' hiring) to cover the return travel expenses for migrant workers who have left their jobs.

In a bid to strengthen national mechanisms for migration governance and ensure the fair recruitment of foreign workers, in September 2020, the Kuwaiti authorities signed "Tamkeen", a partnership between the General Secretariat for the Planning and Development, PAM, IOM and UNDP. The project aims to collaborate closely with recruitment agencies to apply international labour standards, and to "address the weaknesses in the current system" that were highlighted following the outbreak of Covid-19, including the extent of illegal visa trading in the country, due to the lockdown of areas inhabited by migrant workers and its economic impact on these communities.²³⁹ At the time of writing, IOM was planning to work, in collaboration with PAM, with select recruitment agencies to prepare them for the IOM's IRIS fair recruitment certification scheme.²⁴⁰

Qatar

In line with the ADLSA/ILO technical cooperation programme in 2017, the Qatari authorities have pledged to significantly reform their labour system and publicly stated their commitment to fair recruitment.²⁴¹ At present, Qatar's sponsorship, labour and recruitment licensing laws and regulations²⁴² address only the final stages of the recruitment process including the application and distribution of visas, contracting

231. IOM, "Migration in Nepal: A Country Profile 2019", (2019): 113

232. ILO representative, Nepal office, remote interview, 21 October 2020.

233. [New Private Sector Labour Law No 6 of 2010](#).

234. Professor Ray Jureidini, "Ways forward in recruitment of low skilled migrant workers in the Asia Arab State corridor", ILO, (2016): 14.

235. ILO, "Kuwait, Regulatory Framework Governing Migrant Workers", (November 2019): 1

236. ILO, "FAIRWAY: 10 things that governments can do to ensure fair recruitment."

237. Building Responsibly, "Kuwait, Labor Law Sheet", (August 2019).

238. [Law No. 68 of 2015 on Employment of Domestic Workers](#), Article 5.

239. KUNA, "'Tamkeen' is one of the steps to alter the country's demographics", (3 September 2020).

240. Remote interview with IOM representative, Kuwait office, 12 October 2020.

241. See for example: Gulf Times, "Qatar ensures fair labour recruitment procedures: minister", (21 May 2019).

242. These include: Law No 21 of 2015 regulating the entry, exit and residence of expatriates, the 2004 Labour Law and Ministerial Decision No 8 of 2015 Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others.

of the successful candidate and repatriation of the migrant worker at the end of their service. However, they do not address processes that take place in the country of origin, such as advertisement, information dissemination, transport, worker selection and placement into employment.

Article 33 of the 2004 Labour Law prohibits charging any recruitment fees, expenses and any other costs to migrant workers during the recruitment process but does not set out any formal process for assessing if this has been respected when workers arrive in Qatar.²⁴³ Agencies are banned from receiving “any amounts from the worker in form of fees or charges [...] or any other costs” associated with their recruitment abroad, under Article 19 of Ministerial Decision No 8 of 2015. A recruiter’s license may be revoked for receiving “any remuneration” associated with the recruitment of a foreign worker under Article 14 of the same ministerial decision.²⁴⁴ The law does not hold recruiters or employers in Qatar responsible for the actions of third parties or intermediaries they may commission to recruit on their behalf in origin states.

Law No. 15 of 2011 on Combating Trafficking in Human Beings provides prison sentences and fines for the use of deceptive and abusive practices to transport someone for the purpose of exploitation in any form, including forced labour.²⁴⁵ Article 19 of Law 21 of 2015 (Sponsorship Law) requires sponsors to repatriate a migrant worker at the expiry of their contract or whenever they are found to be in breach of their employment terms, and to assume the costs of burial in case of death.²⁴⁶

Qatar’s sponsorship system, currently elaborated in Law 21 of 2015, has been held responsible for undermining fair recruitment and employment of migrant workers by creating an excessive power imbalance in favour of employers. For example, the ILO Committee of Experts on the Application of Conventions called for its swift reform in 2016.²⁴⁷ As a result, reform of this system was a central element of the Technical Cooperation

Agreement agreed between the ILO and the government in 2017. This has resulted in reforms to the sponsorship system that address the exit permit and the no objection certificate, which, respectively, prevented workers from leaving the country or changing jobs without their employers’ permission.²⁴⁸ Law No. 13 of 2018, removed the powers of employers to ban migrant workers covered by the country’s labour law from leaving the country. Employers retained the power to request exit permits for up to 5% of their workforce, depending on the nature of their work. Domestic workers, who fall outside of the Labour Law, were excluded from this reform.²⁴⁹ Ministerial Decision no. 95 of 2019 went further, removing the exit permit for almost all workers. However domestic workers are still required to give their employers advance notice and employers in other sectors can apply to the authorities to designate up to five percent of their foreign national staff to be required to seek prior consent due to the nature of their work.²⁵⁰ Law No. 18 of 2020 abolished the ‘No-objection certificate’ requirement which prevented migrant workers from changing jobs without the permission of their employer. Workers are now able to leave their job by providing a one-month written notice if they have worked for the employer for less than two years, or a two month notice if they have worked for them for longer. They do not have to cover any costs. However, as detailed in 1.6, the reforms have not changed the specific article in the Sponsorship Law relating to the “absconding” charge and employers retain responsibility (and power) for renewing and cancelling their workers’ residence permits.

2.3 Are all workers (formal, informal, regardless of category) covered by relevant legislation?

Nepal

Nepali legislation covers all categories of documented workers. Gender-based discrimination is prohibited under the FEA’s section 8, Chapter 2. Section 9 of the

243. [Labour Law](#), Article 33 (1), 2004.

244. [Ministerial Decision No 8 of 2015 Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others](#), 2005.

245. [Law No. 15 of 2011 Combating Trafficking in Human Beings](#), chapter 2, 2011.

246. [Law No 21 of 2015 regulating the entry, exit and residence of expatriates](#), Chapter 4, 2015.

247. ILO, “[Observation \(CEACR\) - adopted 2016, published 106th ILC session \(2017\)](#)”, (2017).

248. ILO, “[Dismantling the kafala system and introducing a minimum wage mark new era for Qatar labour market](#)”, (30 August 2020); Amnesty International, “[Qatar: New laws to protect migrant workers are a step in the right direction](#)”, (30 August 2020).

249. Amnesty International, “[Qatar: Partial abolition of ‘exit permit’ lifts travel restrictions for most migrant workers](#)”, (5 September 2018).

250. Human Rights Watch, “[Qatar: End of Abusive Exit Permits for Most Migrant Workers](#)”, (20 January 2021).

same chapter contains special provisions protecting the rights of vulnerable groups to migrate for overseas employment, including women, underprivileged people, indigenous nationalities, “oppressed” people, victims of natural disasters and inhabitants of remote areas, and requires that agencies include them in foreign recruitment as per quotas set by the government.²⁵¹

Although the 2007 FEA does not explicitly exclude undocumented migrants, it defines a “worker” as “a Nepali Citizen who has obtained foreign employment”, which can only be granted by DOFE by leaving through legal migration channels. Undocumented and irregular migrant workers are, as a result, largely excluded from the protections of Nepal’s legal and regulatory framework,²⁵² including the 2018 MOLESS Guidelines on the provision of legal protection to migrant workers which state that undocumented workers “are not subject to protection and legal assistance from the government”.

A senior official of the Foreign Employment Board told us that the exclusion means that undocumented workers are unable to file complaints with DOFE against fraudulent recruiters, take shelter at a Nepali diplomatic mission abroad or benefit from the welfare fund for their repatriation under normal circumstances.²⁵³ In September 2020, the Minister of Labour, Employment and Social Security announced that Nepal would start repatriating citizens stranded in destination countries as a result of the COVID-19 pandemic regardless of their legal status: “The government will ensure that all Nepali migrant workers, be it documented or undocumented, get the support to return home. The Nepal government will bear the repatriation expenses of the workers.”²⁵⁴ The announcement came after the Supreme Court ordered the government to use the welfare fund to arrange stranded migrants’ travel.²⁵⁵

Kuwait

With the exception of domestic workers, all documented migrants with regular status in Kuwait are covered by

the provisions and protections of the 2010 Private Sector Labour Law. As stated in other parts of this report, Article 8 of the Private Sector Labour Law excludes the country’s estimated 620,000 domestic workers²⁵⁶ whose recruitment and employment are regulated by Law No. 68 of 2015 and Ministerial Order No. 2194 of 2016 Concerning the Executive Rules for Law No. 68 of 2015 on Domestic Workers.²⁵⁷

Undocumented migrants, including those who have lost their documents as a result of abuse by unscrupulous employers or recruiters, face criminal charges for “absconding” and are also at risk of arrest merely on account of their status and not being able to show valid identity documents whenever so requested.²⁵⁸

Qatar

The entry, residence and exit of all categories of migrant workers is regulated by the recently amended Law 21 of 2015, known also as the Sponsorship Law, which ties a foreign national’s residency to their sponsor or recruiter.²⁵⁹ The 2004 Labour Law regulates the recruitment and employment of all migrant workers with the exception of domestic workers and casual workers, and provides minimum standards in relation to working hours, health and safety, the contracting process and termination of employment.²⁶⁰

In 2017, the Qatari authorities introduced a Domestic Workers Law (Law No. 15), which regulates the recruitment and employment of domestic workers. Despite some positive legal protections, the law is not fully consistent with the ILO Domestic Workers Convention. Although Article 8 bans employers from deducting “any fees, expenses or commissions from a worker’s wage in return for the procedures of recruitment from abroad”, it falls short of explicitly prohibiting agents from charging recruitment costs or fees.²⁶¹ Despite their exclusion from the 2004 Labour

251. [Foreign Employment Act, 2007](#), Section 9, Chapter 2.

252. IOM, “[Migration in Nepal, a country profile 2019](#)”, (2019): 117.

253. Senior official, Foreign Employment Board, Interview, 13 January 2020.

254. The Kathmandu Post, “[Undocumented migrant workers to get government support for returning home](#)”, (12 September 2020).

255. The Kathmandu Post, “[Supreme Court orders government to use welfare fund to repatriate Nepali workers stranded abroad](#)”, (17 June 2020).

256. Migrants-Rights.Org, “[Domestic workers in the Gulf Statistics](#)”

257. [Ministerial Order No. 2194 of 2016 Concerning the Executive Rules for Law No. 68 of 2015 on Domestic Workers](#), 2015.

258. Under Article 8 of the [1959 Aliens Residence Law](#), foreign nationals must present their “passports or equivalent documents whenever so requested”. See Human Rights Council, “[National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Kuwait](#)”, A/HRC/WG.6/21/KWT/1, (2014): 16.

259. [Law No. 21 of 27 October 2015](#)

260. Maysa Zahra, “[Qatar’s Legal Framework of Migration](#)”, Gulf Labour Markets and Migration, (2018): 4.

261. [Law No. 15 of 2017 concerning Domestic Workers](#), Article 8. The charging of recruitment fees is prohibited under Ministerial Decision No 8 of 2015 Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others.

Law, domestic workers are able to file complaints with the Labour Dispute Resolution Committees²⁶² but their workplaces, including private homes, are not subject to labour inspections. With the introduction of Ministerial Decision no. 95 of 2019, the right to leave the country without requiring prior permission for one's employers was extended to domestic workers. However, these workers have a specific requirement to inform their employers that they wish to leave at least 72 hours in advance. Although the government justifies maintaining this notice period to "protect [domestic workers'] rights and ensure that they receive their financial benefits", Human Rights Watch noted that the legal requirement may lead many migrants to believe that "they do in fact require their employer's permission" to leave the country.²⁶³

Undocumented migrants, including those who have fled from abusive employers and are at risk of being charged with "absconding" do not enjoy legal protections and are at risk of detention and deportation. The crime of "absconding" has not been abolished as part of Qatar's reform programme, something that civil society organisations have noted with concern.²⁶⁴

2.4 Are workers' organizations able to contribute to the setting and review of legislation, regulations and policy relevant to fair recruitment?

Nepal

Nepal's vibrant civil society played a significant role lobbying for reform of the 1985 FEA, which included no provisions protecting workers' rights, and eventually achieved stronger legal safeguards for migrants with the adoption of the new FEA in 2007. The FEA removed, amongst other things, the requirement for women to obtain the consent of a "guardian" to access foreign employment.²⁶⁵

MOLESS representatives told us that they consult workers' organisations when drafting legislation and designing new policies on fair recruitment. One official acknowledged however, that their recommendations are not always acted upon: "we cannot address all of their concerns, but we do hear from them as well."²⁶⁶

Nilambar Badal, Policy and Campaign Coordinator at the National Network for Safer Migration (NNSM) confirmed that the NGO is typically consulted by ministries developing new laws or migration policies. However, he said that civil society groups are generally invited to submit their comments and legal analysis in the preliminary phase of legislative development but are then excluded from discussions on the details of the final draft, which take place "behind closed doors. He said that, "when discussing gaps in legislation, organisations are consulted, but when the drafting [begins], they are not."²⁶⁷

The General Secretary of the General Federation of Nepalese Trade Unions (GEFONT) told us that there was a shared understanding in the past that no law or policy could be passed without prior consultation with worker organisations, and that MOLESS usually shared drafts with them. However, neither GEFONT nor the Joint Trade Union Coordination committee (JTUCC) had received drafts of recent amendments to the FEA and associated regulations, though members of GEFONT, which was aligned with the political party in power, had participated in discussions.²⁶⁸

Krishna Neupane of the People Forum for Human Rights said that although recruitment agencies and business owners were consulted on recent amendments to the FEA, the experiences and voices of migrants and the organisations representing them have largely been excluded.²⁶⁹ Others said that civil society engagement in the policy-making process largely depended on the leadership at a specific time.²⁷⁰ This change in practice may reflect a wider shrinking of space for civil society in Nepal, which has been documented in recent years by CIVICUS and other groups.²⁷¹

262. Amnesty International, "Qatar: All work, no pay: the struggle of Qatar's migrant workers for justice", (September 2019): 16.

263. Human Rights Watch, "Qatar: End of Abusive Exit Permits for Most Migrant Workers", (20 January 2020).

264. Amnesty International, "Qatar: New laws to protect migrant workers are a step in the right direction", (30 August 2020).

265. IOM, "Migration in Nepal: A Country Profile 2019", (2019): 113 and 117.

266. Official, Ministry of Labour, Employment and Social Security, interview, 8 January 2020.

267. Nilambar Badal, Policy and Campaign Coordinator at National Network for Safer Migration, interview, 13 December 2019.

268. Nisha Baniya, General Secretary of General Federation of Nepalese Trade Unions, interview, 15 January 2020.

269. Krishna Neupane, People Forum, interview, 5 June 2020.

270. Som Prasad Lamichhane, Director, PNCC, interview, 13 June 2020.

271. Civicus and Freedom Forum, "Joint Submission to the UN Universal Periodic Review: 37th Session of the UPR Working Group", (9 July 2020).

Kuwait

Kuwait has a relatively vibrant civil society and permits trade union activity in law.²⁷² However, according to the 2019 US State Department Human Rights report, trade union and collective bargaining rights in Kuwait remain severely restricted.²⁷³ According to the IOM, the government holds consultations and participates in workshops with NGOs on migrant rights issues and collaborates with civil society on data collection regarding human trafficking.²⁷⁴

Even so, there is no formal process for consulting workers' organisations in the setting of legislation, regulation and policy relating to fair recruitment. The KTUF told us that they were not always formally consulted on new laws and policies and typically made recommendations through civil society forums.²⁷⁵ However, they were involved in the drafting of the 2015 domestic worker law.²⁷⁶

The Advisory Committee for Labour Affairs (ACLA), established under article 143 of the 2010 Private Sector Labour Law, discusses labour issues on a quarterly basis.²⁷⁷ The Committee is a national tripartite structure, composed of eight government representatives, two Kuwait Chambers of Commerce and Industry (KCCI) representatives, and four workers' representatives including two from the Kuwait Trade Union Federation (KTUF) and two consultants; it is headed by PAM's General Director. The ILO has acknowledged the establishment of ACLA as a good step towards the "institutionalization of social dialogue" but stressed that its role and vision need to be better defined in order to effectively influence policy and law-making processes as well as promoting sound industrial relations in Kuwait.²⁷⁸

Qatar

Only Qatari workers have the right to form workers' associations or trade unions under Article 116 of the 2004 Labour Law. This prevents migrant workers from

organizing and bargaining collectively, and no such workers' associations or unions have been formed by Qatari workers (See 9.1). In the absence of trade union structures, there is no formal process for the government to consult workers in relation to the setting and review of legislation, regulations and policy relevant to fair recruitment.

However, under the ILO and the ADLSA/ILO Technical Cooperation Programme, international worker groups such as the ITUC, ITF, IDWF, UNI Global Union and BWI have been engaged in a sustained dialogue with the Qatari government to promote workers' rights, including fair recruitment, and have made recommendations with regards to the legislative reform agenda.²⁷⁹

2.5 Origin state: Are recruiters' organizations able to contribute to the setting and review of legislation, regulations and policy relevant to fair recruitment?

Destination state: Are employers' and recruiters' organizations able to contribute to the setting and review of legislation, regulations and policy relevant to fair recruitment?

Nepal

According to MOLESS Under-Secretary Resham Raj Sigdel, the Nepalese government "consults with recruitment agencies while reviewing the legislation as they are one of the key stakeholders in this sector".²⁸⁰ Their involvement in legislative and policy development is a contentious subject.

While there are no official records of recruitment industry lobbying efforts, a 2017 ILO study noted

272. Migrant-Rights.org, "Sandigan Kuwait: From Survivors to Defenders", (23 July 2018).

273. US Department of State, "2019 Country Reports on Human Rights Practices: Kuwait", (2020): Section 7. Worker Rights.

274. IOM, "Migration Governance Overview: The State of Kuwait", (May 2018): 5

275. KTUF General Secretary, interview, 13 December 2019.

276. Migrant-Rights.org, "The Kafala is a System of Slavery: an interview with the Kuwait Trade Union Federation", (2 August 2014).

277. Law No. 6/2010 concerning Labour in the Private Sector, Article 143, 2010.

278. ILO, "Decent Work Country Programme for Kuwait, 2018-2020", (2018): 18.

279. See for example: "Qatar's new labour law key to dismantle the kafala system", UNI Global Union, (31 August 2020).

280. Senior official, Ministry of Labour, Employment and Social Security, interview, 8 January, 2020.

that recruitment associations in Nepal “lobby their government to ‘open’ destination markets”.²⁸¹ The Nepal Association of Foreign Employment Agencies (NAFEA) – the recruitment industry’s trade association – engages in a range of lobbying and advocacy efforts on behalf of recruiters. In 2015, NAFEA organized a public campaign, including strikes and an unsuccessful legal action, against the “Free Visa, Free Ticket” policy which requires employers in destination countries to bear visa and travel costs for Nepali migrants.²⁸² In 2021, NAFEA coordinated a series of protests outside government offices to protest against enhanced monitoring.²⁸³

One recruitment agency however told us that laws were heavily influenced by both international and local NGOs. A Fusion International Private representative cited new regulations, which require agencies to increase their deposit to NPR 2 crore (around USD 181,818) and to recruit at least 100 migrant workers a year to maintain their licence (see 4.1 and 4.4). The representative stated that instead of encouraging fair recruitment, such initiatives will inevitably lead to recruiters placing workers in jobs without the required inquiries and scrutiny in order to fulfill the numbers: “Had the government taken [us] into consideration, these provisions that attacks recruitment agencies would have never been enshrined in law. We had been complaining against these provisions, but our voices were unheard.”²⁸⁴

Experts agreed that the government’s lack of consultation often results in the authorities adopting policies that are either ineffective or impossible to implement, but noted that some of the recruitment agencies’ criticisms relate primarily to the fact they do not like the new regulations. According to one researcher, “the government in some cases has not been consultative but that’s not the sole basis of why things aren’t accepted by business. It’s also because they have a particular interest, and they’re quite stuck on those interests, and I think they don’t want to yield too much.”²⁸⁵

When the Minister of Labour, who had pursued a series of reforms framed around fair recruitment of migrant workers, was removed from his post in 2019, NAFEA welcomed his successor and added that DOFE had been “making various decisions, demanding various documents and implementing new provisions without any contact, dialogue, cooperation and discussion... unilateral decisions and provisions [that] do not yield positive results.”²⁸⁶ Nepali media accused recruitment agencies of lobbying for this downfall, with the Nepali Times editorial pointing at the NAFEA statement: “Is that a threat? You bet it is.”²⁸⁷ Civil society groups and unions pointed to “the nexus between political parties and recruiting agencies, which fund such parties during elections” in explaining his removal.²⁸⁸

However, an ILO official warned against civil society’s “automatic tendency to vilify the recruitment industry” and stressed the need to involve agencies in social dialogue and the decision-making process given their importance in facilitating labour migration: “Not all actors in the recruitment industry is good, but we advocate that there needs to be consultations with them because they facilitate over 80% of labour migration through official channels, although it would be safe to say that it is 90% if we look at irregular channels. It is important to bring them into the fold and discuss with them.”²⁸⁹

The diametrically opposed views expressed by recruiters and worker organisations, and the serious concerns expressed by media and CSOs as well as the influence of the recruitment industry point to the urgent need for a more structured and transparent consultation process in the setting and review of legislation with all stakeholders being fully aware of the other’s involvement.

Kuwait

The Kuwait Chamber of Commerce and Industry (KCCI), is one of the ILO’s three partners in the development and implementation of Kuwait’s ILO Decent Work

281. Dr Katherine Jones, ILO, “The Migrant Recruitment Industry Profitability and unethical business practices in Nepal, Paraguay and Kenya”, (September 2017): 2.

282. Amnesty International, “Turning People into Profit”, (2017): 47; BWI, “Nepal: Strong trade union support for “free ticket, free visa” scheme”, (16 May 2016).

283. The Kathmandu Post, [Foreign employment officials, recruiting agencies in confrontation mode](#), (18 June 2021)

284. Kumud Khanal, Fusion International Private, remote interview, 9 June 2020.

285. Dr Angela Sherwood, remote interview, 4 September 2020.

286. Facebook post: [Nepal Association of Foreign Employment Agencies \(NAFEA\)](#), (22 November 2019).

287. Nepali Times, “[Blood, sweat and tears](#)”, (25 November 2019).

288. The Kathmandu Post, “[He was one of the few ministers who delivered. Then the prime minister sacked him](#)”, (25 November 2019).

289. ILO Nepal representative, remote interview, 21 October 2020.

Country Programme.²⁹⁰ In recent years, KCCI has hosted ILO Fairway workshops and events for its members to discuss good practices on ensuring fair recruitment and decent working conditions for migrant construction workers.²⁹¹

The Chamber of Commerce has not made public statements with regard to fair recruitment legislation or policy. Interviews conducted with representatives of the Chamber of Commerce and Head of the state-owned Al-Durra recruitment agency (see sections 4 and 6) show that both institutions perceive fair recruitment as an issue which predominantly needs to be addressed at the country of origin stage. Representatives of Al-Durra and the Kuwaiti Chamber of Commerce told us that the sending countries need to drastically improve their oversight of recruitment agencies and that Kuwait has done its part in fighting human trafficking and protecting migrant workers.²⁹²

Qatar

As part of the ADLSA/ILO Technical Cooperation programme, both the Qatar Chamber of Commerce and Industry, an influential body representing commercial interests in Qatar, and the International Organisation of Employers (IOE), have increased their participation in labour reform, business and human rights events

and workshops and expand greater efforts to promote fair recruitment within Qatar's private sector.²⁹³ Local recruitment agencies have also been invited to participate in events about fair recruitment.²⁹⁴

More broadly, the business community is influential and is able to provide input into government policymaking: the Qatar Chamber of Commerce and Industry notes that it provides the government with “all required data, information and views related to trade, industrial and agricultural issues in coordination with the competent authorities.”²⁹⁵ The Chamber has a seat on the government's Permanent Committee for Recruitment.²⁹⁶ While the Qatar Chamber has supported the ILO / ADLSA technical cooperation programme, when the Shura Council made proposals to reverse the 2020 reform to the sponsorship system, it did so “in order to develop the business sector in the State of Qatar”.²⁹⁷ Amnesty International notes the influence of the business community in this respect:

“These changes [to the No Objection Certificate] did not sit well with some businesses, which argued that the reforms stripped employers of their rights. Hashtags advocating for the “rights of employers” started to trend on social media - and the law was sent for review before the Shura Council.”²⁹⁸

290. ILO, *Decent Work Country Programme For Kuwait*, (2018): 22.

291. ILO, “[The Kuwait Chamber of Commerce and Industry hosts discussion on migrant workers in the construction sector](#)”, (14 April 2018).

292. Interviews with senior officials from Al-Durra recruitment company and Kuwait Chamber of Commerce and Industry, March to May 2020.

293. See for example, ILO, “[Global Forum highlights role of business in labour reforms and migration governance](#)”, (1 October 2019)

294. See for example, ILO, “[Fair recruitment to the fore in Qatar](#)”, (6 February 2019)

295. [About Qatar Chamber](#)

296. [Council of Ministers Resolution No \(26\) for 2003 concerning the Permanent Committee for Recruitment](#)

297. The Peninsula, “[Shura Council makes recommendations on change of employer and expat worker's exit](#)”, (22 February 2021)

298. Amnesty International, “[Is Qatar planning a u-turn on reforms?](#)”, (4 March 2021)

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