

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.

fairsq.org

Design by www.NickPurserDesign.com

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

Assessment against the Five Corridors indicators:

8. Information provided to workers

- 8.1** Do government websites contain relevant information regarding fair recruitment policies, legislation, regulation, and processes? Does the government publish online “how-to” guides on fair recruitment, deliver public service announcements on radio and/or television; or web seminars (webinars) or similar outreach efforts? _____ 142
- 8.2** Does the government carry out effective pre-departure orientations, including providing training regarding workers’ rights and fair recruitment for potential migrants? _____ 145
- 8.3** Does government encourage outreach to workers by employers, workers’ organizations, compliant labour recruiters and civil society groups? _____ 146
- 8.4** Does the government make labour market information publicly available so as to inform decision making by workers, employers and labour recruiters? _____ 148
- 8.5** Does the government collaborate with the ILO and the most representative employers’ and workers’ organizations to provide education and training and /or conduct awarenessraising campaigns? _____ 149

8. Information provided to workers and others

“There are workers who come from remote places with no access to internet and computers. The information does not reach these ... workers who need it the most.” NEPALI MIGRANT WORKER

Summary

Nepali migrants face difficulties making informed choices regarding their most suitable destination country despite the government’s efforts to produce substantive information detailing the specific labour needs abroad. A range of print and multimedia resources exist to assist migrants preparing for departure, all with differing levels of uptake and reach. A wealth of information about safe recruitment is available on two government websites, including relevant legislation, databases of blacklisted agencies, and orientation essentials for arrival in the destination country. These resources, though, are mostly used only by experienced or educated migrants. Aspiring migrants, particularly women and those from remote areas who do not speak Nepali, cannot write or read or have little or no experience of the internet, still rely primarily on agents and other migrants – often leaving them vulnerable to misinformation and fraud. All Nepali migrants travelling through regular channels must attend a two-day pre-departure course; those migrating irregularly, including many women, are excluded. First-time departees generally find the course useful; returnees are often critical about the lack of more country-specific information. Not all the private institutions that offer the trainings stick to the set curriculum, and there is little focus on fraud by recruitment agencies. Many training providers also certify individuals who have not attended classes, on payment of the course fee, and many have a business arrangement with recruitment agencies which can be a conflict of interest, and in some cases, another rent-seeking opportunity. Migrant resource centres have been set up in passport application offices in 39 districts across Nepal under a joint initiative with the Swiss government. These centres, along with their outreach volunteer, print and broadcast

programmes, are having some success in raising migrants’ awareness of their rights and potential abuses along their migration journey, although they do not address push factors or the powerlessness many face when making their decision to migrate. The Nepali authorities also work closely with the ILO to deliver trainings, campaigns and targeted publications. However, access to information alone does not prevent contract substitution or the payment of illegal recruitment fees and other associated costs with many migrant workers acknowledging that they felt compelled to pay despite being aware of the “Free Visa, Free Ticket policy”.

There is little current evidence of a concerted, joined-up effort by the Kuwaiti government to assist and inform migrants as to their rights, protections and opportunities. Initiatives tend to be driven by the ILO, or by private charitable organisations such as the Social Work Society. Information made available on government websites requires knowledge of Arabic to find, and is very basic – although brochures on workers’ rights are at least presented in a range of languages, and do provide contact details where it is stated that migrants can file complaints in confidence. The texts of relevant labour laws are provided on these websites, but not in translation. Although Kuwait has sought the assistance of the ILO and to carry out, there is not much available evidence of the Kuwaiti authorities’ active cooperation or leading role in the delivery of ILO’s awareness raising activities and trainings to civil society or migrant workers. Likewise, there do not appear to be any long-term government programmes encouraging outreach to workers by employers, workers’ organisations, recruiters or civil society groups.

The provision of labour information to migrants in Qatar is patchy but has improved, in the context

of the technical cooperation between Qatar and the ILO. Little information on fair recruitment practice appears on the ADLSA's website, and the Arabic sections – illegible to most low-wage migrants – are more developed and up-to-date than the English. These online resources lack essential legislative texts and offer no databases of recruiters or employers who have been banned because of malpractice. A recently launched migrant worker portal on Hukoomi, the government's official information website, provides more comprehensive information in the languages spoken by Qatar's largest migrant communities, but fails to reflect important legislative reforms governing labour migration and protecting migrant rights. Positive developments, though, have occurred. The Qatari Labour Ministry has launched a mobile phone application allowing migrants to submit permit extensions, and to file complaints against agencies and employers. During the COVID-19 pandemic,

Hukoomi launched a platform connecting migrant workers to volunteers speaking 10 different languages to enable them to seek health and other advice as well as providing contacts to ADLSA's complaints unit. In partnership with the ILO, the ministry has broadcast announcements on forced labour and human trafficking on Qatari radio and television as well as through social media platforms; has hosted a series of webinars and conferences for businesses regarding aspects of labour law; and has opened dialogue with global unions and federations. In March 2021, the Government Communications Office launched a Whatsapp service providing free information about Qatari labour law and regulation. The ILO has also assisted ADLSA in the production of a number of awareness-raising videos, in relevant languages, on topics as varied as heat stress, contracts and the minimum wage, domestic workers, and the operation of the wage protection system.

Recommendations to the Government of Nepal:

- Upgrade pre-departure training to include country-specific information, information regarding fraud risks, and grievance mechanisms.
- Provide specialized pre-departure training for domestic workers and institute regular phone check-in procedures for domestic workers with Nepali consulates in Gulf states
- Complement pre-departure seminars with post-arrival orientation seminars and hold country-specific information dissemination sessions upon workers' arrival and semi-regularly thereafter.
- Exclude private employment agencies from any role in the provision of pre-departure and post-arrival orientation seminars.

Recommendations to the Government of Qatar:

- Make key information for workers on the MADSLA website available in key worker languages
- Update the Hukoomi platform to include information on the 2017 Domestic Workers Law and the Labour Dispute Resolution Committees, and ensure that it is regularly updated to take account of legislation and policy changes.

Recommendations to the Government of Kuwait:

- Make online information, including key portals on Ministry of Interior's and PAM's websites available in workers' languages
- Conduct public information campaigns combatting xenophobic rhetoric against migrant workers.

8.1 Do government websites contain relevant information regarding fair recruitment policies, legislation, regulation, and processes? Does the government publish online “how-to” guides on fair recruitment, deliver public service announcements on radio and/or television; or web seminars (webinars) or similar outreach efforts?

Nepal

DOFE’s website provides a lot of recruitment-related information including copies of the 2007 FEA, the 2008 FER and 2012 FEP. It also contains a public database of all active, inactive, suspended and blacklisted recruitment agencies in Nepal; a list of over 60 foreign employers blacklisted for recruitment of Nepali nationals;⁹⁵² and a list of licensed orientation centres, certified insurance companies, banks, medical centres and recruitment agency branches. Data on the number of approvals of labour permits is regularly updated and MOLESS annual reports on labour migration are also available. The website is available in both Nepali and English, (although the English site is less comprehensive), and it is relatively easy to navigate for anyone familiar with the internet, which many aspiring workers are not, raising questions about the efficacy of any digital outreach campaigns. As part of an effort to minimize the risk of fraud, the website includes a step-by-step explanation of the procedures aspiring migrants must follow to obtain a labour permit, and enables them to verify the status of their application by entering their passport number. A guide on how to find a job abroad is also available on the website; there is also a range of information on complaint handling, contact details to DOFE’s offices in the provinces and links to Nepali embassies in the major labour destination countries.

The Foreign Employment Promotion Board’s website⁹⁵³ also includes relevant information about safe migration,

as does “Baideshik Rojgari”, DOFE’s mobile phone application, which enables users to easily access latest news and regulations issued by the department as well as contacts to Nepali missions abroad, track complaints and listen to radio shows on safe migration produced by Radio Nepal.⁹⁵⁴

Video tutorials on how to use DOFE’s mobile phone application and website to find employment abroad and check the status of the labour permit application have been released by the SaMi project, a joint initiative by the Swiss and Nepalese governments (see 8.3).⁹⁵⁵ Public service announcements on safe migration are produced by one of SaMi’s implementing partners, Ujyaalo Multimedia, a radio, TV and online portal, and are regularly broadcasted on its platforms.⁹⁵⁶ In collaboration with the SaMi project, Ujyaalo Multimedia also produces a flagship radio show on migration called “Desh Paradesh”, which is aired at prime time, and covers issues ranging from the relevant legislation, to recruitment agency practices and customs in destination countries. The programme is interactive and allows listeners to send their comments and questions.⁹⁵⁷

Despite the availability of information on fair recruitment, and efforts by the authorities to increase its accessibility, our interviews with Nepali workers suggest that many migrants do not check official advice prior to travel. 30 out of 40 interviewed migrants, who had arrived in Kuwait and Qatar between late 2018 and early 2020, said that they did not check any government websites because they were unaware of their existence, were not interested, did not have the time to do so prior to travel, or relied on advice from returnees or information shared on social media by civil society. Those who did, found them a useful tool. However, those who checked these websites included primarily migrants who came from more privileged socio-economic classes, had a higher level of education or experience of foreign employment, suggesting that information may not be reaching individuals most vulnerable to abuse. One migrant worker, who is currently working as a barista in an international coffee chain in Kuwait, but who had worked in Nepal as a journalist, explained:

952. The [list](#) includes 65 employers in Malaysia, the UAE, Qatar, Saudi Arabia and the Maldives. When we checked the list in June 2021, the version available was last updated on 30 June 2020.

953. [Foreign Employment Promotion Board](#)

954. [Baideshik Rojgari page on Apple App Store](#)

955. SaMi Project, [Information on Foreign Employment video](#)

956. [SaMi project](#)

957. The Freedom Fund and London School of Hygiene and Tropical Medicine, “[Safer labour-migration and community-based prevention of exploitation: The state of the evidence for programming](#)”, (February 2016): 59.

“I checked my visa status, and also verified my approval letters and other details through the government portal before moving to Kuwait [...] but there are workers who come from remote places with no access to internet and computers. The information does not reach these [...] workers who need it the most.”⁹⁵⁸

While radio and TV shows on fraudulent practices and abuses appear to reach some aspiring migrants that would normally not check websites, many continue to rely on agents, recruitment agencies and returnee migrants as their primary source of information prior to travel. In addition, our interviews show that even those migrants who have access to official information and are aware of the “Free Visa, Free Ticket” policy end up paying exorbitant recruitment fees way above the NPR10,000 legal cap.⁹⁵⁹

A Nepali man who attended the mandatory orientation training and checked government websites before he migrated to Kuwait in late 2019 to work as a delivery driver for a catering company explained that he had no choice but to pay the illegal fee of NPR 116,000 (around USD 985) to the recruitment agency given that all the other people recruited for the same job had agreed to pay. He said that despite his knowledge of the law he felt compelled to comply with the agency’s request to send a short video clip in which he was asked to introduce himself in English and state that he had only paid 10,000 NPR:

“We were 20 people recruited for the same job, everyone paid a different sum. The amount did not include insurance, medical tests or the police report. I had to sell by motorcycle, gold and borrow money to pay for this. We know about the government cap on recruitment fees, but we are helpless. Knowing that there are other people who have paid more than us is our only consolation.”⁹⁶⁰

This individual’s experience suggests that information campaigns have had some success raising awareness amongst some prospective migrants about legal limits

on recruitment fee payments, while also demonstrating the limitations of such campaigns.

According to AMKAS, an NGO supporting returnee migrant women, there is a particular lack of information for women who choose to migrate to GCC countries as domestic workers and who may be unaware of the implications of irregular migration via India (see section 1). There is a lack of specific TV and radio announcements concerning irregular migration, and the government’s messages do not appear to reach them, nor do they seem to reach sub-agents at the local level.⁹⁶¹

Kuwait

PAM’s website is available only in Arabic and includes Arabic versions of the relevant laws regulating work in the private sector in Kuwait; an English translation of the 2010 Private Labour Law is also available. It does not, however, include the 2015 Domestic Worker Law in either Arabic or English.

The website includes (on a page which requires navigation through three Arabic language pages) a brief one-page brochure outlining basic worker rights and obligations, including information on weekly working hours, the right to keep one’s passport and the right to paid public holidays. The booklet is available in English, Bangla, Urdu, Hindi, Tamil and Sinhala.⁹⁶² Given that most migrant workers in Kuwait do not read or write Arabic, it is unlikely that they would be able to find this information independently and make informed choices about migration to the country.

The Ministry of Interior’s website has an English portal and includes a brochure, outlining basic information on Kuwaiti labour and anti-trafficking laws including basic rights and obligations of migrant workers.⁹⁶³ The brochure, which is available in Arabic and in English, includes contact details of the Criminal Investigations Department and invites both Kuwaiti and foreign nationals to file complaints. It instructs migrant workers to seek advice if they have been forced to sign a contract

958. Migrant worker in Kuwait, remote interview, 3 August 2020.

959. Remote interviews with 40 migrant workers in Kuwait and Qatar, August 2020.

960. Migrant worker in Kuwait, remote interview, 2 August 2020.

961. AMKAS specialist, interview, 17 January 2020.

962. PAM, *حقوق وواجبات العمالة الوافدة داخل دولة الكويت*.

963. Ministry of Interior, Criminal Investigations Department, “[Guidelines for foreign labours: Rights and duties](#)”

in a language they do not understand, were not given a copy of their contract or their full salary or were forced to pay a part of their income to their employer in order to be able to work for someone else. While potentially useful, the brochure is very difficult to find on the website in either Arabic or English.

According to Sandigan Kuwait, PAM has issued public announcements on FM radio concerning the 2015 Domestic Worker Law, mainly targeting employers.⁹⁶⁴ PAM also occasionally issues awareness raising messages via its Instagram account, mainly focusing on warnings to employers about the illegality of visa trading.⁹⁶⁵

Qatar

Recent years have seen an increased effort to provide workers and employers with more information about labour rights and protections, with many positive initiatives. Nevertheless, the provision of information remains somewhat patchy with some clear gaps.

To facilitate access to its services for workers and employers, ADLSA launched the Amerni mobile phone application, which enables users to submit labour approval and residency permit extensions, and file complaints against recruitment agencies and employers (see section 7). A user's guide is available on ADLSA's website.⁹⁶⁶

ADLSA's website also has a "Labour" page, which includes easy to understand (for workers who can read English or Arabic) information for both workers and employers about the minimum wage, labour dispute resolution system, and changing employers.⁹⁶⁷ While these information sheets are helpful for workers, it is more difficult to find the actual laws in question. A copy of the 2004 Labour Law is available on the Arabic site, but we could not find one on the English site, nor any of the laws adopted since 2017 under the ILO cooperation programme, including Law 19 of 2020 removing restrictions on migrants' ability to change

jobs, Law 18 of 2020 on the termination of contracts and Law 17 of 2020 setting a non-discriminatory minimum wage are available on the website in either language. We could not find the 2017 Domestic Workers Law either in Arabic or in English.⁹⁶⁸ Such documents can generally be located by experts, who already have an idea of what they are looking for and read Arabic (or sometimes an English translation), on the government's al-Meezan legal site, or via the ILO website.

The website does not contain a list of banned recruiters or employers as a result of fraud or other abusive practices.

Hukoomi, the Qatari government's official information and e-services website, has recently developed a specific portal for migrant workers providing information on the labour law, access to health and medical care, visa and permits in Nepali, Hindi and Filipino in addition to Arabic and English. The website also contains several e-learning guides on life in Qatar, the use of an ATM and a mobile phone application enabling money transfers. It additionally includes a simple document providing general guidelines to new migrants, information on workers committees as well as a "Workers' Rights" booklet drafted by Qatar's National Human Rights Committee and made available in 11 languages.⁹⁶⁹ During the COVID-19 pandemic, Hukoomi launched a platform connecting migrant workers to volunteers speaking 10 different languages to enable them to seek health and other advice as well as providing contacts to ADLSA's complaints unit.⁹⁷⁰

Despite these positive steps, the portal fails to provide any information on the 2017 Domestic Workers Law, access to grievance mechanisms or updates on recent legislative reforms. Worryingly, it continues to provide outdated information, on the requirement for workers to obtain exit permits and non-objection certificates when seeking to either leave the country or change employers, potentially giving workers the impression that they require their employers' permission to leave the country or change jobs, and undermining wider trust in the reforms.⁹⁷¹

964. Representative, Sandigan Kuwait, remote interview, 12 October 2020.

965. PAM Instagram [account](#)

966. ADLSA, "[Amerni](#)"

967. ADLSA, "[Labour](#)"

968. Checked on 20 June 2021. A press release announcing the 2020 reforms is however available: MADSLA, "[Statement from the Ministry of Administrative Development, Labour and Social Affairs on New Minimum Wage and Labour Mobility Law](#)", (30 August 2020).

969. Hukoomi Migrant Workers' [portal](#)

970. Hukoomi, "[Connecting for care](#)"

971. Checked on 20 June 2021. Hukoomi, "[Labour Law](#)"; Hukoomi, "[Exit permits](#)". Also see [National Human Rights Committee booklet](#), published April 2018.

Since the launch of the technical cooperation programme, ADLSA worked together with the ILO office to develop materials raising the public's awareness on labour rights and laws governing labour migration (see 8.5), and took part in outreach activities. A series of public service announcements on forced labour and human trafficking were broadcast in 2020 on Qatari radio and television as well as through social media platforms, while labour inspectors distributed print materials on passport confiscation during visits to workplaces on World Day against Trafficking in Persons.⁹⁷² In addition, ADLSA has been working with QCCI to deliver webinars aimed at raising private companies' awareness about the labour law and services provided by the ministry. According to QCCI, such webinars cover the following issues: procedures for changing employers, work contracts, the digital certification of contracts, working conditions, workers' accommodation, termination of contracts, and the wage protection system.⁹⁷³ Finally, in March 2021, the Government Communications Office and ADLSA launched a free automated WhatsApp chatbot in six languages (Arabic, English, Urdu, Hindi, Nepali and Malayalam) providing up-to-date, information for employers and expatriate workers about labour law and regulations, Qatar Visa Centers, and answers to frequently asked questions.⁹⁷⁴

8.2 Does the government carry out effective pre-departure orientations, including providing training regarding workers' rights and fair recruitment for potential migrants?

Nepal

The completion of a pre-departure orientation training is mandatory for any Nepali national wishing to travel abroad for employment.⁹⁷⁵ The Foreign Employment Board is in charge of setting the curriculum and

ensuring quality standards but the trainings are carried out by certified private institutions.⁹⁷⁶ The mandatory training lasts two days although some workers have reported attending longer courses ranging from three to seven days.⁹⁷⁷ Aspiring migrants are required to cover the official training costs of 700 NPR (around USD 6) per day, which the Foreign Employment Board then reimburses to women migrants, but not men.⁹⁷⁸ Anyone who migrates for work irregularly, including domestic workers, who travel to GCC countries via India in defiance of the official ban (see section 1), is excluded from orientation trainings.

According to one migrant rights organisation, the training is general and can lack country specific information.⁹⁷⁹ Workers travelling for employment to GCC countries are usually trained in the same course, and are provided general information ranging from aircraft and road safety to emergencies abroad, the basics of Islam, the Arabic language, Arab culture and general laws in the region. One labour migration expert told us that he feels these topics do not offer workers the practical insights they need ahead of migrating to the Gulf: "while these issues are essential where public relations with countries of destination is concerned, it is largely irrelevant. Workers should get training on how to live in labour camps."⁹⁸⁰ The director of PNCC, who has experience of teaching in one of these courses and devised a new teaching manual, told us that many trainers do not even follow the official curriculum, and fail to adapt the sessions to the skills and knowledge of participants. As a result, participants, which include returnee migrants, who would benefit from a more advanced course on laws and policies in the destination country, and first-time migrants who need basic information, are effectively taught the same curriculum.⁹⁸¹ Given that some orientation centres are run by recruitment agencies, there are concerns that courses fail to cover Nepal's policies on fair recruitment, including the legal cap on recruitment fees. Another major challenge is the widespread practice of "certificate selling", whereby trainers grant the orientation training

972. ILO, "Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO", GB.340/INS/11, (October 2020): 8

973. Qatar Chamber of Commerce and Industry, "QC, ADLSA held webinar to raise awareness on labour issues"

974. Government of Qatar, Government Communications Office launches Labour Laws and Regulations Information Service on WhatsApp in cooperation with Ministry of Administrative Development, Labour and Social Affairs, (2 March 2021).

975. Foreign Employment Act, 2007, section 27.

976. Foreign Employment Act, 2007, section 27.

977. Remote interviews with migrant workers in Kuwait and Qatar, August 2020.

978. Foreign Employment Rules, Third Amendment, (2017)

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

980. Professor Ray Jureidini, written comments, October 2020

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

certificate to participants regardless of whether they actually attended the course, as long as they paid their fees and signed in and out on both days.⁹⁸² In an attempt to prevent this practice, the Nepali authorities introduced a fingerprint system to ensure attendance, yet trainers still allow participants to leave the classroom after providing their fingerprints. In addition, in 2018, the Special Rapporteur on the human rights of migrants noted that orientation centres are only available in Kathmandu and several specific districts, involving additional travel costs for participants, and that they fail to cover redress mechanisms and access to consular assistance.⁹⁸³

We spoke to first-time recruits, who had never travelled abroad, told us that they found the course useful. They were particularly pleased to hear the experiences of returnee migrants and receiving the contact details to Nepali embassies, labour offices and civil society organisations that assist migrants abroad, which they would not have otherwise obtained. Returnee migrants, however, reported that they were told to come only for one day, or allowed to skip the course altogether, and that they felt it was a “waste of time” as they had prior experience of work in the region. Some stated that they needed more country specific information on labour and immigration laws and policies. Only one interviewee out of 40 migrant workers stated that the course covered fraud by recruitment agencies, including the illegal practice of charging illegal fees.⁹⁸⁴

Recognising these shortcomings, the government has sought the ILO’s support in developing a new pre-departure orientation manual, which would be more accessible to worker and include more relevant, country-specific information.⁹⁸⁵

In addition to the general orientation courses, some progress has been made to develop thematic trainings, targeting individuals most vulnerable to fraud and abuse, including domestic workers. Although the Foreign Employment Board, developed a special 30-day-long curriculum for the orientation training of

domestic workers, in January 2020, the course was only being offered to Nepalis travelling to Jordan due to the existence of a BLA between the two countries.⁹⁸⁶

In addition to the mandatory two-day trainings, the Information unit at the Labour Office conducts short 30-minute pre-departure sessions for aspirant migrants who come to collect their labour permits, according to an official.⁹⁸⁷ Prior to collecting their work permits, migrants usually receive a country specific booklet published by the ILO, containing detailed information about labour laws, migration policies and workers’ rights and responsibilities in the destination country, in addition to advice on how to seek redress, avoid fraud and contract substitution.⁹⁸⁸

8.3 Does government encourage outreach to workers by employers, workers’ organizations, compliant labour recruiters and civil society groups

Nepal

In 2018, the Special Rapporteur on the human rights of migrants acknowledged the efforts made by the Nepali government to work closely with “United Nations agencies, international organisations, international donor agencies and NGOs to improve access to information, justice and skills development training”, and welcomed the establishment of migrant resource centres, to facilitate outreach.⁹⁸⁹

These centres, which were set up under the Safer Migration Project (SaMi), a joint initiative of the Swiss and Nepali governments, aim to provide aspiring migrants with information on the risks associated with migration to help them make an informed choice about foreign employment and avoid fraud, trafficking and exploitation. They are located in passport application offices of District Administration Offices (DAO) in 39 districts.⁹⁹⁰ In parallel, SaMi project volunteers and

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

983. UN Human Rights Council, “Report of the Special Rapporteur on the human rights of migrants on his mission to Nepal”, A/HRC/38/41/Add.1, (2018): 9.

984. Migrant worker in Kuwait, remote interview, 6 August.

985. ILO official in Nepal, 21 October 2020.

986. Senior official, Foreign Employment Board, interview, 13 January 2020.

987. Official, Labour Office, interview, 10 January 2020.

988. Official, Labour Office, interview, 10 January 2020.

989. UN Human Rights Council, “Report of the Special Rapporteur on the human rights of migrants on his mission to Nepal”, A/HRC/38/41/Add.1, (2018): 9.

990. See SaMi project

social mobilizers disseminate key messages about migration risks at the community level including through radio programmes. According to Helvetas, the project's implementing partner, between 2014 and 2017, some 49,000 aspiring migrants, 22% of them women, were provided with advice and information on foreign employment.⁹⁹¹ Several migrant workers told us they had videos and reading booklets produced by SaMi about pre-departure procedures prior to travelling to destination countries, and had learned about the risks of migration through SaMi street dramas and other artistic endeavours.

Kuwait

We are not aware of any major governmental programmes to encourage outreach to workers by employers, workers' organisations, labour recruiters or civil society groups. Ministries appear to take part in one-off public events in cooperation with IOM and other UN agencies and Social Work Society, a charitable organisation founded by Sheikha Bibi Nasser Al Sabah, which strives to protect the rights of migrant workers in Kuwait including by providing legal aid.

In August 2019, IOM launched an awareness raising campaign about human trafficking in partnership with the Ministry of Interior and Social Work Society, with the aim of disseminating information about migrant workers' rights to the public.⁹⁹² Also in August 2019, and again in collaboration with Social Work Society, IOM marked international domestic workers' day through a series of public events aimed at recognizing the vital role of domestic workers in Kuwaiti society, and providing workers with information about their rights.⁹⁹³

The Kuwaiti authorities also facilitate Social Work Society's access to imprisoned and detained migrant workers, and allow its representatives to attend parliamentary sessions related to their cases. In 2018, Social Work Society launched "One Roof", a campaign

to raise workers' and employers' awareness about the 2015 Domestic Workers' Law, in partnership with Human Line Organisation and the Ministry of Interior. The campaign developed a legal guide concerning the rights and obligations of domestic workers, with an aim to also reach out to employers.⁹⁹⁴ The guide was to be made available in primary care centres, hospitals, police stations, Kuwaiti embassies in labour sending countries as well as embassies of domestic workers in Kuwait and recruitment agencies.⁹⁹⁵ However, the campaign was halted following the transfer of powers over the regulation of domestic work from the Ministry of Interior to PAM, and its plans for renewed activities have been disrupted by the Covid-19 pandemic.⁹⁹⁶

According to a development worker focussing on migration issues in Kuwait, the country's national development vision centred around the idea of Kuwaitisation, or reducing the demographic imbalance between Kuwaiti and non-Kuwaiti nationals, is the main reason behind a lack of proactive government efforts to encourage outreach to workers by employers, workers' organisations and others. As a result, a lot of initiatives are spearheaded by UN agencies and subsequently endorsed by the Kuwaiti authorities "because it looks good" and improves the country's international standing.⁹⁹⁷

Qatar

The Qatari authorities have taken some small steps, under the technical cooperation programme with the ILO, to encourage outreach to workers by employers and some workers' organisations. Together with the ILO, since 2019, ADLSA has supported the establishment of joint committees, representing workers and employers, in 20 workplaces, including both private companies and public bodies (see section 9.2); set up working groups for committee members representing different sectors of economic activity; and facilitated the delivery of an online training course to these working groups by international trade unions and federations.⁹⁹⁸ Amongst

991. See Helvetas [website](#)

992. [Video](#) of the press conference announcing the launch of the campaign, (4 August 2019).

993. [Video](#) of event and interview with IOM Project Manager Mayada Serageldin on state television KTV2, (4 August 2019).

994. See One Roof Campaign [website](#)

995. Al Naba, 17) [إطلاق حملة «سقف واحد» للتوعية بحقوق العمالة المنزلية](#) (April 2018).

996. Representative, Social Work Society, remote interview, 27 October 2020.

997. Development worker in Kuwait focusing on migration issues, Remote interview, 12 October 2020.

998. ILO, "Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO", GB.340/INS/11, (October 2020): 9.

participants was WISA Manpower, a public company set up for the recruitment of temporary domestic workers.⁹⁹⁹

In addition, ADLSA chairs Taawon, a community of practice on workplace cooperation, established in 2019 to promote the sharing of best practices on workplace cooperation between representatives of QCCI, the International Organisation of Employers, ITUC, ITF and BWI as well as some worker and employer representatives from joint committees.¹⁰⁰⁰ Further, since October 2018, ADLSA has chaired a biannual communities' leaders forum with representatives of the main migrant communities in the country following a dialogue initiative led by BWI.¹⁰⁰¹ At first, the meetings included only representatives of the four largest migrant communities in the country (India, Nepal, Bangladesh and Pakistan) but then grew to also include community leaders from Pakistan and up to eight African countries. According to BWI, these meetings are an opportunity for migrant representatives, who include low-paid unskilled workers, to have a direct line of communication with the ministry and raise concerns and obtain clarifications about the recently introduced legislative reforms.¹⁰⁰²

8.4 Does the government make labour market information publicly available so as to inform decision making by workers, employers and labour recruiters?

Nepal

Although the Central Bureau of Statistics has been conducting multiannual labour force surveys since 1998, with technical assistance from the ILO, there is little information on labour needs for Nepali migrants abroad. The Foreign Employment Board is required under the 2007 FEA to conduct studies of international labour markets, exploring new destinations and collecting and publishing information that promotes specific jobs.¹⁰⁰³ However, in practice, the Board fails to disseminate any

such information, and its website does not include any job advertisements, or information on required skills. In 2015, the ILO and GIZ published a research study to address this gap, stating that the lack of adequate information “regarding qualifications, skills, wages and how demand will evolve inhibits informed decisions by public and private institutions as well as by migrant workers” and “results in lost opportunities or mistakes with training investments in both origin and destination countries”.¹⁰⁰⁴

Kuwait

In 2014, Kuwait's Central Bureau of Statistics launched a Labour Market Information System (LMIS) with a stated aim to make data on the labour force accessible to the public, enable better planning by the public, private and non-profit sectors, and monitor labour policies while assessing progress towards the objectives set out in Kuwait's national 2035 vision.¹⁰⁰⁵

The LMIS website is available in both English and Arabic, and includes results of the 2014, 2015 and 2016 labour force surveys as well as an integrated database on the labour market, which has been updated on a quarterly basis since 2014. The integrated database contains some information, which could be of use to employers, recruiters and workers. However, given that it was designed to support Kuwait's long-term development objectives of ensuring a greater participation of Kuwaiti nationals in the private sector, it monitors primarily the division of the labour force between Kuwaiti and foreign nationals in the private and public sectors, taking into consideration gender, educational levels and marital status. It also provides a breakdown of the foreign workforce based on nationality and broad geographic area of origin, as well as information on the make-up of domestic workers divided by age, gender and nationality.¹⁰⁰⁶ Although it includes broad information on monthly average wages in the public and private sectors for both Kuwaiti and non-Kuwaiti nationals, it fails to provide a breakdown of wages for professional, skilled and lower income jobs or details of monthly salaries of

999. ILO, “Joint committees strengthened through a major training initiative”, (24 June 2020).

1000. ILO, “Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO”, GB.340/INS/11, (October 2020): 8.

1001. BWI representative, remote interview, 18 October 2020.

1002. BWI representative, remote interview, 18 October 2020.

1003. *Foreign Employment Act, 2007*, Section 39.

1004. ILO and GIZ, “Labour Trend market analysis and labour migration from South Asia to Gulf Cooperation Council countries, India and Malaysia”, (2015): 1.

1005. Labour Market Information System, *نشرة عن نظام معلومات سوق العمل*

1006. Labour Market Information System, “Integrated database from March 2014 to June 2020”

domestic workers, and as a result can be misleading, giving an overall impression that wages are higher than what the large majority of migrants are paid in reality. Similarly, it lacks information and analysis on growing and declining sectors, future demand, job mobility and transferability of skills, career structure, hours of work, poverty or income distribution by economic class. Most of the information is included in pdf or excel formats, is therefore not user friendly, and it is doubtful that foreign workers or recruiters would use it as a tool to make an informed decision about labour migration. Importantly, the LMIS does not include any data or analysis of irregular or undocumented migrants.

In 2017, PAM issued new rules regulating private companies' assessment of needs for foreign workers, based on a decision it adopted the preceding year (No. 583 of 2016), in order to limit its foreign workforce and curb on the practice of visa trading.¹⁰⁰⁷ The rules, which are available on PAM's website in Arabic only, establish a maximum number of foreign workers per business and specific job description based on a set of general criteria such as office size or its use, availability of equipment and type of contracts.

Qatar

The Qatari Planning and Statistics Authority regularly publishes labour market statistics, and makes them available on its website in Arabic and English.¹⁰⁰⁸ It has been conducting annual labour force surveys since 2006, providing data on socio-economic characteristics of the labour force, unemployment and reasons for it, employment, wages and working hours, aggregating it by sector and gender and providing a comparison between the economic participation of Qatari and non-Qatari nationals.

In addition to quarterly updates, the Planning and Statistics Authority publishes annual reports based on its labour force surveys, which include more in-depth

analysis.¹⁰⁰⁹ These reports could provide some useful general information for migrant workers. For example, in 2018, domestic workers worked the longest hours per week (with an average week of 54 hours) and received the lowest average monthly salaries out of any economic sectors (around 3,000 QAR or 795 USD).¹⁰¹⁰ The study also noted that the construction sector had been steadily growing since 2015, and that the non-Qatari labour force increased by 2% since 2017. Overall, however, the data on wages by economic sectors and skill level (highly skilled, skilled, limited skill, unskilled) is too broad, failing to provide a breakdown of averages for specific jobs and nationalities, and there is no information on job mobility or career paths.

Hukoomi, the Qatari government's official portal, provides some limited information for jobseekers, including links to some recruitment agencies or media including job advertisements for highly skilled and skilled professionals, but fails to provide any such information for lower income workers, which constitute the majority of the country's migrant population.¹⁰¹¹

8.5 Does the government collaborate with the ILO and the most representative employers' and workers' organizations to provide education and training and/or conduct awareness-raising campaigns?

Nepal

The Nepali authorities work closely with the ILO office in Nepal to raise the awareness of aspiring migrants through two projects¹⁰¹² to deliver trainings, capacity-building and campaigns. In 2014, MOLESS signed a partnership agreement with the ILO to implement "Work in Freedom", a project aimed at protecting women and girls from human trafficking through information sharing and awareness raising and improvement of ethical recruitment practices.¹⁰¹³

1007. Public Authority of Manpower, *لائحة تنظيم تقدير الاحتياج لأنشطة أصحاب الأعمال في القطاع الأهلي*

1008. Planning and Statistics Authority, "Statistics, Labor Force"

1009. Planning and Statistics Authority, "Labor Force Sample Survey: Annual Report 2018", (June 2019).

1010. Planning and Statistics Authority, "Labor Force Sample Survey: Annual Report 2018", (June 2019): 17 and 18.

1011. Hukoomi, "Searching for a job"

1012. ILO, "Integrated Programme on Fair Recruitment, (FAIR), II"

1013. In 2018, the project was extended until 2023. ILO, "Signing of joint initiative with the Ministry of Labour and Employment (MoLE) to protect women and girls from trafficking", (3 April 2014).

The ILO has also an ongoing partnership with the Foreign Employment Board on supporting the board in developing and revising the curriculum for pre-departure training courses. In addition, it has provided assistance to Migrant Resource Centres in four districts to enable the provision of information to aspiring migrants regarding official migration channels and legal routes, new legislation, insurance and benefits and specific bans, amongst other things.¹⁰¹⁴ In 2015, the ILO Nepal office developed guides for Nepali nationals planning to migrate to Qatar and Kuwait, outlining foreign employment procedures, laws regulating labour migration in these countries, and providing advice on steps to take to avoid being subjected to fraud and other abuses.¹⁰¹⁵ These are now outdated, however, and do not cover some developments, which have occurred since then such as legal reforms in Qatar or the establishing of the Qatar Visa Center in Kathmandu.

Kuwait

According to the ILO, Kuwait has the longest history of tripartite consultation out of any Arab country,¹⁰¹⁶ and has sought the ILO's technical assistance to build the capacity of PAM inspectors, and to carry out major legal reforms to protect the rights of domestic workers. While the ILO conducts awareness raising-campaigns and trainings on fair migration and recruitment that target workers' and employers' organisations, there is not much available evidence of the Kuwaiti authorities' active cooperation or leading role in the design or delivery of these activities. Rather, government institutions appear to be recipients of such trainings.

Although one of the key objectives of ILO's Fairway Programme, implemented across the MENA region including in Kuwait, is to "address the interlinked structural, behavioural, and practical barriers to improved labour migration" by improving migrant workers' access to information and changing discriminatory attitudes towards migrant workers,¹⁰¹⁷ the ILO tends to implement such awareness-raising

activities directly with workers' and employers' organisations without the government's active participation. For example, in 2018, it provided support to the Kuwait Chamber of Commerce and Industry in holding a roundtable discussion with construction sector companies to share best practices with regards to ensuring fair recruitment and decent working conditions for migrant construction workers.¹⁰¹⁸ Some of the feedback from these discussions was subsequently incorporated in a guidance tool for construction companies published by the ILO.¹⁰¹⁹ The ILO also supported the establishment of Sandigan Kuwait Domestic Workers Association (SKDWA), the first member-based organisation of migrant domestic workers in Kuwait, building its capacity through an agreement with the International Domestic Workers Federation (IDWF) to conduct awareness raising activities amongst Filipino domestic workers and community support services.¹⁰²⁰

The Kuwait Decent Work Country Programme signed in 2018 between the ILO, MSAL, KCCI and KTUF builds on the achievements of Fairway, and includes a number of awareness raising activities to achieve its three stated long-term objectives of enhancing the skills of women and men foreign workers, improving the governance of foreign labour, and strengthening social dialogue and tripartism. Amongst other things, it strives to raise the awareness of KTUF and employers on principles of fair recruitment and rights based approaches to fair migration, and to build the capacity of PAM staff in order to improve the implementation of the 2015 Domestic Workers Law.¹⁰²¹

Qatar

Raising the awareness of migrant workers' rights and obligations is a key objective of the technical cooperation programme between the ILO and Qatar. Specifically, the programme aims to ensure that both workers and employers are aware of heat-related risks, rights at work, the prohibition on forced labour and the

1014. ILO Nepal official, interview, 3 January 2020.

1015. ILO, "Travel Smart, Work Smart: A guide for Nepali migrant workers in Qatar", (2015); ILO, "Travel smart, Work smart – A guide for Nepali migrant workers in Kuwait", (2015). Both are available in English and Nepalese.

1016. ILO, "Kuwait country page"

1017. ILO, "The FAIRWAY Programme"

1018. ILO, "The Kuwait Chamber of Commerce and Industry hosts discussion on migrant workers in the construction sector", (April 2018).

1019. ILO, "Guidance tool for construction companies in the Middle East", (2019).

1020. Michele Scala and Smita Premchander, "ILO Evaluation: Regional Fair Migration Project in the Middle East", RAB/15/03/CHE, (June 2019).

1021. ILO, "Decent Work Country Programme for Kuwait, (2018-2020)", (2018).

ILO's General principles and operational guidelines for fair recruitment.¹⁰²² Since the programme's launch, the ILO supported ADLSA in the production of a number of awareness-raising videos, animations, flyers and posters on: heat stress mitigation measures,¹⁰²³ Law No. 13 of 2018 removing exit permits for some categories of workers, the mandate of ADLSA's labour inspectorate, the rights and responsibilities of domestic workers under Law No. 15 of 2017,¹⁰²⁴ the benefits and procedures required for the setting up and functioning of joint workers' and employers' committees in companies,¹⁰²⁵ and other workers' rights and protections¹⁰²⁶ such as the right to retain one's passport, the importance of understanding a work contract and work hours,¹⁰²⁷ and the introduction of a non-discriminatory minimum wage.¹⁰²⁸

In producing and disseminating these materials, the ILO cooperated with ADLSA and employers, and at times, with civil society organisations such as Migrant-Rights, supporting the production of a booklet for domestic workers intended to be distributed in Qatar Visa Centers.¹⁰²⁹ In addition to providing information on domestic workers' rights, it also includes details on the ways in which domestic workers can lodge complaints with ADLSA. All awareness-raising materials were made available in both Arabic and English with some translated into Hindi, Nepali, Bengali, and other

languages. Some of them are uploaded on ADLSA's website.

In addition, as mentioned elsewhere (see Section 9.2) ADLSA started a regular dialogue with global unions and federations, since the start of the ILO cooperation programme. As one example of this cooperation, it worked with BWI to deliver a training session on the Violence and Harassment Convention to members of Bayanihan Construction Women Network, Bayanihan Domestic Workers, the South Asian Workers' Group and the African Workers' Group.¹⁰³⁰

In May 2019, ADLSA co-hosted together with the ILO a conference, aimed at raising awareness among public sector clients of the prohibition on charging recruitment fees, and held discussions with private sector companies concerning recent legal reforms, including Law 13 of 2018 on the partial abolition of exit permits.¹⁰³¹ In September 2020, the ILO launched a new guidance tool which supports fair recruitment and employment in Qatar's hospitality sector. The guidance, supported by an awareness-raising campaign, is the result of a one-year-long collaboration between ADLSA, the ILO office in Qatar, the Institute for Human Rights and Business (IHRB), the International Tourism Partnership (ITP), and representatives of more than 40 hotels in Qatar.¹⁰³²

1022. ILO, "Annual progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO", GB.337/INS/5, (October 2019): 11-12.

1023. See ILO animation, "Protect your workers with a heat stress mitigation plan"

1024. See ILO animation, "Your rights as a domestic worker in Qatar - Arabic"

1025. See ILO animation, "An introduction to Joint Committees - Arabic Subtitles"

1026. See for example ILO animation, "Make Qatar your success story! (Nepali)"

1027. ILO, "Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO", GB.340/INS/11, (October 2020).

1028. See video here: <https://www.youtube.com/playlist?list=PL8itJ-8CfpcxlcEshGCEcuwFhDPUCbYqQ> and infographic here: "The new minimum wage in Qatar"

1029. ILO, ADLSA, "Know your rights. A booklet for domestic workers in Qatar"

1030. ILO, "Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO", GB.340/INS/11, (October 2020).

1031. ILO, "Annual progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO", GB.337/INS/5, (October 2019): 11-12.

1032. ILO, "New guidance tool supports fair recruitment and employment in Qatar hospitality sector", (17 September 2020).

Assessment against the Five Corridors indicators:

9. Freedom of association

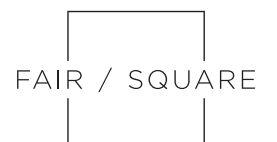
9.1 Do workers have the legal right to form and join unions, and can they strike and collectively bargain? _____ 155

9.2 Can trade unions operate effectively in practice, are their activities free from disruption and harassment? _____ 159

Supported by Open Society Foundations, Humanity United and Porticus

Produced by FairSquare

**OPEN SOCIETY
FOUNDATIONS**



fairsq.org