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TOPIC 1: The question of Human Rights abuses under the Kafala system

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INTRODUCTION

The labor sponsorship system known as the Kafala system, which is employed in certain countries such as in the gulf and middle east, faces criticism for its role in violations of human rights. Because of this system, migrant workers become the legal property of their employers, which makes it difficult for them to quit or change jobs without consent from their employer. In terms of documentation, the identity of these migrant workers are registered under their employer's name which draws similarities with the slavery era, hence the common criticism of this issue being labeled as modern day slavery.

This issue is important to the Human Rights Commission because it emphasizes how important it is to defend migrant workers' rights. It is aligned with the Sustainable Development Goal (SDG) 8, which seeks to advance decent work and economic growth while guaranteeing the protection of labor rights—as well as advancing equality and justice for all.

AVENUES OF DISCUSSION

- Overview of the Kafala system and its impact on migrant workers' rights.
- Analysis of specific human rights abuses faced by migrant workers under the Kafala system.
- Examination of the role of governments, employers, and international organizations in addressing these abuses.
- Exploration of strategies to raise awareness and advocate for the rights of migrant workers.

KEY TERMS

Exploitation

Systemic abuse and violation of migrant workers' rights, encompassing low wages, poor working conditions, and discriminatory practices.

Human Rights

Human rights are inherent rights and privileges that belong to every person, regardless of their origin or nationality. These universal rights, which cover both civil and socioeconomic domains, place a strong emphasis on values like justice, equality, and dignity and serve as the foundation of inclusive and equitable communities.

Kafala system

The legal framework known as the Kafala system has been defining the relationship between migrant workers and their employers for many years. It was established to provide enough cheap labor during a period of rapid economic growth.

International Labor Organization

Established in 1919, the ILO, a UN agency, promotes social justice globally by setting labor standards, advocating for fair working conditions, and fostering collaboration among governments, employers, and workers.

BACKGROUND

HISTORICAL CONTEXT

The history of the Kafala system is complex and spans over several decades. It began in the 1950s in the Gulf region, including countries such as Qatar, the UAE and Saudi Arabia. It was created as a way to regulate the entry and employment of migrant workers. Initially, it aimed to ensure that workers had a sponsor responsible for their legal status and welfare while they were in the country. However, there have been concerns about how the system can be misused and lead to exploitation and violations of workers' rights.

Concerns have been raised around the world by reports of migrant workers being subjected to low pay, long work hours, passport confiscation, and restrictions on their freedom of movement. Human rights groups that have documented abuses and demanded reforms include the Human Rights Watch and Amnesty International.

The issues surrounding the Kafala system have attracted more attention and response on a global scale in recent years. Advocacy groups, international organizations, and governments such as Amnesty International, Human Rights Watch, and the ILO have been working together to increase public awareness, influence policy, and enhance migrant workers' conditions. A few nations have made efforts to update their labor laws and give employees more rights. These efforts were to ensure that migrant workers' human rights are fully applied, however, challenges still exist and work is ongoing.

It is clear that the Kafala system has significantly impacted migrant workers' lives, even though precise statistics can vary among nations and areas. The international community's reaction to this problem has been essential in exposing the crimes and promoting changes. A more just and equitable system for migrant workers can only be achieved with persistent effort and cooperation.

KEY ACTORS

Lebanon

As a country where the Kafala system is in operation, Lebanon plays a vital role in shaping the experiences of migrant workers. Lebanon's approach to addressing human rights violations under the system is essential to the broader discussion.

United Arab Emirates

The UAE is a significant member of the Gulf Cooperation Council (GCC), and is crucial in forming and influencing the Kafala system's implementation. The UAE's established rules and practices will have a significant impact on how this contentious labor sponsorship framework develops. The United Arab Emirates' position on the Kafala system has a significant effect on how migrant workers are treated inside its borders, since they have taken steps to address issues related to the migrant workers' health and safety. These steps were taken by the UAE considering its financial power and strategic significance in the region.

Qatar

Qatar, a member of the GCC and host nation of the 2022 FIFA World Cup, has faced backlash throughout the world for its exploitation of migrant workers in preparation for the World Cup.. With the recent implementation of labor reforms, Qatar is now the focus of research on the success of these policies.

Jordan

Jordan's approach to the Kafala system is a focal point in discussions on human rights. The nation's policies, whether aimed at enhancing labor laws, mitigating the risk of exploitation, or contemplating structural changes, plays a pivotal role in shaping the broader conversation on the treatment of migrant workers.

KEY STATISTICS

- About 55% of Kafala workers lacked access to legal recourse in case of abuse, according to data from 2020.
- About 1.2 million foreign workers in Qatar, mostly from India, Pakistan, Bangladesh, Nepal, and the Philippines, make up 94 percent of the labor force.
- According to estimates from the Labour Ministry, 250,000 migrant domestic workers reside in Lebanon; most of them are women from Asia and Africa.

TIMELINE OF EVENTS

1950s - The Kafala system expands during the oil boom of the 1950s, with Gulf countries seeking foreign labor for large-scale infrastructure projects.

1970s - Following the oil boom of the 1970s, Gulf countries shift preference to non-Arab workers, particularly from South Asia, to meet the demand for cheaper labor.

2000s - Reports of human rights abuses under the Kafala system gain global attention, sparking discussions about reform and the protection of migrant workers.

2010s - Human rights organizations are documenting examples of abuse, such as poor pay, lengthy working hours, and restrictions on workers' freedom, which is drawing increased attention from across the world.

2017 - In response to criticism, Qatar introduces labor reforms, including a minimum wage and changes to exit permits, signaling a commitment to address human rights concerns.

2020 - The pandemic highlights vulnerabilities within the Kafala system, with reports of migrant workers facing challenges such as job losses, limited access to healthcare, and cramped living conditions.

Present - Ongoing global discussions, advocacy efforts, and international collaboration persist to address the inherent issues of the Kafala system, emphasizing the need for comprehensive reforms and improved protection of migrant workers' rights.

PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

Reform in Qatar (2017)

2017 was a landmark year for Qatar as it saw the start of an extensive and ambitious project to restructure its labor laws, with a special emphasis on changing the heavily criticized Kafala system. The revolutionary implementation of a minimum wage, a well prepared policy intended to address the systemic issue of low pay and secure a fundamental quality of living for the numerous migrant workers contributing to the success of the country, was at the center of this broad reform program. This program was a major step in creating a more just, compassionate, and respectable workplace. It also demonstrated Qatar's resolve to address economic inequality. At the same time, there was an important change in the power dynamics that drove the relationship between employers and workers with the calibration of exit permit requirements. In the past, obtaining employer consent to travel was a must for migrant workers, which made them susceptible and reliant. By giving employees more freedom to choose how they want to travel and fostering an environment of justice, respect, and increased agency between employers and employees, the updated regulations aimed to balance this power disparity. Without question, these changes addressed urgent human rights issues and improved the working circumstances for migrant laborers. But their long-term consequences depend on careful implementation and close observation. Ensuring that workers can confidently claim their newfound rights without fear of retaliation requires constant oversight of the minimum wage policy's implementation and strong adherence. To effectively navigate new difficulties and maintain the momentum of reform within the Kafala system, a commitment to

continuous review and adoption of these measures is required. This dynamic and iterative strategy represents a commitment to promoting lasting and good changes in Qatar's labor policies, which is consistent with the country's commitment to significant change.

ILO Decent Work Agenda

With its unwavering dedication to the Decent Work Agenda, the International Labour Organization (ILO) is a strong supporter of comprehensive labor reforms. This ongoing project aims to address the particular difficulties experienced by Kafala system workers within the larger context of international labor standards. With a focus on social justice, equality, and fair labor standards, the ILO seeks to address current issues and begin a change in the way migrant workers are treated around the world. The core of the Decent Work Agenda is its commitment to an inspiring goal: establishing workplaces where employees' health and dignity are given priority. At the intersection of cooperation, the ILO works with governments, companies, and labor unions to create laws and procedures that guarantee basic rights and equitable treatment. This cooperative strategy aims to create a new global consensus that fundamentally changes the field of labor practices, going beyond the constrictive boundaries of the Kafala system. Creating situations where all workers, regardless of their employment system, may not only survive but actually thrive is the ultimate goal. Furthermore, the Decent Work Agenda goes beyond the short-term limitations of pressing issues. It represents a deep and ongoing commitment to bringing about a revolutionary change in the composition of the world workforce. The ILO is aware that breaking down deeply ingrained systems of exploitation requires constant, unrelenting devotion in order to bring about change. It entails not just reacting to emergencies but also actively creating a future in which each worker's natural rights and dignity are unquestionably respected.The Decent Work Agenda of the ILO is a beacon of hope and a road plan for revolutionary change in the area of international labor standards. It is a continuous dedication to values that go beyond the confines of the Kafala system, promoting a future in which all workers are granted equality, dignity, and the chance to prosper.

SUGGESTED SOLUTIONS

International Cooperation: To handle the issue collectively, and promote cooperation amongst nations, international organizations, and advocacy groups.

Corporate Accountability: Talk about ways to make companies accountable for violations of human rights and encourage ethical business conduct.

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