



THE 2021 **PROGRESS REPORT**

CROSS-REGIONAL CENTER FOR REFUGEES AND MIGRANTS

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Introduction

The Covid19 pandemic, economic crises, political instabilities, bad living conditions, in addition to many other circumstances and crises, have been for the longest factors affecting migrants all over the world during their quest to find a better life. The Middle East, North Africa, and the Gulf region are host to very large migrant communities.

When the Global Compact on Safe and Orderly Migration came into life, all states in the above mentioned regions signed it, except for Libya and Algeria who chose to abstain. Five years have passed since then, and the advocacy efforts towards migrants' rights have increased, with more coverage and knowledge spreading about the topic. Unfortunately, signing the GCM did not reflect in better dealing with migration policies and migrants right. But one cannot deny or turn a blind eye to progress taking place in a number of states during 2021.

The below will cover only states that showed progress in that regard during 2021. Countries that did not will not be mentioned below.

The United Arab Emirates

The Abu Dhabi dialogue in 2021 turned many eyes towards the UAE in the recent years, so calls for reforms and improving the laws, policies, and living conditions of migrants were voiced, and actual steps were taken in that regard. Despite the huge impact the Covid19 pandemic had on most sectors, and the devastating effects in some situations, the UAE moved towards introducing policies and legislations that facilitate Visa renewal and changing employers for migrant workers. The Emirates pushed for a framework to have the possibility of discussion between employers and employees to mutually agree to reduce working hours, lower wages, or use unpaid leave and use their annual leave, facilitating long-term job retention too.

The United Arab Emirates has approved a set of legal reforms and initiatives aimed at modernizing its labor markets and respecting international labor agreements. These initiatives include efforts to regulate the expatriate labor market. Successive labor reforms over the past five years have included the cancellation of the requirement to seek employer permission to change jobs or leave the country (known as a no-objection certificate and exit permit) and increasing workers' access to handling labor disputes. decision mechanisms.

As part of facilitating and accelerating the processing of cases at the Emirati courts, mobile courts were introduced in Dubai and Abu Dhabi, and they are mostly a "One-day Court" that addresses and solve cases in one day. That is done in respect to providing migrant workers

with better and faster access to justice to solve their problems with their current or previous employers. The one-day court has been also transferred to other cities such as Rass Al Khemah. A humanitarian city was established in both Abu Dhabi and Ras Al Khemah.

As for sponsorship, new legislations and reforms mean that there is no longer need to have a national partner or sponsor in cases of establishing companies in the UAE. Also, the UAE launched the golden residency card to be provided to Arab residents from outside the UAE with high educational levels and high achievements, moving away, slowly but surely, from the Kafala system.

Qatar

According to his Highness the Amir of Qatar Sheikh Tamim bin Hamad Al-Thani in a statement made in 2019:

“The State of Qatar has pursued a consistent policy to protect and promote human rights, on the basis of our Arab and Islamic principles that uphold human values, and are keen to honour our commitment in this respect at the national and international levels to defend individual and collective rights and respect for human rights and dignity. Qatar has made significant achievements in terms of workers’ rights and work conditions in coordination with the International Labour Organization.”

Qatar has been recognized by various international organizations, such as the UN, as a leading country in the Gulf in the reforms it introduces. In March 2021, following extensive consultations with a specialized national committee, the minimum wage in Qatar was adjusted to become QAR 1,000 regardless of their nationality or field of work. Also, employers are to provide the employee with QAR 300/month for food, if food is not provided at the place of work, and QAR 500 for accommodation. This law, also known as the non-discriminatory laws, are the first of their kind in the region.

In addition, while a Non-Objection Certificate was required by migrant workers in order to change their employer, this is no longer a requirement and migrant workers can easily change their employer. Also, migrant workers became able to leave the country without obtaining the permission of their employer, including domestic workers. The latter adjustment came into action in 2020 and is still in effect.

After reports on migrant workers affected by heat stress, a ministerial decree on May 2021 consisted on limiting the working hours in the heat, and not allowing it between 10 Am and 3:30 Pm during the months of high increase of heat and strong heat waves (from June until

September), while a heat stress training is required for employer, annual health checks, and access to safety and protection equipment.

Also, the Shura council has approved a new law that mandates health insurance for all non-nationals on Qatari soil.

These developments are in line, and come hand in hand, with other reforms introduced in earlier years such as:

Law No. 15 of 2017 regulating the relationship between domestic workers and their employers, advancing the rights of domestic workers in respect of the ILO Convention No. 189.

Ministerial Decision No. 95 of 2019 allowing domestic workers to leave the country without the permission of their employer. The domestic worker has to notify the employer though, 72 hours prior to her departure, in order to save the rights of both parties.

The 2019 decree regulating the conditions and procedures for the election of worker representatives in Joint Committees in companies that have more than 30 employees.

Law No. 17 of 2018 that aims to protect the rights of migrant workers of receiving their unpaid wages in cases of business closure or inability to pay wages through the establishment the Workers' Support and Insurance Fund.

The Qatar Visa centers to protect migrant workers from exploitation in their own countries before leaving to Qatar.

The Labor Dispute Resolution Committees establishment in March 2018.

It is argued that such reforms have come into life as Qatar is hosting the upcoming World Cup.

Kuwait

In 2021, a law proposal was submitted by representative Badr Al-Humaidi to amend some provisions of Law No.6 of 2010. This aims to regulate work in the private sector, and regulate the work of migrant workers to be project based, while ensuring specific benefits for migrant workers such as residency, health insurance and the costs of returning them to their country after the project ends.

These amendments targeted Articles 10, 138, 139 of Law No.6. As for Article 10, amendments imply that the employer has to receive the approval of the Ministry of labor before bringing migrant workers into work, whether residing in Kuwait or coming from abroad. This helps

regulate the numbers of migrant workers and employment among them. The amendments to this article also oblige the employer to pay a total of KDR 500 for every worker, therefore the employment and payment of the salary are ensured. This serves in addressing wage theft and puts the responsibility of paying the expenses of the return of the employee on the employer. As for Article 138 criminalizes those who violate amendments suggested in Article 10, with punishment including up to three years in prison and/or a fine between 5000 and 15000 dinars. Article 139 follows up on Article 57 suggesting that “The employer, who employs at least five workers in accordance with the provisions of this Law, shall pay the workers' entitlements to their accounts at local financial establishments”. It consists of imposing a punishment of a fine equivalent to twice the total employee entitlements that he failed to pay, therefore criminalizing wage theft and putting it on spot in terms of directly punishing employers who does it. These amendments came into life after noted exploitation of the previous off some penalties imposed by the law before the suggested amendments, and the significant imbalance in the work demography and the number of unemployed migrant workers. These amendments came into life in order to protect Kuwait's position in front the international community and international human rights organizations, especially that it also addressed exploitation of Labor and trafficking. Amendments also include end of year remittances, specifying that a worker gets the full or half amount depending on certain actions.

Bahrain

The year 2021 introduced four major reforms to the labor law in Bahrain. These reflected progress in dealing with migrants related issues, and mostly in addressing wage theft. Amendments to a number of laws were introduced as well as a wage protection program. The program was planned to be implemented in 3 phases, starting the 1st of May 2021 and targeting first the companies with the higher number of employees. Through this program, employers are to contact the bank for inquiries around it on how it should be implemented. It consists of paying the salaries through an approved bank or financial agency in Bahrain, therefore provide better transparency and more protection for migrant workers. This falls under Resolution No. (22) of 2021 addressing wage theft and ensuring wage protection. This system will allow migrants seeking employment to be able to check the records of employers online and their performance in regards to protecting wages. It also imposes certain responsibilities on employers, and do not allow them to employ migrant workers unless they comply to a set of requirements such as housing. Meanwhile, Resolution No. (23) introduces a new paragraph to Article Two of Resolution No. (68) of 2019 that serves in the inclusion of domestic workers in the wage protection program.

Saudi Arabia

In attempt to provide better protection of the rights of migrant workers, the Saudi governments has introduced new amendments and provisions to the labor law. While insisting on workers entering the kingdom in an authorized manner, the amendments gives the migrant workers the right to work for no less than 48 hours per week and 36 hours/week during the month of Ramadan. It also gives the employee the right of annual leaves of a total of 21 days and up to 30 days if the employee has been working for five consecutive years. The new law consists of the following:

First, it gives the employee the right of one day of leave in cases of having a newborn, 3 days for marriage and in case of the death of a first hand relative. Second, employers are not allowed to hold back salaries unless there is a court order to do so. Third, the respect of the dignity of the employee and not exceeding the working hours. Fourth, giving the employee more time to learn the job requirements without decreasing the salary. Fifth, to be given a month notice by the employer before having to leave the job. Finally, the labor law in the private sectors guarantees the end of services gratuity based on the number of working years with the company.

The new labor law demand the employer to cover the cost of treatment fully in case the employee was hurt during working hours, and ensures the rights of employers in issuing warnings in case the employee does not perform his job properly, and take actions in that regards that could go as far as firing the person. These reforms also mean than an employee does not need the approval of his current employer to move to another one, providing more labor flexibility for migrant workers.

In a move towards digitalization, migrant workers can now submit requests online, similarly to other country in the Gulf region such as the UAE, to move to another employer, apply for an exit/re-entry visa for return travel or a 'final exit' visa when leaving the country (through the HRSD's online portal or Absher smartphone application) instead of needing the employer to do so, while the latter will be notified electronically. Finally, Saudi Arabia has introduced a Green Card in the past years so a person does not need a sponsor to enter the kingdom.

Sultanate of Oman

As a step forward towards giving migrant workers more flexibility in changing employer, the Omani Public Prosecutor Nasr bin Khamis Al-Sawai has confirmed the cancellation of the No Objection Certificate usually provided by employers to move to a new employer. The

International Covenant on Economic, Social and Cultural Rights accession by the sultanate is the main reason behind this change.

Jordan

As a result of civil society campaigns and labor activists, the Jordanian government issued a system for agricultural workers in Jordan in May 2021 to regulate their rights at work, including their right to social security, including citizens and immigrants. The system is still in its legislative form, but yet to be applied. Under this system, instructions were issued regarding occupational health and safety in the agricultural sector and instructions for labor inspection in the agricultural sector. All migrants in the agricultural sector (mostly Egyptians) are now subject to the labor law explicitly and covered by the agricultural workers' system. The government has also introduced changes and amendments to the labor law aiming towards giving migrant workers more control over their employment. Other amendments included the following:

First, the word "use" has been deleted and the word import was kept in the job description of recruitment agencies that recruit migrant workers and domestic migrant workers, therefore limiting their role to recruiting and not interfering in the change of employers or any other processes following their arrival to the kingdom. Second, the value of the fine imposed on those who mediate in the employment of workers inside or outside the Kingdom without a license increased to become 3000-5000 dinars (4238-7064 dollars) instead of 500-1500 dinars (706-2119 dollars). Third, harassment has been identified as a rightful cause to leaving work without prior notice, while ensuring that the survivor still has access to his rights such as legal support and compensation. Fourth, article No. 69 on allowing the Minister of labor to determine which jobs and working hours are suitable for women, was completely deleted.

Egypt

The only significant progress in the case of Egypt in the new labor law reforms that target migrant workers is that the new law obliges the employer to cover the travel expenses for the migrant worker at the event of ending the work contract.



Conclusion

Shortly, and what is reflected in all the countries mentioned above, there is a step towards moving away, slowly but surely, from the Kafala system and towards loosening the restraints put on the movement of migrant workers and on changing their employers. While one cannot deny the progress taking place, it is important to say that the international community, and especially civil society organizations and migrant based organizations, have played a major role in ensuring access to rights and their advocacy efforts are becoming stronger and reaching more decision makers by the time. The pandemic highlighted the existing gaps, while advocacy efforts and states self-interest has driven the governments towards the implementation of such rule, amendments, and resolutions.