

The International Campaign
for Freedom in the
United Arab Emirates



The abuse and exploitation of migrant workers in the UAE

EXECUTIVE SUMMARY

Migrant workers in the United Arab Emirates constitute an estimated 88.5% of the federation's overall population, with the majority originating from South Asia and Southeast Asia. While a small percent of workers are employed in skilled labour, the majority work in the semi-skilled and low-skilled sector and are often subjected to exploitation and abuse by their employers. Those who fall under the Kafala System, excluded from the UAE's Labour Law, are particularly vulnerable and often face passport confiscation and the withholding of wages by their employer, and extortionate recruitment fees from their countries of origin. Despite the introduction of new measures having been made in past years to improve the situation for migrant workers, the reluctance of the state to implement them sufficiently has meant that the rights and wellbeing of migrant workers are still under threat.



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I- Introduction



The United Arab Emirates holds one of the largest migrant populations in the world, with non-national workers making up an estimated 88.5% of the overall population. With Abu Dhabi holding the 4th largest oil reserve in the world and Dubai emerging as one of the global centres of commerce and trade, foreign workers today dominate the private and domestic sectors. While those employed in high-skilled labour originate predominantly from the US, Europe and Australia, the majority of migrant workers, mostly from South Asia and Southeast Asia, are employed in semi-skilled and low-paid labour jobs. These workers are most susceptible to exploitation and abuse of rights, tied to their employers under the infamous Kafala System. With the rapid acceleration of development and infrastructure, a vast majority of migrant workers are employed in construction labour in which they face intense working hours, bad living conditions, and lack of/ under pay. Domestic workers, predominantly female, are also vulnerable. On average, there are three domestic workers employed per household in the UAE. As their legal rights do not fall under the UAE's labour laws, they are most at risk of high levels of

abuse and exploitation.

In recent decades, perhaps in response to international pressure, a number of reforms have been introduced to protect migrant workers. This includes the ruling out of passport confiscation in Dubai in 2001, although this was never extended to the whole of the UAE, and the more recent Federal Law No.10, which in theory guarantees domestic workers: set working hours, and the right to accommodation, holiday pay and more. However, resistance by the UAE to release statistics on migrant worker populations and evidence that the laws introduced are not being implemented, means that migrant workers continue to face not only physical and/ or sexual abuse, but exploitation from the beginning of their work journey via extortionate recruitment fees to working overtime without additional pay and regularly receiving non/under payment of wages. To add, there is an ongoing fear of being penalised by their employers by means of confiscation of passports and deportation.

II- History

Foreign labour into the UAE began in the 1950s and 1960s when today's United Arab Emirates was known as the Trucial States under a British protectorate. During the period of British control, migrants from Britain and the Indian subcontinent flowed into the region, holding predominantly administrative roles. Here, a 'sponsorship' system was introduced by the British to import foreign workers into the region while intentionally preventing their integration into local society, a forerunner to what would later become the Kafala System. With the discovery of oil in Abu Dhabi in 1958 followed by Dubai in 1966, the number of foreign workers rose dramatically, soaring to up to half of Abu Dhabi's population by 1962.

This only increased when the UAE formed as an independent federation of seven states in 1971 and with the oil boom that followed two years later. In the same year that independence was secured, the UAE introduced the Kafala System. While the word is taken from classical Arabic *daman* (to guarantee) and *kafl* (to take care of), the system in fact created and continues to create, power relations between the state, the employer and the migrant worker with the aim to reducing all foreign workers rights within the UAE. In conjunction with this, a welfare system was set up for citizens alone, creating a barrier between themselves and the foreign workers. While

in this period, the migrant workers predominantly originated from Europe and the Middle East and fear of the spread of revolutionary ideas of the Arab workers following the Iranian Revolution at the end of the 1970s, meant that in the decades that followed, the Arab labour force was replaced with Asian workers who were cheaper to employ and deemed less of a threat due to their cultural and linguistic barriers. Between the period of 1975-2004, the percentage of Arab migrants in the workforce dropped from 90% to 30%.

The 2005 Oil Boom followed the move by many in the Gulf to shift their investments back into the region in the wake of 9/11. This helped to open their doors to private investment, allowing for the number of migrant workers to steadily rise throughout the decade, with an emphasis on predominantly hiring foreign labour in the private sector. By 2010, the migrant population in the UAE rose from 365,343 in 1975, to 7,316,078, the majority originating from India, Pakistan and Bangladesh.

Today, the migrant population in the UAE is estimated to be between 85-90% of the overall population. However, reluctance by the UAE to release official statistics means that these are rough estimates.



III- Legal Framework

1- What are migrant workers' rights under UAE Law?

Migrant workers in the UAE are subjected to different laws and systems according to the sector that they work in. While some migrant workers are included within the UAE's Labour Law, established in the 1980s, low-skilled workers such as those in construction and the domestic sector have limited rights under the Kafala System. Although changes have been made to the legal framework in the last decade, migrant workers continue to have far fewer rights than the citizen population.

UAE nationals and some migrant workers within the private sector are protected under the Federal Law No. 8, or "Labour Law," which underlines the basic rights of the worker, such as a 48-hour working week, sick pay, and maternity leave. In theory, the Labour Law also gives the worker the chance to take any employment disputes to court through the Ministry of Labour. Perhaps due to

international pressure, recent amendments to the Labour Law have been introduced to further protect the rights of the migrant worker. These include: the requirement that all non-nationals produce a signed contract in order to obtain a labour permit, the introduction of a Wage Protection System (WPS) in 2009 and Federal Law No.1 of 2015 which challenged forced labour by criminalising deception, fraud, and threats of deportation by employers on vulnerable subjects. Although some migrant workers have benefitted from the changes, it appears that many continue to face exploitation, forced labour, and underpayment of wages despite the new regulations.

¹ *Khaleej Times: UAE Labour Law, 20/02/19*
<https://www.khaleejtimes.com/legalview//uae-labour-law-/things-to-know-about-shifts-leaves-and-wages-0-123>

² *UAE Labor Law, Ministerial Decree No. 766, 2015*
<https://www.uaelaborlaw.com>

³ *UAE Labor Law, Ministerial Decree No. 788, 2009*
<https://www.uaelaborlaw.com/>



2- Rights of domestic workers under domestic law

Domestic workers are among the most vulnerable as they are excluded from the Labour Law. They, like many other migrant workers, are tied to the Kafala System, which is placed under the Ministry of Interior and requires a migrant worker to find a national sponsor in order to enter the country and work. Predominantly implemented on construction and domestic workers, the system is part of a larger power play between the state, the citizen, and the migrant worker, as power is delegated into the hands of the employer who wields vast control over the migrant subject. Taking sole responsibility for the worker, the employer has the ability to control their wages, contract length, accommodation, and can even have the worker deported. Passports are often confiscated, and many domestic workers are prone to verbal and/or physical abuse, working overtime without pay, and even the withholding of wages. As all trade unions and strikes are banned in the UAE, even the smallest protest against an employer or business risks instant deportation out of the UAE.

3- Reforms and failure to implement effective laws

Over the last decade, however, changes have been made to improve the rights of migrant workers. To the Kafala System, a reform was made allowing migrant workers to switch employers without the threat of being penalised under the Ministerial resolution No.1186, Article 1,2 and 3. This, however, is permitted only if both employee and employer mutually agree to end the contract. The Federal Law No.10 from September 2017 was also a promising step towards reforming the

Kafala System. Aimed at protecting the domestic worker, the law underlines their rights, stating that they be treated equally by their employers, guaranteeing their labour rights to include a weekly day off, annual leave and sick leave. Article 7 of the law states that a contract must be drawn up between employer and employee stating all of their rights, including health insurance, accommodation, and the nature of his/her work. As promising as this sounds, evidence suggests that despite the laws being in place, a failure to implement them properly by the UAE officials, means that domestic workers are continuing to be exploited by the Kafala System.

Changes have also been made in an attempt to help construction workers. This manifested itself in the Abu Dhabi Dialogue, set up in 2008 to prevent illegal labour recruitment, and protecting the welfare of the workers. Likewise, the Abu Dhabi Executive Affairs Authority (EAA) drew up 'The 14 Points' which attempted to tackle passport confiscation, extended working hours, wage payment and worker accommodation. However, despite changes being noted, Human Rights Watch on Saadiyat Island reported the continued, systematic exploitation of construction workers.

⁴ Kane-Hartnett, Liza, *Kafala System, Human Trafficking Search*, 2018 <https://humantraffickingsearch.org/kafala-system/>

⁵ ILERA Conference, *Social protection of migrant workers in the Gulf Region*, 2015 <https://www.ilera2015.com/dynamic/full/IL316.pdf>

⁶ The Law Library of Congress, *Federal Law no. 10 of 2017: Employer's and Worker's Obligation* <http://www.loc.gov/law/foreign-news/article/ united-arab-emirates-new-law-to-support-domestic-workers/>

⁷ *Progress Report on Migrant Workers' Rights on Saadiyat Island*, Human Rights Watch, 10/02/2015 <https://www.hrw.org/report/2015/02/10/migrant-workers-rights-saadiyat-island-united-arab-emirates/2015-progress-report>

Much of the international pressure to reform the labour system in the UAE comes from two main organisations: the International Labour Organisation (ILO) and the United Nations (UN). Although the UAE has ratified a number of ILO's Conventions, including the Forced Labour Convention, Hours of Work Convention, and Discrimination, it still falls short of many of the organisation's labour standards.

Crucially, by continuing to uphold the Kafala System, the UAE fails to meet international labour standards as implemented by the UN General Assembly in 1990 under the International Convention on the Protection of all Migrant Workers and their Families. This

underlines that migrant workers 'shall be equal with nationals before the law,' that they have the right to a fair trial, and that they enjoy the same conditions as nationals in terms of pay, rest days, and working days. Despite being a UN council member, the Convention has neither been ratified nor signed by the UAE.

⁸ *Already Bought You: Abuse and exploitation of female migrant domestic workers in the UAE*, Human Rights Watch, 14/11/2014 <https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers-united>

⁹ *Article 18, International Convention on Protection of all Migrant Workers and their Families, 1990* <http://muep.mau.se/bitstream/handle/2043/3161/labourmigrationintheunitedarabemirates-afieldstudyonregularandirregularmigrati onindubai.pdf?sequence=1>



IV- Failure to meet the international standard of human rights

1- Issues faced by Migrant Workers

In spite of the changes made to the legal framework which have attempted to improve the situation of migrant workers in the UAE, workers continue to face exploitation and abuse of rights today. Among the most vulnerable are migrants working in the construction and domestic sectors who remain tied to the Kafala System.

It appears that although on paper the changes attempted to tackle the exploitation of migrants, the reality of the situation is that the UAE government relies on the Kafala System to uphold a crucial power play between the state, its citizens, and the migrant workers, ensuring that non-citizens, who make up the vast majority of the population, have as little power as possible so as to keep them controlled. It seems that although their rights have legally improved, very little has been done to implement them. The government's reluctance to publish any statistics on the number of migrant workers in the UAE also makes it difficult to decipher a real understanding of the situation and means that migrant worker deaths or disappearances often go undocumented.

2- Extortionate recruitment fees

The charging of extortionate recruitment fees continues to be one of the most severe abuses of rights for migrant workers. Recruitment agencies in a migrant worker's origin country charge extortionate

fees for the workers in order to arrange their employment in the destination country. Often, these agencies spread lies about the situation for migrant workers in the UAE, selling them false hope of high wages and a better quality of life. On average, a migrant worker will pay a recruitment agency between \$2000-3000 which will take them on average two years to pay back while in their host country. This means that many migrant workers in the UAE who are working in poor conditions are forced to remain there, tied to their previous debts. Although a law was recently passed in the UAE banning extortionate recruitment fees, little has been done to punish agencies doing so.

¹⁰ Suter, Brigitte, *Labour Migration in the UAE*, 2005
<http://muep.mau.se/bitstream/handle/2043/3161/labourmigrationintheunitedarabemirates-afieldstudyonregularandirregularmigrantinindubai.pdf?sequence=1>



3- Passport confiscation

Passport confiscation is another issue that many migrant workers face. Although the UAE government officially banned passport confiscation in 2002, it appears that it still occurs systematically for migrant workers resulting in high levels of forced labour. A Human Rights Watch report on construction workers claimed that the majority of migrants had, had their passports confiscated on arrival in the UAE, only to get them back on their departure. Likewise, when interviewing 20 women migrant workers in the UAE, Serunjogi Fauziat found that every single one had their passports confiscated.

4- The withholding of wages

Another major issue that migrant workers face is the withholding of wages by employers. In theory, the UAE Labour Law deems the withholding of wages illegal with penalties for employers doing so. However, there is little evidence to show that any employers have been penalised for withholding wages to their employees and our often told to repay what they owe will little effort to follow up. In light of the debt owed by many workers due to their recruitment fees, the withholding of wages puts workers in a very difficult situation as they are unable to leave their work for the risk of being unable to payback their debts.

Construction and domestic workers are among those whose wages are withheld most regularly. For construction workers, the withholding of wages is so common that it has become a “custom,” for construction companies automatically withholds the first two months of a worker’s wages as a “security” measure to stop them from leaving. A report by Human Rights Watch interviewed 60 construction workers, every single one of

whom had confirmed that their employers routinely withheld their wages. The withholding of wages stands to be the biggest cause of strikes for construction workers, as will be discussed further on.

Domestic workers are even more susceptible to under- or non-payment of wages for they are not protected under the Labour Law and therefore have very little grounds in which to challenge the lack of payment. As domestic workers, they are not permitted to have bank accounts and therefore, it is difficult to prove that payment had not been made. In a report by Social Connectedness, one woman described how she was punished for just asking about the delayed payment: ‘my boss actually penalised me for doing that by not paying me at all that month,’ she said. Likewise, many accounts by domestic workers in the UAE describe how their payments were withheld for not submitting to an employer’s sexual advances. One woman described how her employer had withheld her wages for five months after she refused his nightly advances. Ultimately, she was forced to flee the household and remain in Dubai illegally, unable to afford a ticket home. Thus, it is clear that not only is the withholding of wages continuing today, but it is used by employers as a method of controlling the migrant worker.

11 *Building Towers, Cheating Workers, Human Rights Watch, 11/11/2006*

<https://www.hrw.org/report/2006/11/11/building-towers-cheatin-g-workers/exploitation-migrant-construction-workers-united>

12 *Fauziat, Serunjogi, Working Abroad: Case Study of women migrant workers in the UAE, 04/2018*

<http://www.socialconnectedness.org/wp-content/uploads/2019/02/Migrant-Workers-in-the-United-Arab-Emirates-Final-Report-1.pdf>

13 *Building Towers, Cheating Workers, Human Rights Watch, 11/11/2006*

<https://www.hrw.org/report/2006/11/11/building-towers-cheatin-g-workers/exploitation-migrant-construction-workers-united>

14 *Ibid.*

<https://www.hrw.org/report/2006/11/11/building-towers-cheatin-g-workers/exploitation-migrant-construction-workers-united>

15 *Fauziat, Serunjogi, Working Abroad: Case Study of women migrant workers in the UAE, 04/2018*

<http://www.socialconnectedness.org/wp-content/uploads/2019/02/Migrant-Workers-in-the-United-Arab-Emirates-Final-Report-1.pdf>

5-Social Isolation

Social isolation is another major issue that many migrants are subjected to. As mentioned in the historical aspect of the briefing, the UAE turned towards migrant labour from Asia and South Asia in an attempt to reduce the influence of workers from the Arab world. Therefore, migrant workers now face huge language and cultural barriers when arriving in the UAE. Not knowing the Arabic language has been used as a way to get migrant workers to sign contracts which they do not understand, and reports even show that construction companies purposefully hire people from different parts of Asia so that they have less in common with their fellow construction workers linguistically and culturally.

Domestic workers face extreme cases of social isolation as they are often alone in the household and sometimes unable to leave the home. Some accounts even describe their employers confiscating their phones, rendering them unable to contact their families back home.

6- Banning of trade unions and strikes

The UAE's continued ban on trade unions and strikes makes the demand for change almost impossible. Although there are avenues that construction and domestic workers may take to challenge an employer for breaches to their contract, it is often accompanied with risk of losing more wages, and bias in favour of the employer. At times, the situation for workers becomes so bad that they are forced to go on strike. Such is the case in May-December 2005 when over 800 workers went on strike in Dubai to protest the withholding of wages. Although the Ministry of Labour demanded the companies repay the workers, it was never

followed up and many workers were not repaid in full. The organisers of the strike were then swiftly deported.

16 *African Women nightmare in the Middle East, Domestic worker slaves in Dubai, 2017*

https://www.youtube.com/watch?v=0_jH2PLHtoY

17 *Hamza, Sama, Migrant Labour in the Arabian Gulf; A case study of Dubai, 2015*

<https://trace.tennessee.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1244&context=pursuit>

18 *Working like a Robot: Abuse of Tanzanian domestic workers in Oman and UAE, Human Rights Watch, 2017*

<https://www.hrw.org/report/2017/11/14/working-robot/abuse-tanzanian-domestic-workers-oman-and-united-arab-emirates>





7- Construction Workers in Dubai

The development of the city of Dubai has been one of the fastest in the world. So much so that in the space of a few decades, it has emerged as one of the leading centres of global trade. Known for its record-breaking skyscrapers, numerous shopping malls, and one of the few 7-star hotels in the world, the city is a vision of luxury and opulence.

However, behind the scenes is a much darker side to the city where over half a million construction workers reside and are routinely exploited and trapped. A report by Sara Hamza showed even the geography of the city of Dubai is manipulated in such a way that migrant workers are kept out of the public eye as much as possible. Reserving the centre of the city for UAE nationals and high-earning expats, the construction workers are forced into labour camps on the edges of the city. It has been reported that in the two largest camps, Al Quoz and Sonapor, workers are forced to share a small, windowless room between 8-12 other people. Many compounds have little to no drainage system and access to electricity is infrequent. Moreover, migrant workers are not allowed to enter some of the most affluent neighbourhoods of Dubai and are

excluded from entering public spaces such as parks and shopping malls. This renders their contact with the city to labour alone, separating them with the rest of society.

¹⁹ Hamza, Sama, *Migrant Labour in the Arabian Gulf; A case study of Dubai*, 2015

<https://trace.tennessee.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1244&context=pursuit>

²⁰ *Ibid.*

<https://trace.tennessee.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1244&context=pursuit>

²¹ *Ibid.*

<https://trace.tennessee.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1244&context=pursuit>

8- Inhumane living conditions

In addition to a low standard of living, construction workers also face hard working conditions, often working in high temperatures for long hours without break. In a 2018 survey on construction companies in the UAE, the Business & Human Rights Resource Centre (BHRCC) found that of all the companies they surveyed, not a single one had any type of policy for protecting workers against the heat. Construction workers also face working in hazardous conditions without the proper health and safety measures in place. As it is up to the construction companies to report any injuries or deaths to the UAE officials, they are rarely documented and therefore the estimates are often misleading. Construction Week magazine, however, reported that in 2004 alone, 880 migrant construction workers died. In 2005 the Indian consulate in Dubai reported 971 deaths in 2005, of which 61 were due to onsite accidents.

At times, living and working conditions get so bad that the construction workers are forced to strike despite it being illegal in the UAE. One of the most famous examples of this was the construction of the world's tallest building, the Burj Khalifa which used over 12000 construction workers and more than 22 million-man hours. The average worker worked 12 hours a day, 6 days a week, earning \$4 per day. The working situation got so bad that 2,500 migrants took to the streets in protest. The result was that the government introduced a new rule stating that any non-citizens who provoked the riots would be deported and unable to return to the UAE for a year - a rule which remains in place today.

9- State response to ameliorating inhumane living conditions

The city of Dubai is now preparing for the Expo 2020 on the south-western side of Dubai in Jebel Ali. Perhaps in response to international pressure regarding the welfare of workers, after the backlash on projects such as the Guggenheim Abu Dhabi, the Expo released a statement that the 2020 Expo allows a unique opportunity to 'collaborate and contribute to a positive impact on the welfare of workers.' With 40,000 construction workers involved, questions arise as to just how well the workers are being treated, with some reports suggesting that 200 have already died, although no official statistics have been released to verify this claim.

What is clear is that behind the glitz and glamour of the city of Dubai is a reality where systematic exploitation and violation of migrant worker rights continues to occur today. Despite recent changes, it is apparent that the UAE government is doing very little to improve the situation for construction workers.

22 *Survey of UAE construction firms raises serious doubt over worker welfare at University of Birmingham Dubai, Birmingham UCU, 2019*

<https://birminghamucu.org/2019/05/22/survey-of-uae-construction-firms-raises-serious-doubts-over-worker-welfare-at-university-of-birmingham-dubai/>

23 *Building Towers, Cheating Workers, Human Rights Watch, 11/11/2006*

<https://www.hrw.org/report/2006/11/11/building-towers-cheating-workers/exploitation-migrant-construction-workers-united>

24 *Building Towers, Cheating Workers, Human Rights Watch, 11/11/2006*

<https://www.hrw.org/report/2006/11/11/building-towers-cheating-workers/exploitation-migrant-construction-workers-united>

25 *Building Towers, Cheating Workers, Human Rights Watch, 11/11/2006*

<https://www.hrw.org/report/2006/11/11/building-towers-cheating-workers/exploitation-migrant-construction-workers-united>

26 *Expo 2020 Dubai, Worker Welfare,*

<https://www.expo2020dubai.com/en/legal/worker-welfare>

10- Treatment of female domestic workers from African continent.

While many domestic workers originate from Asia and South Asia, in recent years there has been a rapid increase in the number of migrant workers recruited from Africa. This, it has been suggested, is due to high levels of unemployment, poverty and violence in the origin countries. Over the years recruitment has become feminised, with the majority of migrant workers being young women between 23-26, hired in the domestic sector. Between 2010-2017, Asia and the GCC states were the second largest destination for African migrants. Female domestic workers in the UAE are among the most vulnerable of migrant workers. Often confined to the employer's home, many women are subjected to physical, sexual and emotional abuse with little opportunity to free themselves from the situation until their contract ends .

Akhator Joel Odige, coordinator of Human and Trade Union Rights, stated that migrants are 'suffering horrendous, slavery-like human and labour rights abuses such as beatings and verbal assaults; starvation, excessive working hours.' A report by Human Rights Watch exposed the reality of Tanzanian domestic workers in the UAE. Based on 67 interviews, HRW revealed that the majority of women worked 15-20 hours per day with no days off, they all had their passports confiscated and the majority of them had suffered either physical, emotional, or sexual abuse by their employers. Many of them were also racially abused. Inaya living in the UAE was told by her employer, 'you Africans are poor, that is why you're here.' This reflects an 'attitude of disdain' that the kafala system has heightened by nationals towards non-nations, particularly from Asia and Africa. Often this attitude is reflected in the harsh treatment of the domestic

workers who are controlled by non-payment of wages, threat of deportation, and control of movement and communication.

27 Atong, Mayah and Odigie, *African Labour Migration to the GCC States, 2018*

https://www.ituc-africa.org/IMG/pdf/ituc-africa_study-africa_labour_migration_to_the_gcc_states.pdf

28 *Ibid.*

https://www.ituc-africa.org/IMG/pdf/ituc-africa_study-africa_labour_migration_to_the_gcc_states.pdf

29 *Ibid.*

https://www.ituc-africa.org/IMG/pdf/ituc-africa_study-africa_labour_migration_to_the_gcc_states.pdf

30 Oche, *Rising Concern over abuse of migrant workers in Gulf States, Leadership, 2019*

<https://leadership.ng/2019/05/31/rising-concern-over-abuse-of-african-migrant-workers-in-gulf-states/>

31 *Working like a Robot: Abuse of Tanzanian domestic workers in Oman and UAE, Human Rights Watch, 2017*

<https://www.hrw.org/report/2017/11/14/working-robot/abuse-tanzanian-domestic-workers-oman-and-united-arab-emirates>

32 *Ibid.*

<https://www.hrw.org/report/2017/11/14/working-robot/abuse-tanzanian-domestic-workers-oman-and-united-arab-emirates>

33 Al Saud, Madawi, *Race and exploitation in the Gulf, Open Democracy, 2017*

<https://www.opendemocracy.net/en/north-africa-west-asia/race-exploitation-gulf-migrant-domestic-workers-uae-bahrain-qatar/>



11- Exploitation, discrimination and the financial burden

A study by the International Trade Union Confederation (ITUC) outlined two main issues concerning migrant workers' labour rights and human rights: exploitation by recruitment agencies in their host countries and abuse and violation of rights by employers in the host countries. As is the case in other countries, in the African continent many recruitment agencies have begun charging high recruitment fees for potential workers and have insufficiently prepared them for the reality of working in the UAE.

Although nations are implementing policies to prevent such extortion, simple changes to the law, such as permitted early termination of a contract if both employer and employee accepts, has not ruled out the employers' ability to charge reimbursement for the recruitment fees, which means the worker is indebted to the employer - in addition to the recruitment agency - and would also have to buy their ticket home. The result is that domestic workers are arriving with high amounts of debt or attempting to enter the UAE

illegally, risking their lives in human trafficking - in addition to rarely having the financial ability to end a contract once working in the UAE.

Wage discrimination based on nationality also means that domestic workers from Africa and among the lowest paid of all and are often forced to work for multiple families while being paid for only one. Anisa, who worked in Dubai, questioned why a Filipino worker received '1,500 AED a month. Why do I get 600?' Such clear discrimination can only be understood as a case of nationality.

34 Atong, Mayah and Odigie, *African Labour Migration to the GCC States*, 2018
https://www.ituc-africa.org/IMG/pdf/ituc-africa_study-africa_labour_migration_to_the_gcc_states.pdf

35 *World Report: United Arab Emirates*, Human Rights Watch, 2018
<https://www.hrw.org/world-report/2018/country-chapters/ united-arab-emirates>

36 *Working like a Robot: Abuse of Tanzanian domestic workers in Oman and UAE*, Human Rights Watch, 2017
<https://www.hrw.org/report/2017/11/14/working-robot/abuse-tanzanian-domestic-workers-oman-and-united-arab-emirates>

37 Ligami, Christabel, *Kenya Tackles Abuse of Migrant Domestic Workers in the Middle East*, *Refugees Deeply*, 14/12/2017
<https://www.newsdeeply.com/refugees/articles/2017/12/14/kenya-tackles-abuse-of-migrant-domestic-workers-in-the-middle-east>





Consequences arising from the failure to protect the rights of domestic workers.

Overall, there is a failure to protect the domestic workers in the UAE. In the host countries, domestic workers in bad situations receive little protection from their embassies. The situation is so bad that in 2017 alone, 35 Ugandans committed suicide in desperation. Attempts have been made in various countries, however, to take action to protect workers before they leave. In 2016 leaders from the East African domestic workers union met in Tanzania to demand that their governments take more action in safeguarding migrant domestic worker rights. Various nations have also attempted to halt the recruitment process, such as the Kenyan government in 2012 and the Ghanaian government in 2017. In Nigeria, the Nigeria Labour Congress has led

campaigns in an attempt to halt deception, forced labour and trafficking of migrant workers. The Nigerian government also recognised the National Migration Policy in 2015 to legally monitor the migration internally and internationally. However, not enough has been done to protect migrant workers from recruitment fees and exploitation.

It is clear that migrant workers in the UAE continue to have their rights abused. Failure to control recruitment agencies in origin countries and failure to apply new legal measures in the UAE means that migrant workers continue to face high levels of exploitation, forced labour, and abuse.

³⁸ Oche, *Rising Concern over abuse of migrant workers in Gulf States*, *Leadership*, 31/05/2019
<https://leadership.ng/2019/05/31/rising-concern-over-abuse-of-african-migrant-workers-in-gulf-states/>

V- Conclusion

What is readily apparent in the information above is that, despite some measures being introduced to protect migrant workers' rights in the past years, non-citizen workers in the UAE continue to face a high level of exploitation and abuse of rights. The information shows that such exploitation is occurring on every level: by individual employers, companies, and the state itself. It highlights that by maintaining the systematic abuse of migrant workers' rights, the state upholds a power play between the government, its citizens, and non-citizens. This allows the UAE to host a vast number of migrant workers while maintaining full control over the population. The changes introduced over the last decade, although seemingly a positive step in protecting migrant workers, has proven

to be ineffective due to a failure to implement the new measures, or when they are, a failure to punish employers accordingly. This means that still to this day, migrant workers in the UAE face severe exploitation that restricts their freedom to change employer, receive their wages, and leave the country.

Additionally, the migrant workers' countries of origin fail to protect their citizens sufficiently. In this way, a worker often departs to the UAE under false conceptions of how they will be received, and in vast amounts of debt to the recruitment agencies.



Recommendations

With such clear obstructions to rights, ICFUAE recommends the following changes to grant migrant workers' their rights:

- To eliminate the Kafala System and thus include all migrant workers under the UAE Labour Laws.
- To meet international labour standards, particularly the International Convention on the Protection of all Migrant Workers and their Families.
- To introduce more severe penalties for employers who confiscate passports and withhold wages.
- To work harder to implement laws and measures.
- To protect female migrant workers from verbal, physical and sexual abuse by creating accessible ways of taking abusive employer to court and imposing high penalties for employers who subject them to such abuse.
- To permit trade unions and strikes.
- To work harder towards cultural integration.
- To have greater transparency for stats on the number of migrant workers in the federation in the international world.
- Migrant countries of origin should also protect their workers, particularly by controlling recruiting agencies to end extortionate recruitment fees.



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