

Committee: Social, Cultural and Humanitarian Committee (GA3)

Topic: Preventing exploitation under the Kafala System

Student Officer: Aspasia Nona

Position: Co-Chair

## Personal Introduction

Dear delegates of the GA3,

My name is Aspasia (Aspa) Nona, I'm sixteen years old and I'm an upcoming IB1 student in Platon School. In this year's CSMUN conference, I have the utmost honor and pleasure to serve as a co-Chair in the Social, Cultural and Humanitarian Committee. I joined MUN last year and since then I have become an active member of this extraordinary community, having attended seven conferences up to day, with CSMUN 2022 marking my second time participating as a student officer.

The third committee of the General Assembly generally deals with issues of cultural and humanitarian nature that influence the lives of people in many different regions of the world. This year's GA3 CSMUN agenda presents two very compelling and intriguing topics, namely "The Issue of Conversion Therapy" and "Preventing exploitation under the Kafala System". This Study Guide will introduce to you and familiarize you with the second topic, referring to the essence of the matter and its historical background, while presenting and explaining the situation and the exploitation of migrant workers under the Kafala System. It discusses many different aspects of the issue while presenting organizations and major countries involved, attempts that have been carried out both under the auspices of the United Nations and not and providing you with possible solutions.

Looking forward to having a fruitful debate in the committee, you are all strongly encouraged to conduct your own extensive research regarding the topic as well as your country's stance on it and not rely exclusively on this study guide. Should you have any questions or need any clarifications, concerning either the topic or generally the procedure, you are more than welcome to contact me, by sending me a personal email at [aspanon10@gmail.com](mailto:aspanon10@gmail.com).

Yours truly,

Aspa Nona

## Topic Introduction

Over the past decades, people from all around the globe have actively tried to establish some basic human rights in the workplace, advocating that everyone should be entitled to the rights of a safe working environment and receive favorable and respectful treatment. Although those endeavors have paid off, in most countries in the world, that is not the case everywhere. The countries of the Persian Gulf, and specifically the Gulf Cooperation Council (GCC) countries, Lebanon, and Jordan, defying all those efforts made for the promotion of human rights, are still implementing the Kafala System, a labor system that is comprised of an abusive and exploitative national employer and its migrant employees. “25 million migrants are estimated to live and work in the GCC, while 70% of the GCC's workforce is composed of migrant workers”<sup>1</sup>.



Figure 1: Domestic workers demonstrating against the Kafala system<sup>2</sup>

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<sup>1</sup> “Reform the Kafala System.” *Migrant*, <https://www.migrant-rights.org/campaign/end-the-kafala-system/>.

<sup>2</sup> Correspondent, bySpecial, et al. “Understanding Kafala System, Origins and Impacts.” *Labour.Watch*, 24 Aug. 2021, <https://labour.watch/news/understanding-kafala-system-origins-and-impacts>.



The Kafala system is also called the “sponsorship system” because the employer acts as the sponsor of the employee, with him being a migrant worker in need of financial support. Sponsors are responsible for ensuring the validity of the employee’s visa and residency. The Kafala System is considered by many a form of “modern slavery”. People working under the Kafala System are, most of the time, obliged to work under poor working conditions, such as not getting paid properly or at all, and having to work excessive hours. Generally, the environment in which they are asked to function is unsafe, and dangerous for the workers, both for their physical and mental health, and it can be considered abusive.

Despite efforts made throughout the years to abolish the practice of the Kafala system, it wasn’t until recently that the United Nations and the International Labor Organization took direct action in addressing the issue. More specifically the “Declaration on Fundamental Principles and the Right at Work”<sup>3</sup> signed by the ILO and the “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”<sup>4</sup> by the UN General Assembly, were put into force around the beginning of the century. Apart from those documents, the topic is also closely linked with some of goals of the Agenda 2030, which is a set of 17 goals, called Sustainable Development Goals, that are intended to have been achieved by 2030. The issue of the Kafala System does not comply with many of those goals since it violates basic human rights and doesn’t promote equity.

No human being deserves to be treated in such an inhumane way. The exploitative behaviors of the employers under the kafala system are unacceptable

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<sup>3</sup> *Ilo Declaration on Fundamental Principles and Rights at Work.*  
[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/normativeinstrument/wcms\\_716594.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf).

<sup>4</sup> “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families .” *OHCHR*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>.



and should not be tolerated, while it is highly encouraged for immediate action to be taken in order for the system either to be radically reformed or abolished in the GCC countries and the neighboring.

## Definition of key terms

### Country of destination

The country of destination of an immigrant is the country that the immigrant intends to move into and permanently reside in. The “country of destination” and the “hosting country” refer to the same country but in different contexts.

### Country of origin

The country of origin is the country which an immigrant comes from; the birthplace of an immigrant.

### Domestic workers

“Domestic workers comprise a significant part of the global workforce in informal employment and are among the most vulnerable groups of workers. They work for private households, often without clear terms of employment, unregistered in any book, and excluded from the scope of labor legislation.”<sup>5</sup> Their work mostly includes household chores and tasks. Although it is a highly feminized section, with almost 4 out of 5 domestic workers being women, there are men working in this sector as well, mostly hired as drivers or gardeners.

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<sup>5</sup> Who Are Domestic Workers ?, 5 Apr. 2013, [https://www.ilo.org/global/topics/domestic-workers/WCMS\\_209773/lang--en/index.htm](https://www.ilo.org/global/topics/domestic-workers/WCMS_209773/lang--en/index.htm).



## Exploitation

Exploitation is the act of taking advantage of something or someone just to profit from their work. Sexual, labor, child, and other types of exploitation are just a few examples of the many different ways that people can be exploited.

## Foreign worker

Any individual in the workforce of a business is referred to as a "foreign worker" when they do not have the nationality of the country they are working in. In many cases, foreign workers are also called migrant workers or immigrant workers. They work under doubtful conditions for the vast majority of the time and don't enjoy the benefits of having citizenship in the host country. <sup>6</sup>

## Hosting Country

Hosting country is called the destination of a migrant, in cases of them migrating abroad. The housing country has to document the migrants and offer them the necessities as well as comply with any laws and legislations internationally set in regard to migrants.

## Illegal Immigrant

An illegal immigrant is considered any person who has moved to a country other than their own, without the permission of that country. An illegal immigrant lives or even works in a foreign country while violating the immigration laws of the country (each country has specific regulations regarding the way they manage migration).

In the GCC countries, under the kafala system, "many migrants are left with only two choices: to endure unfair working conditions or to escape. Those who escape are

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<sup>6</sup> "Foreign Workers." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/foreign-worker>.



considered illegal. They are not entitled to any back pay and can be fined, indefinitely detained and deported.”<sup>7</sup>

## Kafala System

“Every country in the Gulf manages migrant residency and employment through the Kafala (sponsorship) system. Under this system, a local citizen or local company (the kafeel) must sponsor foreign workers in order for their work visas and residency to be valid. This means that an individual’s right to work and legal presence is dependent on his or her employer. With tight restrictions on changing employers, this dependency renders workers vulnerable to exploitation. Some countries claimed to abolish or reform the Kafala, but the system's most critical vulnerabilities still remain.”<sup>8</sup>

## Labor exploitation

Labor exploitation is the circumstance in which a person works under unfavorable conditions, with insufficient or no remuneration. People are sometimes coerced to perform under the threat of punishment, and they work an excessive amount of time with no breaks.

## Migrant

Although there is no universally accepted definition for the term “migrant”, it is usually used to describe an individual that has moved away from their home for various reasons, including economic or political. Migrants could be classified as immigrants or internally displaced people. While the first one applies to people who have fled their country to move to another one, the latter refers to people who, even though

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<sup>7</sup> “Reform the Kafala System.” *Migrant*, <https://www.migrant-rights.org/campaign/end-the-kafala-system/>.

<sup>8</sup> “Reform the Kafala System.” *Migrant*, <https://www.migrant-rights.org/campaign/end-the-kafala-system/>.



they have left their homes, have settled in another region inside the borders of their country.<sup>9</sup>

## Minimum wage

According to the International Labour Organization, minimum wages have been defined as “the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract”.<sup>10</sup>

## Background Information

### The historical background of the kafala system

The Kafala System is an immigration system that revolves around migrant workers and their freedoms regarding entering or exiting the country and anything related to their employment, claiming that all those are linked with their sponsor. The Kafala System first appeared in the Middle East in the middle of the 1950s due to the fact that there was a need for affordable temporary workforce to contribute to infrastructure projects in the countries of the Gulf that were newly oil-rich.<sup>11</sup> It was intended to be a means by which foreigners could gain short-term employment for projects hosted in countries that practice the Kafala System. The notion was that migrants would work for the time period that they would be needed and then return to their home countries. However, as the years passed by and the infrastructure was

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<sup>9</sup> “Who Is a Migrant?” *International Organization for Migration*, <https://www.iom.int/who-migrant-0>.

<sup>10</sup> “1.1 Definition and Purpose.” *Chapter 1: What Is a Minimum Wage: 1.1 Definition and Purpose*, 3 Dec. 2015, [https://www.ilo.org/global/topics/wages/minimum-wages/definition/WCMS\\_439072/lang-en/index.htm#1](https://www.ilo.org/global/topics/wages/minimum-wages/definition/WCMS_439072/lang-en/index.htm#1).

<sup>11</sup> “What Is the Kafala System?” Council on Foreign Relations, Council on Foreign Relations, <https://www.cfr.org/backgrounder/what-kafala-system>.



developing rapidly, there was a need for permanent workers to fulfill the needs of the country. The national population was relatively limited in the Arab States, so there were no significant workforce resources to cover the multiple increasing labor positions that had been created. At first, the arrangement mostly favored Arab laborers from close-by nations like Egypt. However, preference for non-Arab immigrants, particularly those from South Asia, changed following the oil boom of the 1970s because of a need for less expensive labor and concerns that Arab expats would promote a pan-Arab ideology that may threaten Gulf monarchs. After the first Gulf War, when almost two million Egyptians, Palestinians, and Yemenis were driven out of the area due to their governments' backing for Iraq's invasion of Kuwait, they outnumbered Arab employees.

To a great extent, it boosted the economies of the host countries, yet there were multiple violations of human rights. The system got its name after the Arabic word *kafala* which is translated into “to take care of”, implying that it would create a safe environment for the immigrants. Initially, it was believed that the sponsors, the people that would be responsible for the workers, would fulfill their duties and protect them by providing them with at least the necessities. However, it ended up being nothing like that. Although it was supposed to be hospitable, friendly, and supportive towards the migrant workers, the Kafala system turned out to be exploitative and destructive to them.

### The structure of the kafala system

When an immigrant is to work under the Kafala system, there are two ways of doing so; either directly or indirectly. On the one hand, the first case refers to workers traveling to a foreign, Arab, country and searching for a job, ending up being sponsored by an individual or a company, for whom they are working. The other case is through “Private Recruitment Agencies”. Such agencies are Arab entities that are headquartered in the countries of origin, most of which belong to Asia, and they act





as a means of hiring workers and ensuring their safe transportation to the destination country, which is either a GCC country, Lebanon, or Jordan. Private recruitment agencies symbolize intergovernmental relations between the countries of origin and the countries of destination. Sometimes the contracts are ethical and do not include any illegal activities, and migrant workers reach the destination country, where the promises made to them are fulfilled. They are given the job position they expected and they start working immediately. Most of the time, however, this is not the case with private recruitment agencies. Many migrants are obliged to pay great amounts of money for their travel fees, while the contracts that are signed between the agencies and the migrants are intentionally written in a way that the agency can alter them, in an unfavorable manner, once the migrant lands in the country of destination.

When they eventually arrive in the host country, regardless of the circumstances, and they start working, they are utterly vulnerable to exploitation. The reason behind that is the fact that migrant workers, despite working in a country, do not fall under the jurisdiction of the labor ministry of the country, but are instead handled by the Interior Ministry; the Kafala System is governed by the Interior Ministry. Therefore, they are not entitled to any constitutional rights regarding work. The system is structured in such a way that every migrant worker needs a sponsor; that sponsor could be either an individual, for whom the migrant is working or a company. In both cases, the sponsor is responsible for the migrant, and they have power over their residency and employment visas. Migrants are not in a position to leave the country or change employment if their sponsor doesn't allow them to do so, and thus they are rendered completely incapable of deciding upon their future. The working conditions under which migrant workers are asked to perform are adverse since the remuneration, if there is any remuneration, is inadequate, and the working environment is usually unsafe and insecure. There have been particular cases noted, where people were forced to work under the threat of punishment or by risking their lives.



Migrant workers are usually hired to do manual labor, including working in construction or factories, or for positions such as domestic workers. For the latter, according to a study by Harvard University, “In multiple households workers are not given days off, starved of food and deprived of water, physically abused, restricted access of movement and communication, and not provided with proper living conditions. Their passports, freedom, and basic human dignity are disregarded for the sake of pleasing the kafeel who invested money into their acquired worker.”<sup>12</sup> In cases, of manual labour, however, the situation is highly relevant, since there are people working for over 21 hours per day with no rest, being underpaid or remaining unpaid, while they might be working in positions that might cost their lives.

## Exploitation under the Kafala System

### Underpayment

Most of the people that are working under the Kafala system are people in need of financial resources who have agreed to the terms of the system, believing that they would have financial remuneration. Most of the time, people are in search of a way to economically support their families. The exploitation under the Kafala system, though, is leading to practices that result in the employees' being underpaid, or not paid at all, or having major delays in receiving their wages. This goes against the UDHR, which states in its 23rd Article that “Everyone who works has the right to just and favorable remuneration, ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.”<sup>13</sup> The aforementioned practices, aside from being unfair and

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<sup>12</sup> Rak, Patrick. “Modern Day Slavery: The Kafala System in Lebanon.” *Harvard International Review*, Harvard International Review, 9 Mar. 2021, <https://hir.harvard.edu/modern-day-slavery-the-kafala-system-in-lebanon/>.

<sup>13</sup> “Universal Declaration of Human Rights.” United Nations, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.



disrespectful, can also bring about major issues regarding access to fundamental human rights. Not having adequate financial resources due to exploitation, leads to people being unable to enjoy rights such as a standard of living. Issues regarding residency, nutrition, and clothing also arise. The healthcare sector is also influenced, since migrant workers, being dependent on their sponsors, have no healthcare insurance, and their inadequate wages, restrict their access to the national healthcare system. Not only the migrant worker but their family will be immediately affected as well, since the migrant families rely explicitly on their working members.

### Forced Labour

According to the Universal Declaration of Human Rights and the ILO Declaration and Fundamental Principles on the Rights at Work<sup>14</sup>, every human being has the right to work, the right to choose freely and unbiased employment, and the right to make decisions about their work. However, under the Kafala system, employees do not have such a right. Since the sponsor is the one responsible for the employment, the employee does not have the right to change jobs at all if their employer has not permitted it. This suggests that the migrant's employer controls his or her employment status at all times; from the time the migrant signs up for work under the Kafala System until their employer formally authorizes their departure from the country or fires them, the migrant lacks control over their own actions. Considering that the employment visa and the residency visa are in the hands of the sponsor, many times even after the firing of the employee, the migrant is often ending up left in the country, unable to leave or to find a job to fulfill their basic needs. Additionally, since the employer also has a say in whether and when the migrant

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<sup>14</sup> ILO Declaration on Fundamental Principles and Rights at Work. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/normativeinstrument/wcms\\_716594.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf).



worker leaves the country, it implies that the Kafala System also violates the right of movement, which is defined as “Everyone has the right to freedom of movement and residence within the borders of each state.” and “Everyone has the right to leave any country, including his own, and to return to his country.”<sup>15</sup>

### Sexual Assault

Especially when it comes to domestic migrant workers, the phenomenon of sexual assault is very commonly seen and it is considered one of the most pressing issues on the topic. When they sign up for jobs in GCC countries, migrant workers, mainly females, are assigned to work in the domestic sector. Their duties include, among others, cooking, cleaning the house, laundering, and caring for children, the elderly, or sick family members. Female migrant workers are most of the time, undocumented, and they are deprived of their labor rights. There are multiple cases noted, where women who are working in households are being sexually assaulted or harassed by their employers, and they do not have the right to leave their residence. Therefore, women, after having had such traumatizing experiences, have to remain in the same place, with the constant fear that it might recur. Consequently, women, having been sexually exploited, are more likely to develop various mental illnesses. Men might also, work and be exploited under the Kafala system, operating as drivers, gardeners, or butlers, and thus becoming victims of sexual assault, as well.

### Discriminatory behaviors

Although there are some differences in the system amongst the countries that implement it, in all cases, there are reported cases of abuse due to discrimination. Discrimination, in this particular case, is classified into two main categories: racial discrimination and gender discrimination. One leading example of racial

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<sup>15</sup> “Universal Declaration of Human Rights.” United Nations, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.



discrimination is the fact that migrant workers are not getting their remuneration depending on their working outcome, their expertise, or the hours they are working, but based on their race or nationality, which means that an individual might be underprivileged and unfairly paid. According to the UDHR, such practices are against fundamental human rights and “Everyone, without any discrimination, has the right to equal pay for equal work.”<sup>16</sup>. As far as discrimination against women are concerned, there are situations, where female migrant workers are physically or sexually abused or exploited by their sponsor. In both cases of discrimination, regardless, inhumane violations of fundamental rights occur repeatedly.

### Case study: Female Migrant Domestic Workers in Saudi Arabia

An outstanding example of the exploitative behaviors of the employers under the kafala system, is the situation in Saudi Arabia in 2021 regarding female migrant rights violations. More specifically, approximately 40 women, mostly migrant domestic workers from Sri Lanka, have been held in a Deportation Detention Center in Saudi Arabia waiting patiently for repatriation for a long period of time in order to be able to return to their country.<sup>17</sup> The people in the Deportation Detention Center are not only women that came to Saudi Arabia seeking employment as domestic workers but are hosting young children as well. According to the Deputy Middle East and North Africa Director, Lynn Maalouf, this situation is inhumane since they are detaining domestic workers for up to 18 months in such a center under terrible living conditions without providing them with even the necessary healthcare. They face exploitation and violations of their rights.

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<sup>16</sup> “Universal Declaration of Human Rights.” United Nations, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>17</sup> “Outcome: Sri Lanka: Woman Migrant Workers Repatriated to Sri Lanka.” Amnesty International Canada, 18 Aug. 2021, <https://amnesty.ca/ua-outcome/outcome-sri-lanka-woman-migrant-workers-repatriated-to-sri-lanka/>.



Furthermore, many women were detained at the deportation center, after their employers did not give them permission to exit and leave the country or did not give the women a work permit to be legally able to remain in Saudi Arabia. For instance, one of the women that was working as a domestic worker witnessed that she came to Saudi Arabia for employment in 2018 and left her job in 2020 because she worked for long periods of time without breaks and months followed with irregular payment. After she resigned, her employer gave her money in order to pay for her airline ticket on her way back to Sri Lanka. In the airport the police officers found her trying to leave the country without an exit permit and that is how she ended up in the detention center. Moreover, such cases increased during the pandemic COVID-19 as well. Consequently, it is estimated that the situation in Saudi Arabia will remain unsolved unless the Kafala System is dismantled and new legislation focused on the protection for domestic workers is introduced.<sup>18</sup>

## Major countries and organizations involved

### The United States of America (USA)

The United States of America, being one of the world's most prominent countries, has a significant effect on other countries and movements. The USA might not have any direct relation to the Kafala System and generally the GCC countries, apart from economics, there have been multiple movements regarding both the rights of the migrants and the rights to work, initiated in the USA. Many of them, have potentially acted as a base for movements advocating the abolishment of the Kafala System in the Arab States. Additionally, in 1917 the “American Friends Service

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<sup>18</sup> Amnesty International. “41 Sri Lankan Women Indefinitely Detained at Saudi Deportation Centre.” *Amnesty International*, 7 Jan. 2022, <https://www.amnesty.org/en/latest/press-release/2021/04/saudi-arabia-dozens-of-sri-lankan-women-wrongfully-detained-for-months-due-to-abusive-kafala-system/>.



Committee”<sup>19</sup> was founded with main purpose to promote migrant workers' rights and eliminate any kind of exploitation against them. Although, there are facilitated norms for the rights of migrant workers there are still cases of exploitation in some cases, yet the percentages are not even close to those of the Kafala System.

## Saudi Arabia

Saudi Arabia, being one of the countries in the Gulf, has implemented the kafala system almost since it first appeared. Although it helped the economy of the country to advance, it has led to extreme violations of human rights throughout the years, which are still ongoing. The cases of domestic workers, especially women, are the most disturbing ones, yet situations with male workers are equally worrying. There has been recent advocacy of employers to treat their migrant employees not just unfairly or unfavorably but in inhumane ways, putting their lives at risk. Saudi Arabia is said to have tried to reform the system, aiming at the improvement of the relationship between the employer and the employee. The said chances seem to be promising, but it remains to be seen to what extent they will be enforced.

## Lebanon

There have been numerous human rights violations in Lebanon's working environments throughout history, while people were working under the Kafala system. The problem, escalated, though, during the pandemic. The economy of the country declined dramatically, which led to many migrant domestic workers getting fired. The issue was, however, that working under the kafala system meant those migrants were dependent on their employers, who many times had a hold onto the workers' passports, and didn't have the right to change jobs. Subsequently, once they

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19 “About Us.” American Friends Service Committee, <https://www.afsc.org/about-us>.



got fired, they were not able to flee the country or get “sponsored” by anyone else. This led to migrant workers remaining with no hope, resulting in “one migrant worker dying every week due to suicide,” according to reports by Human Rights Watch.<sup>20</sup>

## Qatar

Qatar is also a country in the Gulf that works according to the Kafala System. Migrant workers are found in the position of explicitly relying on donations to survive, as they got no remuneration for their services. “These migrant workers receive little to no relief from the Qatari government and depend on remittances from abroad and financial support from the diaspora community to get by. Many of these workers explicitly expressed their concern that they couldn’t complain to the Ministry of Labor out of fear of being fired.”<sup>21</sup>. Although in 2016, Qatar claimed to have abolished the kafala system, shortly after there was again the need for the employer's permission for a migrant worker to leave the country. Throughout the last few years, almost two million migrant workers were employed for building stadiums and public infrastructure due to the fact that Qatar would host the 2022 World Cup. Despite the extreme level to which human rights violations are being reported, especially during that period, Qatar is trying to implement amendments to the kafala system, basically improving it and making it more favorable towards migrant employees, with no drastic outcome.

## The International Labour Organization (ILO)

The International Labour Organization (ILO) was founded in 1919 under the auspices of the League of Nations and, thus, since it is still working, it is the first and

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<sup>20</sup> “Lebanon: Migrant Domestic Workers Dying Every Week.” *Human Rights Watch*, 28 Oct. 2020, <https://www.hrw.org/news/2008/08/26/lebanon-migrant-domestic-workers-dying-every-week>.

<sup>21</sup> Kodzis, Trevor. “Migrant Exploitation and the Kafala System in the Middle East.” *Crossfire KM*, Crossfire KM, 11 July 2020, <https://www.crossfirekm.org/articles/migrant-exploitation-and-the-kafala-system-in-the-middle-east>.





considered the oldest UN specialized agency. Since the organization's founding, it has made an effort to advance the rights of workers and equality in access to employment with one example being the adoption of the ILO Declaration on Fundamental Principles and Rights at Work. The ILO is tasked with creating and implementing global labor laws, policies, and programs as well as promoting discussion of labor-related topics. Furthermore, this UN agency is working to stop any violations of human rights, especially those in the workplace.

### Human Rights Watch (HRW)

Human Rights Watch is an international non-governmental organization, that advocates and documents violations of human rights. It is headquartered in New York and was founded in 1978. Human Rights Watch publishes annual reports on each country individually as well as updates and reports about pressing issues regarding the violation of human rights.

### Amnesty International

Amnesty International is a non-profit, non-governmental organization that was initially founded in London, UK, and has spread all around the globe, with it now having subsidies in various countries, including the USA, Australia, France, Norway, and Saudi Arabia. Generally, Amnesty International initiates movements and launches campaigns for the promotion and protection of human rights. Regarding the Kafala system, Amnesty International strongly encourages its abolition since it violates multiple human rights. The organization constantly uploads case studies and information, raising public awareness of the repercussions of the Kafala System.



## Timeline of events

<u>April 30, 1917</u>	The American Friends Service Committee is founded.
<u>October 1919</u>	The International Labor Organization is established, being now the oldest UN entity.
<u>December 10th, 1948</u>	The Universal Declaration of Human Rights is established, laying ut all the fundamental rights that all individuals are entitled to.
<u>1950s</u>	The Kafala System first appeared in the countries of the Persian Gulf, as a means to ensure temporary employment to cover the need for an extensive and affordable workforce.
<u>1970s</u>	The GCC countries are experiencing an oil boom, implying that the need for workers are increased.
<u>1978</u>	The Human Rights Watch was founded with the aim of advocating and reporting human rights violations globally.
<u>1990</u>	The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is signed.



<u>June 2-18, 1998</u>	The 86th International Labour Conference is held by the ILO and The Declaration on Fundamental Principles and Rights at Work is adopted for the first time adopted.
<u>2003</u>	The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is put into force.
<u>2016</u>	The Qatari government claimed to have abolished the Kafala System, but the violations did not stop.
<u>May 31, 2017</u>	In the United Arab Emirates, the Federal National Council adopts “a revised version of a 2012 draft law on domestic workers, approved by the cabinet in March. This bill covers 19 categories of workers, including domestic workers, regulates recruitment, and addresses terms and conditions of employment.” <sup>22</sup>
<u>August 11th, 2021</u>	Discussions on the working conditions for migrants in Lebanon are carried out in a meeting held by the Committee on the

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<sup>22</sup> “UAE: Domestic Workers' Rights Bill a Step Forward.” *Human Rights Watch*, 28 Oct. 2020, <https://www.hrw.org/news/2017/06/07/uae-domestic-workers-rights-bill-step-forward>.



	Elimination of Racial Discrimination.
<u>2022</u>	Amendments are being made to the Declaration on Fundamental Principles and Rights at Work.
<u>November 2022</u>	Qatar hosts the World Cup in 2022, employing over 2 million workers.

## Previous attempts to solve the issue

### Reforms in the Kafala System

Apart from the endeavors of the “outsiders” to enhance the migrants’ or the workers’ rights in general and the fights given by international NGOs to bring forth the problem and sensitize the public about it, there have been some efforts from stakeholders as well. The aforementioned efforts are mainly correlated to the reform of the system. Many countries of the Gulf, with Saudi Arabia and Qatar being examples, take action to reform it, so that it is less destructive and more fanciful. This reform is conducted with the help and supervision of the ILO. Setting the standards for minimum wages is a starting point, but the freedom to move, flee the country, and change employers are the most important ones. Although there are numerous burdens to completely abolishing the kafala system in the near future, reforming it to make it more sustainable is a way of establishing, to some extent, the protection of migrant workers’ rights.

### Raising awareness of the issue

UN-related agencies and NGOs, headquartered all over the globe, have attempted to observe and record the issue of migrant worker exploitation under the



kafala system, so that the rest of the world is aware of the situation. Raising awareness is crucial because as the problem becomes more prominent, more people will become interested and engaged. The ILO, Amnesty International, Human Rights Watch, and many other entities are engaged in a nonviolent fight against the issue, while they encourage many to join and follow in their footsteps to ensure that the topic receives enough attention.

## Relevant UN Resolutions, Events, Treaties and Legislation

### The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW)

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, also referred to as CRMW, was signed in 1990, yet it didn't enter into force until 2003, when the number of its ratifications reached 20. Currently, it applies to over 55 countries around the world, with the vast majority of them being LEDCs. CRMW was established after the adoption of Resolution 45/158 by the UN General Assembly, without a vote. It is a convention that lays out all the fundamental rights of migrant workers, and the Committee on Migrant Workers is the UN-related human rights body, that ensures the implementation of the CRMW.<sup>23</sup>

### The Committee on the Elimination of Racial Discrimination Meeting- 11.08.2021

On August 11th, 2021, a meeting was held by the Committee on the Elimination of Racial Discrimination, where intense discussions were carried out concerning the working conditions of migrant workers in Lebanon. Emphasizing on the domestic sector, migrant workers are often deprived of their right to stable and

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<sup>23</sup> "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families." OHCHR, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>.



secure residency and, generally, equal access to fundamental human rights. All this is coming from a place of racial discrimination, stereotyping, and social stigma, that were caused by the implementation of the Kafala system. As a major result, migrant workers are treated unfavorably and unfairly. In its concluding remarks, the conference stressed the need for the abolition of the Kafala system as a whole, for discrimination to be eliminated.<sup>24</sup>

### Universal Declaration of Human Rights / Article 23

The Universal Declaration of Human Rights (UDHR) was signed in Paris, by the UNGA, on December 10th, 1948, shortly after the foundation of the United Nation. This document is being hailed as a milestone in the human rights, since various later documents were inspired by and based on it. The UDHR lays out all the fundamental human rights, to which all people should have access to exercise, with no regard to their background or social status. Its 23rd article, specifically mentions the right to work and briefly elaborates on the rights and freedoms all workers should be entitled to. The said article mentions the right of workers to have a free choice of profession, while it condemns unemployment. It also refers to the obligation of employers or companies to provide their employees with safe and healthy working environments.<sup>25</sup>

### ILO Declaration on Fundamental Principles and Rights at Work

The Declaration on Fundamental Principles and Rights at Work was initially adopted in 1998 by the International Labour Organization and it was most recently amended in 2022. This declaration “is an expression of commitment by governments,

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<sup>24</sup> “Experts of the Committee on the Elimination of Racial Discrimination Ask Lebanon about the Kafala System for Migrant Domestic Workers, the Absence of a Definition of Racial Discrimination, and the Treatment of Refugees.” *OHCHR*, 11 Aug. 2021, <https://www.ohchr.org/en/press-releases/2021/08/experts-committee-elimination-racial-discrimination-ask-lebanon-about-kafala>.

<sup>25</sup> “Universal Declaration of Human Rights.” United Nations, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.



employers' and workers' organizations to uphold basic human values - values that are vital to our social and economic lives.” It promotes rights and freedoms in the working environment, including, among others, the elimination of all forms of forced or compulsory labor, the right for everyone to work in a safe and favorable environment; and the eradication of discrimination in respect of employment. Additionally, it mentions that all countries are obliged to comply with the declaration, regardless of whether they have ratified it.<sup>26</sup>

## Possible solutions

### Creation of an NGO

It could be feasible to facilitate a separate non-profit and non-governmental organization. Its primary goal could be to defend migrant workers' rights in the workplace, and it would concentrate solely on those rights. This NGO might also be in charge of informing both GCC residents and people from other countries about the situation by distributing pertinent articles and reports. The launching of campaigns in a handful of spots worldwide or online, along with sharing on social or even mass media, could also be a valid thought as far as raising awareness is concerned. Raising the awareness of people around the world is highly important but raising the awareness of Gulf nationals is essential since they are apparently the ones that are in control over the situation.

### Establishment of Funding Programs

Funding programs could be established with the purpose of ensuring the financial independence of migrants. This would result in their not needing

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<sup>26</sup> ILO Declaration on Fundamental Principles and Rights at Work. [https://www.ilo.org/wcmsp5/groups/public/--ed\\_norm/--declaration/documents/normativeinstrument/wcms\\_716594.pdf](https://www.ilo.org/wcmsp5/groups/public/--ed_norm/--declaration/documents/normativeinstrument/wcms_716594.pdf).



sponsorship and so being free of a deceptive employer. Exploitation would be prevented to an extent, and human rights violations minimized. Those funds could not only save migrant workers from sponsorship but also establish a residency for them. Having a safe and secure house is important for the well-being of an individual, let alone a migrant worker, since it is something that is highly necessary and is not guaranteed for them. The aforementioned funding programs could be developed by an UN-related body or organization or the World Bank.

### Mental Support

Migrant workers who have been exploited under the kafala system are mentally traumatized, considering that they have had to work under adverse conditions many times, putting their lives in danger. Employees are not able to exercise most of their fundamental human rights, while they are fully dependent on another person. As a result of mental, physical, as well as sexual abuse, migrant workers develop severe mental health issues. Psychological support could be provided to migrant workers in a variety of ways. To begin with the facilitation of hotlines, where the employees can communicate with licensed mental health personnel from outside the country who can help them mentally and support them. The establishment of group or individual sessions with experts could also be an effective proposal.

### Reforming the system

Except for the reformation of the Kafala system, which should be carried out by all GCC countries, Lebanon and Jordan, that could be related to the conditions of the working environment or the facilitation of a minimum wage in all Kafala countries, there are further reformations that could be established by the government of each country. More specifically, the Interior Ministry of each country could implement laws and legislation, regarding the visas of the migrants and how they should be explicitly





owned by them. The said regulations would support migrants are free to exercise their right to movement and the freedom of choice of residency and employment, through encouraging and legally binding the aforementioned regulations. .

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