

RENMUN X

Throwing It Back



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Chair Report #1
Human Rights Council

**Addressing the current issues of human
rights abuses of the Kafala system in the
Middle East
Felicity Zhao**

Chair Introduction

(Leave Chair introduction on a separate page. Chair names and emails should be included at the bottom, signing off the message.)

Greetings delegates! We are Felicity Zhao and Christal Zheng, a Grade 11/Year 12 student from Diocesan Girls' School and a Grade 8/Year 9 student from Renaissance College respectively. We are honoured to be serving as your chairs for RENMUN's HRC and would like to extend our warmest welcome to this council!

The Human Rights Council is an intergovernmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe. The Council investigates the breaches of human rights in UN member states.

As HRC delegates, you are tasked with the important role of solving human rights issues rampant around the world. We hope that you enjoy your positions of power and master the ability of bargaining and negotiation with other countries.

As this is a beginners council with many of you possibly first-time conference attendees, we do not expect you to demonstrate the debate of the century. Instead, you are encouraged to develop critical thinking and multidimensional perspectives when delving into the topics that are to be debated in council sessions. Delegates are reminded that the chair report only serves as a starting point of the topic, and thus we highly recommend you to conduct research further and delve deeper into the topic to establish a better understanding of the issue at hand and your delegation's role.

Most importantly, we hope that you will enjoy the conference and have fun. If you have any questions, always feel free to reach out to us, we will be happy to help. Happy prepping and we hope to see you soon!

Cheers,

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Topic Introduction

In the 1950s, many countries in the Middle East began bringing large numbers of foreign labourers to their countries under a sponsorship program in which employers import foreign labourers and bind them to a contract for a specified time period, forming the practice that is continuing to this day – the Kafala system.

An estimated number of 24.1 million workers in 2019, most of them coming from Africa and Asia, are hosted in those countries. Representing 14 percent of all migrant workers worldwide. In the past decades, these countries have experienced an increasing influx of migrant workers, contributing significantly to the countries' economies and development plans. The system is popular among the Gulf States citizens as it gives tight control over the immense population of migrant workers, despite the citizens being the minority in the country.

This century-long legalistic system might seem unproblematic on the surface, but in practice, it is a recipe for exploitation. Activists and human rights organisations consider most iterations of the kafala system as a modern form of slavery.

Key Terms

Term	Definition
Kafala system	Kafala means sponsorship in Arabic and is a system used across the Persian Gulf States to control and manage their huge migrant population who help build the countries' infrastructures or work as domestic helpers.
Kafeels	The commonly-used Arabic word for 'employers' in the Kafala system, who are sponsors of a sponsorship for migrant workers to enter the country and the labour system.
Domestic workers	Workers who perform work in or for a private household or households. They provide direct and indirect care services, and as such are key members of the care economy. Their work may include tasks such as cleaning the house and taking care of children. Although they provide essential services, domestic workers rarely have

	access to rights and protection.
Forced labour	According to the ILO Forced Labour Convention, 1930 (No. 29), forced or compulsory labor is "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily." Examples may be slavery and debt bondage.
Exploitation	The act of taking advantage of possessions of one individual for the own personal gain of another, usually characterised by forced labour, sexual abuse and more.
Human Rights Watch	Human Rights Watch is an non-governmental organisation that conducts research and reports on abuses happening around the globe to denounce human abuses and uphold rights.
International Labour Organisation (ILO)	The International Labour Organization (ILO) is devoted to promoting social justice and internationally recognized human and labor rights, pursuing its founding mission that social justice is essential to universal and lasting peace. The organization aims to set labor standards and promote decent work for men and women alike.
Gulf Cooperation Council (GCC)	Compromising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE, the GCC covers regional, political and economic cooperation between the countries listed above that also exercise the Kafala System.

Background Information

The power of the Kafala system

Due to little access to well-paid jobs in their own countries, workers are willing to work as migrant workers in the Gulf States despite the mounting abuse from kafeels.

Most workers enter the Kafala system through a very unregulated recruitment industry. Every recruitment agency varies in its operations, but some of the most

abusive ones require that workers pay fees and incur debt in order to travel abroad for work. The agencies travel to poverty-stricken neighbourhoods in search of labour, which often results in extremely imbalanced contracts, forcing migrant workers to live entirely under the Kafala system. Under the contract, labourers' rights to mobility, safe living conditions, and privacy are at the mercy of their sponsors.

Tight grip of kafeels (employers)

The kafala system gives kafeels complete control over migrant labourers and their legal status in ways that undermine the contractual basis of the system. For example, migrant labourers are often denied working conditions promised in their contracts, such as basic guarantees like reasonable work hours and timely wage payments. In addition, once upon entering the system, the passports of migrant workers are confiscated. In other words, it means domestic workers cannot leave the country, rent a house or apply for other work without the consent of their employers. As a result, the Kafala system creates a strong imbalance of power that fosters coercion and dependency.

Poor conditions and abuses of migrant workers

Human rights abuses reports under the Kafala system show that they generally revolve around forced labour, restrictions on freedom of movement, racial discrimination, inhuman or degrading treatment. According to the Human Rights Watch, the high degree of control over workers' lives under the Kafala system has led to cases of forced labour, excessive working hours and verbal, physical and sexual abuses.

Numerous reports from organisations such as Human Rights Watch and International Labour Organisation have documented the severe imminent conditions and abuses perpetrated toward the migrant workers under the Kafala system. These workers work for low wages, often under extreme conditions, such as small living space and work in high heat, and are vulnerable to abuses as most of them have little access to workers' rights in their working countries, resulting in further widespread wage theft and exorbitant recruitment fees.

Potential Clashes

Extreme power imbalance

The vulnerability of migrant workers being fixed in the Kafala system fuels exploitation and indulgent abuse from kafeels towards them. Migrant labourers in the system require the consent of the kafeel even to resign because of unreasonable

work conditions or the violation of their contracts, creating conditions that facilitate forced labour.

On the other hand, if migrant labourers violate their contract by running away or leaving, they are subject to criminalization or deportation, which depends on the country's specific laws on these workers. Either of these results would mean the little choice given by the Kafala system that either they stay in the household and continue bearing abuse in myriad ways, or run away and risk their employment and even the possibility of being criminalised, which show the extreme power imbalance of the system. In such situations, the Kafala system becomes a form of dependency, in which the violation of labour and human rights goes without punishment because of the unchecked imbalanced power of the kafeel and them being on the side protected by the law and the system.

Lack of legal framework and will to protect workers from abuses

The current legal framework in Middle Eastern countries still lack effectiveness despite the mounting demands pressing from human rights activists and organisations, many of which from the international stage. Many of these Gulf States have addressed the concerns posed by the Kafala system through legislation, but these laws lack complete enforcement and human rights abuses remain rampant, fostering a culture of impunity. For instance, little of the employers or abusers of migrant workers in the past years have been held accountable for their actions, and most of the physical and sexual abuses are not investigated. In 2020, the Human Rights Watch has found that Lebanon's judiciary is failing to protect domestic workers or hold employers accountable when they violate the workers' basic rights.

Moreover, although some of the host and sending governments banned recruitment fees, millions of dollars of exorbitant recruitment fees are still pocketed by agencies and trapped migrant workers into debt bondage. It is because their contract stated that they have to use their wages to pay back this money, yet a lot of migrant workers reported that they did not sign the contract or it was in a language they did not understand. This led to migrant laborers forced to work for little or no pay to repay the fees, forming a vicious cycle of kafeels emboldened to perpetrate more abuses and migrant workers have no choice but to keep silent of the abuses to keep their jobs and be paid to repay debts. Therefore, implementation of law to hold employers accountable and eradicate cases of recruitment fees must be strengthened to restore justice to migrant worker victims.

Economic dependency

As migrant workers comprised over 40% of the labour force, the highest share of any region, these countries' economic development heavily depends on the labour force,

particularly in sectors like construction and domestic work. For example, for the 2022 Qatar World Cup, more than 36,000 migrant workers were involved in building 8 massive football stadiums within a decade. For the sake of efficiency to reap highest economic benefits with the lowest cost soon, the migrant workers were not well-provided with safe equipment when constructing the stadiums, with reports of them losing their lives during work. With abundant supply of migrant workers, the competition for a job gets high and wage level goes down, leading to cases of labourers forced to work under poor extreme conditions to keep their jobs — such as unreasonable working hours — not uncommon. Taking the case of the UAE, the average per capita income is \$2,106 a month, yet on average, a migrant construction worker there only earns \$175 a month. This creates a conflict between cheap labour from the employing countries' consideration and the demand for humane working conditions from migrant workers' will, therefore putting both sides in a stalemate.

Key Stakeholders

Stakeholder	Involvement with the Issue
Qatar	Over 80% of the Qatar population are migrant workers, mainly from Bangladesh, Pakistan, and India. Qatar is the first country in the Arab Gulf region to allow all migrant workers to change jobs before the end of their contracts without first obtaining their employer's consent, one of the key aspects of the Kafala system that can give rise to forced labour. Qatar is the second country in the Gulf region to set a minimum wage for migrant workers, after Kuwait. The changes also apply to migrant workers who are excluded from labour law protections, such as domestic workers. However, other legal provisions that facilitate abuse and exploitation of migrant workers remain.
Lebanon	The country hosts approximately 250,000 migrant labourers, many of whom work in private homes. Many of them come from African and Asian countries, namely Ethiopia, the Philippines, Sri Lanka, and Bangladesh. Migrant labourers under the Kafala system are excluded from domestic labours laws, such as the Lebanese Labor Law, and

	receive minimal protections from their countries of origin. In 2019, Lebanon's Minister of Labour announced that he would prioritise improved working conditions for migrants. But years later, proposed reforms have yet to go into complete effect, or even make significant progress in Lebanon.
Saudi Arabia	In 2020, Saudi Arabia has announced it will ease some of the contractual restrictions giving employers control over the lives of some 10 million migrant workers. The reforms will allow private sector workers to change jobs and leave the country without an employer's consent to "improve and increase the efficiency of the work environment", citing the words of the Saudi government. However, workers would still be required to have an employer act as their sponsor to enter Saudi Arabia, and that employer would retain the power to renew or cancel workers' residency permits at any time, and the new regulations do not apply to domestic workers. There are also hundreds of thousands of undocumented workers in Saudi Arabia, and there is currently no statement whether the Saudi government will allow such workers to be able to regularise their working status such as finding new employers.
Jordan	In 2022, Jordan was estimated to have more than 44,000 migrant workers who can terminate unlimited term contracts with one month's notice. However, they may be required to compensate the employer. Limited term contracts can be terminated under certain conditions without permission or upon expiry, but excludes certain categories such as agricultural workers, one of the prominent industrial sectors of Jordan.

	Furthermore, the influx of refugees to Jordan is lowering the possibility of regular, safe access to the labor market, presenting an increased risk of forced labour and exploitation.
The United States of America	The US had been vocal on the international stage on the human abuses issues in the Kafala system. It is involved in numerous international projects to promote work freedom and protection of labour workers, such as Working in Freedom in Jordan's Qualified Industrial Zones (QIZ) , which enhance workers' access to legal services and their rights at the workplace.
India	India is one of the largest migrant labour suppliers to the Gulf States, supplying nearly 8.8 million Indian migrant workers. A large proportion of semi-skilled and unskilled Indian workers in the Gulf suffers harsh conditions and is denied basic labor rights. Casualties, such as the death of 40 Indian migrant workers in a fire in Kuwait, prompts countries like India to readdress its legal protection and safeguard the livelihoods of workers abroad.
Pakistan	As one of the largest labour sending countries, over 97% among 4.5 million Pakistani migrant workers ended up in one of the Gulf States. However, Pakistani migrant workers are currently facing challenges of high unemployment due to the majority of them being low-skilled workers and different working cultures.

Possible Solutions

Establishment of migrant workers' rights

Enforcing labour laws and regulations is essential to end the exploitation used by kafeels as a leverage to abuse migrant workers without the fear of legal consequences. Considering the current lack of migrant workers' rights in countries who follow the Kafala system, enforcement of the rights of migrant workers should include ensuring labourers are paid fairly and have access to channels for seeking justice when they experience abuse, as a basic requirement at this initial stage.

Delegates are also encouraged to explore beyond, such as establishing a minimum wage system and freedom of changing employment for migrant workers in the labour system.

Amendments VS Abolishment

The Kafala system had been established for nearly a century, and a country's economic growth and infrastructure development, which the latter is key to the former, evolved around the labour provided by the system. Many of the Gulf countries had proposed and implemented amendments to ease the tight control of kafeels over migrant workers instead of complete abolishment of the system. However, the result is not optimistic as the Kafala system continues to leave migrant labourers vulnerable to exploitation and abuse as the amendments are not comprehensively implemented. According to Article 7 of the International Covenant on Economic, Social and Cultural Rights, all workers are entitled to favourable work conditions that are free of discrimination. Also, under Article 2(3)(a) of the covenant, migrant labourers are granted the right to justice. At the current stage of reformation of the Kafala system in the Gulf States, little evidence is shown that these international laws have been effectively implemented.

It leads to another method of solving the widespread problem of the Kafala system: abolishment. The complete abolishment of the system and establishing a system which is possible to eradicate the long-term abuses and restore migrant workers' rights and legal protection. Strict enforcement of legislation must be implemented to achieve so. However, the viability of immediate and complete abolishment of a labour system that a country had depended on for decades is questionable regarding whether a new system can effectively manage such a large group of workers immediately. Furthermore, as fundamental changes as these in the Gulf States are often progressive than immediate, there could be societal consequences such as backlash and workers unable to receive better treatments such as guaranteed wage payment and freedom of movement like other non-migrant workers under the new, immature system. Therefore, delegates must consider carefully when approaching the issue and how to ensure that migrant workers' rights are improved and not degraded.

International cooperation

There has been overwhelming condemnation of the Kafala system from international organisations and civil society with subsequent calls for the system to be abolished and replaced with an alternate labour migration governance policy.

With foreign countries being encouraged to place pressure on and call attention to the countries following the kafala system, a gradual change is possible. Aiming to assist these countries to establish a safer working environment to migrant workers,

collective efforts throughout the region to address abuses perpetrated against workers depend on the voices and cooperation of partner countries.

In the severe case of recruitment fee debt bondage that are imprisoning many migrant workers in vicious abuse cycles, countries who are sending workers may consider enforcing laws to prohibit recruitment fee charging. Furthermore, as agencies often spread around different countries, cooperation can be introduced between sending countries to register and monitor local recruitment agencies for transparent employment procedures, ensuring contracts are made available in languages migrant workers can understand. These delegations may also consider pursuing bilateral labour agreements with the host countries for a common standard of labour rights and wage payment.

Given that the Gulf states have also not ratified the Freedom of Association and Protection of the Right to Organise Convention which was adopted by the International Labour Conference in 1948, migrant workers in the Gulf cannot form unions and protest against unfair labour practices. International cooperation can be achieved by incentivising the Gulf States to sign related international labour agreements, or a new one could be set exclusively considering the progressive habit of the Gulf States reformatations, would ensure the voices of migrant workers could be heard and their rights promised.

Past Actions

Year	Action
2009	Jordan passed a law against people trafficking that criminalizes forced labor for exploitation. The UAE introduced a wage protection system. The Abu Dhabi Department of Justice plans to create a court specialised in looking into cases involving domestic workers.
2011	Kuwait announced that it would abolish the system in February 2011. However, it was shown that the country only changed one restriction of the system, which was to make it easier for migrant workers to change sponsors. But this change of

	policy did not apply to specific migrant domestic workers.
2017	As part of the broader Vision 2030 economic reforms, Saudi Arabia launches reforms allowing migrant workers to change jobs without needing an employer's consent, a significant shift in the Kafala system.
2018	As part of Qatar National Vision 2030 aiming to turn the state into an advanced country capable of achieving sustainable development and ensuring the continuation of a decent life for its people, Qatar implements Law No.13 of 2018, which allows workers to leave the country without the employer's permission. It also introduces the Law No.17 of 2018 "Workers' Support and Insurance Fund" to provide financial support to workers and improve their conditions through funding. However, it is unclear how many workers have benefitted from the fund as no transparent data is officially presented.
2019	Qatar introduced a new minimum wage system.
2020	Qatar became the first country to allow migrant workers to quit or change jobs. Kuwait and Saudi Arabia followed with similar measures, although only after the employee completes one year of work. Lebanon introduced a unified standard contract, which aimed to correct the power imbalance and grant the workers key labor guarantees already afforded to other workers, such as a 48-hour work week, a weekly rest day, national minimum wage etc. Most importantly, the new contract would have allowed workers to terminate their contract without the consent of their employer, dismantling a key abusive aspect of the kafala system.
2021	Saudi Arabia began allowing migrant workers to leave the country without permission of their

	sponsor, though prior government approval is required. By 2021, migrant workers in all GCC countries can leave the country without explicit permission from their employer.
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Guiding Questions

- Does your country practice the Kafala system?
 - If so, are there any reformations your country has done in the past? Which aspects are still kept until today? Are they deemed effective? How can your country improve on it?
 - If not, what are some of the major problems that do not align with your country's beliefs? How can your country push for changes in the countries who follow the Kafala system?
- Does your country have a mature labour system? What are some of the key elements of a mature labour system? Can your country act as an example on how to improve the Kafala system?
- How can your country protect its own migrant workers who are working under the Kafala system in the Gulf States?
- Does your country want to amend or abolish the Kafala system? Why or why not?
- How can your country help to improve the freedom, rights and livelihood of migrant workers under the Kafala system?

(For the above fourth and fifth questions, delegates may consider whether their delegation is vocal on human rights abuses or not and the prioritisation of labour rights domestically)

Bibliography

- <https://www.ilo.org/beirut/areasofwork/labour-migration/lang--en/index.htm>
- <https://www.ilo.org/regions-and-countries/arab-states/ilo-arab-states/areas-work/labour-migration>

- <https://www.theguardian.com/global-development/2024/apr/25/kafala-labour-system-gulf-women-talk-about-life-as-a-domestic-worker-in-the-gulf>
- <https://www.cfr.org/background/what-kafala-system>
- Amnesty International, 'EndKafala: JusticeforMigrantDomesticWorkersinLebanon' [April2019].
- Amnesty International, 'Why do you want to rest? On going abuse of domestic workers in Qatar' [2020]MDE.22/3297/20203,p.62.
- <https://www.lawfaremedia.org/article/the-kafala-system-is-facilitating-labor-abuses-in-the-middle-east>
- [https://www.amnesty.org/en/latest/press-release/2020/10/lebanon-blow-to-migrant-domestic-worker-rights/#:~:text=The%20standard%20unified%20contract%2C%20which,abusive%20kafala%20\(sponsorship\)%20system.](https://www.amnesty.org/en/latest/press-release/2020/10/lebanon-blow-to-migrant-domestic-worker-rights/#:~:text=The%20standard%20unified%20contract%2C%20which,abusive%20kafala%20(sponsorship)%20system.)
- <https://www.hrw.org/news/2020/09/24/qatar-significant-labor-and-kafala-reforms>
- <https://www.bbc.com/news/world-middle-east-54813515>
- <https://hir.harvard.edu/modern-day-slavery-the-kafala-system-in-lebanon/>
- <https://webapps.ilo.org/dyn/migpractice/docs/132/PB2.pdf>
- <https://www.brookings.edu/articles/supporting-indian-workers-in-the-gulf-what-delhi-can-do/>
- <https://www.dol.gov/agencies/ilab/region/middle-east-north-africa>
- <https://indianexpress.com/article/opinion/editorials/death-of-workers-in-kuwait-underlines-vulnerability-of-indian-migrants-9391396/>