

QATAR (TIER 2 WATCH LIST)

Qatar is a destination country for men and women subjected to forced labor and, to a much lesser extent, forced prostitution. Men and women from Nepal, India, Pakistan, Bangladesh, the Philippines, Indonesia, Vietnam, Sri Lanka, Ethiopia, Sudan, Thailand, Egypt, Syria, Jordan, and China voluntarily migrate to Qatar as low-skilled laborers and domestic servants, but some subsequently face conditions indicative of involuntary servitude. These conditions include: threats of serious physical or financial harm; the withholding of pay; charging workers for benefits for which the employer is responsible; restrictions on freedom of movement, including the confiscation of passports and travel documents and the withholding of exit permits; arbitrary detention; threats of legal action and deportation; threats of filing false charges against the worker; and physical, mental, and sexual abuse. In some cases, arriving migrant workers have found that the terms of employment in Qatar are different from those they agreed to in their home countries. One NGO reported, however, that the Qatari National Human Rights Committee handles approximately 700-800 labor-related cases per year, most of which indicate forced labor, but does not generally identify them as such. Many migrant workers arriving for work in Qatar have paid exorbitant fees to recruiters in their home countries - a practice that makes workers highly vulnerable to forced labor once in Qatar. Under the provisions of Qatar's sponsorship law, sponsors have the unilateral power to cancel workers' residency permits, deny workers' ability to change employers, report a worker as "absconded" to police authorities, and deny permission to leave the country. As a result, sponsors may restrict workers' movements and workers may be afraid to report abuses or claim their rights, which contribute to their forced labor situation. In addition, domestic servants are particularly vulnerable to trafficking since they are isolated inside homes and are not covered under the provisions of the labor law. Qatar is also a destination for women who migrate for legitimate purposes and subsequently become involved in prostitution, but the extent to which these women are subjected to forced prostitution is unknown. Some of these victims may be runaway domestic workers who have fallen prey to forced prostitution by individuals who exploit their illegal status.

The Government of Qatar does not fully comply with the minimum standards for the elimination of trafficking. The government did not demonstrate evidence of significant efforts to punish traffickers or proactively identify victims; therefore, Qatar is placed on Tier 2 Watch List for a third consecutive year. Qatar was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. In March 2011, the Qatari Cabinet approved an anti-trafficking law that has been pending since 2006; at the end of the reporting period, this law was awaiting approval by the Emir. The Qatari government also published its "National Plan for Combating Human Trafficking for 2010-2015." Nonetheless, the government has yet to take increased action to

investigate, prosecute, and punish trafficking offenses for forced labor and forced prostitution. The Qatari government also continues to inadequately protect victims of trafficking, particularly by failing to proactively identify victims among vulnerable populations, leading to their sometimes lengthy detentions or other punishments.

Recommendations for Qatar: Enact the draft comprehensive anti-trafficking legislation; increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; institute and consistently apply formal procedures to identify victims of trafficking among vulnerable groups, such as those arrested for immigration violations or prostitution; enforce the sponsorship law's criminalization of passport-withholding and mandate that employees receive residence cards within one week as a means of preventing trafficking abuses; abolish or significantly amend provisions of Qatar's sponsorship law to prevent the forced labor of migrant workers or implement other provisions that make up for the law's shortcomings; collect, disaggregate, analyze, and disseminate counter-trafficking law enforcement data; and implement the National Plan for Combating Human Trafficking for 2010-2015.

Prosecution

The Government of Qatar made minimal efforts to investigate and prosecute trafficking offenses during the reporting period. In March, the Qatari Cabinet approved an anti-trafficking law that prohibits all forms of trafficking and prescribes penalties of at least three years' imprisonment and fines, with prescribed penalties of at least 15 years' imprisonment under aggravating circumstances. These penalties are sufficiently stringent and commensurate with other serious crimes, such as kidnapping. For the majority of the reporting period, however, Qatar did not prohibit all acts of trafficking, but it criminalized transnational slavery under Section 321 and forced labor under Section 322 of its Criminal Law. The prescribed penalty for forced labor - up to six months' imprisonment - is not sufficiently stringent. Article 297 can be used to punish forced or coerced prostitution, and the prostitution of a child below age 15, even if there was no compulsion or redress; the prescribed penalty is up to 15 years' imprisonment, which is commensurate with penalties prescribed for other serious crimes, such as rape. Despite the availability of the statutes above for the majority of the reporting period, the government did not report any clear efforts to investigate, prosecute, or punish trafficking offenses during the reporting period. In addition, prohibitions against common practices that contribute to forced labor, such as passport withholding, were not fully enforced. In May and December, the Qatar Foundation to Combat Human Trafficking (QFCHT) and the National Human Rights Commission (NHRC) conducted anti-trafficking workshops that targeted law enforcement personnel from the Ministry of Interior and the Public Prosecutor's office. The government did not report any investigations, prosecutions, convictions, or sentences of government personnel for complicity in trafficking offenses.

Protection

Qatar made minimal progress in protecting victims of trafficking during the reporting period. The government acknowledges the existence of a labor trafficking problem in the country, however some officials do not equate labor exploitation with human trafficking. Government personnel continued to lack systematic procedures to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for prostitution; victims of trafficking were sometimes punished for acts committed as a direct result of being trafficked. Specifically, Qatar commonly detained and deported potential trafficking victims for immigration violations and running away from their sponsors without determining whether the individuals were victims of trafficking or offering them protection. Victims may also languish in detention centers for up to six months if their employers either fail to return their passports or purchase a plane ticket for them to return to their home countries or if they file false charges of theft against them in retaliation for complaining of abuses or nonpayment of wages; the costs of legal representation under these circumstances are borne by the worker.

In January, the QFCHT conducted training for medical workers who are in direct contact with migrant workers, including the general, health, and mental health indicators of trafficking victims in order to facilitate their identification. In March, police, prosecutors, and judges attended a workshop on victim identification. The government's trafficking shelter reported assisting 147 individuals in 2010 with medical, psychological, and legal care. However, as in previous years, it remains unclear whether all of these were victims of trafficking and whether trafficking victims could access the shelter if their employers had filed charges against them. While identified victims can receive legal assistance from shelter authorities, some employers and sponsors threatened victims in an attempt to keep them from seeking legal redress. Since the 500,000 foreign workers in domestic service in Qatar are not protected by the labor law, they are not permitted to file civil suits against their employers under the labor law's provisions. Civil suits can only be filed for failure to meet the financial obligations of the sponsor toward domestic help; in practice, however, civil suits are rare. Qatar sometimes offered temporary relief from deportation to enable identified victims to testify as witnesses against their employers and has the ability to transfer the identified victim's sponsorship to another employer pending the case. However, the government did not consistently offer victims alternatives to removal to countries where they may face retribution or hardship.

Prevention

Qatar made limited progress in preventing trafficking in persons during the reporting period. In March, the government outlined a national plan of action to combat trafficking in persons for the years 2010-2015. The government did not reform the sponsorship law, which contributes to conditions of forced labor in the country by allowing sponsors to restrict workers' movements.

For example, sponsors may threaten to withhold exit permits required by the sponsorship laws to force workers into servitude or prevent them from reporting abuses. The government reported four cases where workers who were not granted an exit permit due to a sponsor's refusal or other circumstances received an exit permit by other means. While the government enforced prohibitions on sponsors withholding workers' passports by responding to reported abuses through administrative means, it did not proactively or systematically investigate companies to prevent passport withholding, exacerbating migrants' vulnerability to trafficking; employers often made their employees sign waivers allowing them to hold passports. Although the sponsorship law requires an employer to secure a residence card for laborers within seven days, reports indicated that this sometimes does not happen; this restricts migrant workers' mobility and impedes their ability to access health care or lodge complaints at the labor department. The government worked with labor attaches from South Asian countries to resolve cases of labor disputes via conflict mediation. In isolated cases, Qatar restricted foreign government access to its nationals after labor concerns were raised. The government enforced strict laws of morality in accordance with Islamic principles in an effort to reduce the demand for commercial sex acts and targeted Qataris traveling to known child sex tourism destinations abroad.