THE UGLY SIDE OF THE BEAUTIFUL GAME

EXPLOITATION OF MIGRANT WORKERS ON A QATAR 2022 WORLD CUP SITE

AMNESTY INTERNATIONAL

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Qatar, DOHA - JANUARY 31, 2016: A general view of cranes and building works during the construction and refurbishment of the Khalifa International Stadium in the Aspire Zone, Doha, Qatar, the venue for group and latter stage matches for the 2022 FIFA World Cup.
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First published in 2016
by Amnesty International Ltd
Peter Benson House, 1 Easton Street
London WC1X ODW, UK

Index: MDE 22/3548/2016
Original language: English
Printed by Amnesty International,
International Secretariat, UK

amnesty.org

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CONTENTS

1. EXECUTIVE SUMMARY **4**

1.1 Methodology 11

2. BACKGROUND **13**

3. LABOUR EXPLOITATION AT KHALIFA INTERNATIONAL STADIUM – A WORLD CUP SITE **16**

4. BUSINESSES RESPONSIBLE FOR THE ABUSE AT KHALIFA **33**

4.1 Eversendai: Abuses on the Khalifa refurbishment project 38

4.2 Midmac-Six Construct JV 48

4.3 Nakheel Landscapes 53

4.4 Aspire Zone Foundation 59

5. FAILURE OF THE STATE TO PROTECT MIGRANT WORKERS **64**

6. FIFA: PERSISTENT FAILURES OF DUE DILIGENCE **69**

7. CONCLUSION **73**

7.1 Recommendations 74

1. EXECUTIVE SUMMARY

> ***"My life here is like a prison. The work is difficult, we worked for many hours in the hot sun. When I first complained about my situation, soon after arriving in Qatar, the manager said 'if you [want to] complain you can but there will be consequences. If you want to stay in Qatar be quiet and keep working'. Now I am forced to stay in Qatar and continue working."***
>
> Deepak, metalworker on Khalifa International Stadium, a FIFA 2022 World Cup venue, speaking in May 2015

In 2010 FIFA awarded the 2022 World Cup to the Gulf state of Qatar. The country embarked on massive construction projects to build stadiums and other infrastructure necessary to host the tournament. One of these projects is an extensive refurbishment of the Khalifa International Stadium, one of Qatar's main sporting venues. Khalifa Stadium is situated in the Aspire Zone, also known as Sport City, a public area that has a number of sporting fields and facilities.

In 2015 Amnesty International identified more than 100 migrant workers employed on the Khalifa Stadium who were being subjected to human rights abuses by the companies for which they worked. The organization also found that the labour rights of migrant workers involved in landscaping green spaces in the Aspire Zone surrounding Khalifa Stadium were being abused by their employer.

Migrant workers, mainly from South Asia, comprise more than 90% of Qatar's workforce. The men and women who come to Qatar for employment do so under a sponsorship system that enables their employers to exercise significant control over their lives. Every migrant worker in Qatar must have a "sponsor", who must also be his or her employer. Migrant workers need their sponsor's permission to change jobs or leave the country. If a sponsor withdraws sponsorship migrant workers can be deported at any time, without any process to challenge their deportation. As many migrant workers take on large debts to finance their move to Qatar, and have families who are dependent on their salary, they are easily exploited.

Exploitation of migrant workers in Qatar, particularly in the construction sector, has been widely reported by human rights and trades union groups and the international media, particularly since 2010. Amongst the most frequently-reported problems facing migrant workers are: deceptive recruitment practices which see migrant workers promised more favourable conditions of work by recruiters in their home country than they are given on arrival in Qatar; employers compelling workers to live in squalid conditions; employers confiscating workers' passports and denying them the exit visa they need to leave Qatar; late or non-payment of wages; and employers not giving workers proper identity documents, which leaves them exposed to arrest. In extreme, but not exceptional, cases migrants are subjected to forced labour.

Amnesty International carried out research on the Khalifa Stadium refurbishment and the Aspire Zone between February 2015 and February 2016. Researchers visited Qatar three times and interviewed 234 men in total working for the companies responsible for the abuse. They visited the labour camps where the men were living, reviewed publically available documentation on the projects and met with the organization responsible for delivery of the World Cup in Qatar, the Supreme Committee for Delivery and Legacy. Researchers also engaged in correspondence with companies responsible for the Khalifa Stadium and Aspire Zone projects.

COMPANIES AND ORGANIZATIONS RESPONSIBLE FOR KHALIFA STADIUM AND ASPIRE ZONE PROJECTS

Work on all World Cup sites is carried out under the auspices of the Supreme Committee for Delivery and Legacy, the body set up by the Government of Qatar to deliver the World Cup. The work on the Khalifa Stadium refurbishment involves a chain of contractors reporting ultimately to a single client. That client is the Aspire Zone Foundation, which, on the Khalifa Stadium project, operates on behalf of the Supreme Committee. The Foundation was created by Emiri decree in 2008 with the aim of establishing Qatar as a global centre for elite sporting events. Aspire Zone Foundation appointed a main contractor for Khalifa Stadium, a joint venture company involving Midmac, a Qatari construction company, and Six Construct, a subsidiary of the Belgian company Besix.

While the Midmac-Six Construct joint venture (JV) has overall responsibility for the work on Khalfia Stadium, other companies are employed on the site to carry out specific elements of the refurbishment. One of these companies is Eversendai Qatar, a subsidiary of the Malaysian company, Eversendai. For the work on Khalifa, Eversendai used at least two labour supply companies: Seven Hills and Blue Bay. Labour supply companies are small operations in which a sponsor brings a number of migrant workers to Qatar and then hires them out to other companies to do work. Labour supply companies generally do not engage in specific commercial activity themselves; essentially their business is the hiring out of people.

In 2014 the Supreme Committee established the Workers' Welfare Standards for all World Cup sites. These Standards are included in contracts awarded to companies working on World Cup sites. They cover all of the main labour issues that have been documented as problems in Qatar, including ethical recruitment, timely payment of salaries, and a complete prohibition of forced labour. Many of these issues are also covered in Qatar's laws. In particular Qatari law prohibits retention of passports, delayed payment of wages and deceptive recruitment.

The work on the Aspire Zone green spaces is being done by Nakheel Landscapes, a Qatari company. Aspire Logistics, a part of the Aspire Zone Foundation, is the client for this project. The landscaping of the Aspire Zone green areas is not an official World Cup project.

HUMAN RIGHTS ABUSES ON KHALIFA STADIUM AND THE ASPIRE ZONE

All of the men interviewed by Amnesty International said they had taken out loans to pay for recruitment-related fees – usually to recruitment agents in their home country. Qatari law prohibits charging migrant workers recruitment fees but the practice is widespread.

Many of the migrant workers who spoke to Amnesty International reported arriving in Qatar to find that the terms and conditions of their work were different from those that they had been promised by recruiters in their home country. The main form of deception that workers reported was with regard to salary. All but six of the 234 men interviewed told Amnesty International that, on arrival in Qatar, they learned that their salaries would be lower than the amount they were promised. Deceptive recruitment practices increase workers' vulnerability to trafficking for labour exploitation and forced labour. Having paid fees and, in many cases, taken on debt to move to Qatar they felt they had no option but to accept the lower salaries, although many were then left in very difficult situations, struggling to repay loans with less money than expected.

None of the companies contacted by Amnesty International had taken any effective action to combat this problem. Nakheel Landscapes told Amnesty International that it was shocked by the information and would take action. However Nakheel workers described telling their manager that their salary was lower than promised and being ignored. One man said that a Nakheel manager told him: "what you were promised in Bangladesh is not my problem".

When Amnesty International first encountered the men involved in the Khalifa Stadium refurbishment and the Aspire Zone landscaping projects in 2015, they were living in squalid labour camps, with overcrowded rooms and few facilities. In one case the main entrance road to the camp was flooded due to inadequate drainage, and smelled of raw sewage. All of the accommodation sites were clearly in breach of both Qatari law and the Supreme Committee's Workers' Welfare Standards.

Some of men interviewed by Amnesty International were later moved to better accommodation. This included men working for Eversendai, who were moved in mid-2015. Eversendai was awarded the contract on Khalifa Stadium in August 2014 but the Midmac-Six Construct JV only checked its labour camp in January 2015 and discovered the sub-standard conditions in which migrant workers were compelled to live. While the men who worked directly for Eversendai were rehoused, the men who worked for labour supply companies that Eversendai used on Khalifa Stadium were not. These men, brought onto the Khalifa site by Eversendai between October 2014 and June 2015, continue to live in the same appalling conditions as of February 2016.

The men working for Nakheel Landscapes on the landscaping of the green spaces in the Aspire Zone were also living in sub-standard accommodation in labour camps. Nakheel Landscapes moved its workforce to new accommodation at the end of 2015.

The vast majority of the workers whom Amnesty International interviewed had their passports confiscated by their employers, in contravention of Qatari law. Retention of passports can stop workers from exercising their right to leave a country and makes them more vulnerable to forced labour. Some of the companies subsequently returned passports to their employees; however, this appears to have only taken place after Amnesty International wrote to the companies.

Eversendai stated that workers had signed a release form to allow the company to hold passports. This is not a satisfactory explanation. The current law does not provide for employers holding passports under any circumstances and workers may not be in a position to refuse to sign a release form. Nakheel did not provide any explanation for retaining the passports of its staff, but stated it had now returned them.

Men working on Khalifa Stadium told Amnesty International about irregular and delayed payment of salaries which was a source of great anxiety for them, as most had large debts to pay off. For example, men working for the labour supply company Seven Hills told Amnesty International that their pay was several months in arrears. They reported not being paid for the first three or four months after arriving in Qatar. Although they were subsequently paid monthly, their pay was permanently several months in arrears. This practice is of significant concern because it appears to be used as a threat in some cases: the worker is told that if they do not continue working they will not get the pay that is owed to them. Arrears and delays in payment of wages constitute an abuse of labour rights and in particular the right to just and favourable remuneration.

Eighty-eight men told Amnesty International they were denied the right to leave Qatar. For example, seven men from Nepal, who were employed by Seven Hills but working for Eversendai on Khalifa Stadium, wanted to return home to check on families after the earthquakes that hit Nepal in April and May 2015, but Seven Hills did not allow them to do so. They told Amnesty International of their despair at not knowing if their families were alive and not being able to return home to see them. This occurred while the men were working for Eversendai on the Khalifa Stadium project. Amnesty International raised these cases with Eversendai but the company did not respond.

Amnesty International found evidence that some workers on Khalifa Stadium appear to have been subjected to forced labour. These men were working for the labour supply company, Seven Hills. The risk of forced labour was exacerbated by the fact that many migrant workers were unclear about the terms of their employment and faced contract substitution or lower pay than promised. The penalties used by company managers to exact work from the workers included the threat of non-payment of wages, being deported or, conversely, not being allowed to leave Qatar because the employer would not provide an exit permit. One worker recalled "I went to the company office, telling the manager I wanted to go home [back to my country] because always my pay is late. The manager screamed at me saying 'keep working or you will never leave!'" The manager also threatened that unless the man kept working the company would withhold the delayed salary owed to him. Another worker on Khalifa Stadium told Amnesty International, "I am an electrician and I agreed to electrician work but when I came to Qatar they gave me electrician work for only the first two months. After that they said I had to do iron fitting work." When he and others complained to a manager, the manager said "work for another 1-3 months and accept whatever you get. If you don't work, you won't get paid and you won't get your passport back."

Amnesty International considers that the existence of the exit permit system in its current form constitutes a violation of the right to freedom of movement. When employers use their power under this system to prevent migrant workers from leaving Qatar, they are responsible for breaching the workers' right to freedom of movement.

The men working on Khalifa also reported a number of other problems, including not having residence permits, which means they are at risk of arrest and deportation. It is up to employers to arrange with the authorities for these documents to be issued. When Amnesty International raised the lack of documentation with the companies and the contractors, they either denied it or did not address the issue.

CORPORATE DUE DILIGENCE FAILURES ALL ALONG THE CONTRACTING CHAIN

Under international standards on business and human rights all companies must respect all human rights. This includes labour rights. This is articulated in the UN Guiding Principles on Business and Human Rights (UNGPs), an internationally-accepted set of standards endorsed by the UN Human Rights Council. The responsibility to respect human rights extends not only to the company's own activities but also to its business relationships, such as relationships with sub-contractors. The UNGPs note that a company's "activities" include both actions and omissions.

To meet the responsibility to respect human rights, companies should have in place a human rights due diligence process to identify, prevent, mitigate and – where necessary – redress human rights abuses connected to their operations. In the context of the construction sector in Qatar, companies are responsible for how they treat the men and women employed directly by them, but must also act with due diligence to ensure that companies they sub-contract do not abuse the rights of people working for them.

The exploitative labour practices that Amnesty International documented occurred in the context of the operations of Eversendai and Nakheel.

In the case of Eversendai, the company abused the rights of workers who it directly employed, including by housing them in a cramped and dirty labour camp and retaining their passports. Both of these abuses were subsequently rectified. Eversendai also failed to act with due diligence with respect to workers from the labour supply companies it used. Eversendai is responsible for bringing companies onto a World Cup site that clearly did not abide by the Workers' Welfare Standards. Of particular concern is the fact that Eversendai did not respond to evidence that migrant workers were subjected to forced labour while working for the company on Khalifa Stadium.

While the abuses were under the direct supervision of Eversendai the main contractor, Midmac-Six Construct JV has overall responsibility for the World Cup site. Despite the provisions of the Workers' Welfare Standards, which require the main contractor to ensure that sub-contractors are operating in line with the Standards, the Midmac–Six Construct JV did not examine the conditions in which Eversendai workers were living until months after the contract was agreed. Midmac-Six Construct was not aware of the labour supply company workers on the Khalifa site until Amnesty International raised the issue with them. Responding to the evidence that workers had been subjected to deceptive recruitment and delays in payment of salaries, the company said it asked companies to self-report on this issue. Although Amnesty International presented evidence that some of the men working for labour supply companies had been subjected to forced labour, and specifically that the powers given to employers under the sponsorship system to prevent workers leaving Qatar or, conversely, have them deported, had been used to threaten workers, Midmac-Six Construct JV did not respond to this issue.

Nakheel not only failed to house its workforce in decent accommodation until late 2015, the company failed to act with due diligence in the recruitment of migrant workers. Nakheel has operated in Qatar for 18 years. Deception in the recruitment process is widespread. To suggest, as Nakheel did to Amnesty International, that the problem has only come to its attention in 2015 represents a deeply problematic disregard for the rights of migrant workers it employs. While Amnesty International interviewed 102 men working for Nakheel, 99 of whom worked in the Aspire Zone, the failure to check on deceptive recruitment is likely to be systematic problems affecting the entire migrant labour workforce.

Aspire Zone Foundation, the ultimate client for both Khalifa Stadium and the Aspire Zone green spaces, said that while it denied any abuse had occurred it had ordered an investigation. The Foundation went on to say: "It is worth noting that our initial investigations do not show widespread infringement in the [Workers' Welfare] standards." This statement is not consistent with the facts. Some of the problems documented by Amnesty International, which must have become known to Aspire Zone Foundation in any reasonable investigation, represent serious and systemic infringements of the Workers' Welfare Standards and Qatari law. This includes the sub-standard accommodation in which two key contractors – Eversendai and Nakheel – housed migrant workers, and the retention of passports.

THE GOVERNMENT OF QATAR'S RESPONSIBILITY

Ultimately the Government of Qatar is responsible for the human rights abuses occurring in the country. As noted above, Qatar's sponsorship system is at the heart of much of the most egregious labour exploitation. The sponsorship system gives employers significant power over migrant workers they employees. In October 2015 the Emir of Qatar approved Law No. 21 of 2015 which will replace the 2009 Sponsorship Law. It will come into effect from December 2016. The new law creates a system for migrant workers to appeal a sponsor's decision to refuse them an exit permit to leave the country. It also increases the state's oversight of the process by which workers seek to change jobs or leave Qatar. However, migrant workers were still required to obtain their sponsor's approval to change jobs or leave the country. The situation of migrant workers is made more precarious by the authorities' persistent failure to enforce the laws that do exist to protect workers' rights.

As far as Amnesty International is aware none of the workers whose cases are documented in this report brought a complaint to the authorities about the human rights abuses they were experiencing. Amnesty International raised the abuses at Khalifa Stadium and the Aspire Zone with the Government of Qatar, in writing. The government's response did not address any of the specific abuses, despite the fact that several of the cases involved breaches of Qatar's laws.

While the majority of the workers in Qatar have only the poorly-applied legal framework upon which to rely, those engaged on World Cup sites should be covered by the Supreme Committee for Delivery and Legacy's Workers' Welfare Standards. The Supreme Committee has demonstrated a consistent commitment to ensuring the rights of workers on World Cup sites are respected and protected. In addition to developing the Workers' Welfare Standards, the Supreme Committee has met with Amnesty International and other human rights groups and sought input on the Standards and their application, and has reviewed progress and published data regularly. The Committee has also consistently responded to reports of abuse.

However, there are some fundamental problems with the Supreme Committee's approach to monitoring and enforcing the Workers' Welfare Standards, as demonstrated by the abuses discovered on the Khalifa Stadium project. Firstly, although the Standards are supposed to apply to all companies and workers on World Cup projects, the Supreme Committee has focused on compliance by the main contractors. This approach ignores the evidence that migrant workers' rights are generally at greater risk when they are working for small sub-contractors and labour supply companies. Some of the most egregious abuses that Amnesty International documented on Khalifa Stadium were perpetrated by labour supply companies that the Supreme Committee did not even know were involved with the project.

Second, the Supreme Committee's processes place significant reliance on self-auditing by companies. This approach is not sufficient to identify, prevent and remedy labour rights abuse. In Amnesty International's experience, it is the very companies that are most likely to abuse rights that also abuse self-reporting processes. In the case of Khalifa Stadium, self-audits do not appear to have detected serious problems.

Finally, the Supreme Committee's focus has been substantially on the quality of accommodation. While this is important, other serious issues including deception in the recruitment process, the practice of paying workers several months in arrears, and forced labour have not received sufficient attention.

FIFA

While the Supreme Committee has shown a commitment to the rights of migrant workers on World Cup projects in Qatar, the same cannot be said for FIFA. Qatar's World Cup bid made clear that major construction work was needed to prepare for the tournament, including the refurbishment of Khalifa Stadium. In 2010, when FIFA awarded the 2022 World Cup to Qatar, it knew, or ought to have known, that most construction work in Qatar involves migrant workers and that migrant workers were subjected to serious and systemic labour exploitation. Yet FIFA did not put in place any measures to ensure that the men who would build the World Cup infrastructure would not be exploited.

Amnesty International presented the evidence of human rights abuses of migrant workers engaged on the Khalifa Stadium project to FIFA. FIFA did not engage with any of the specific abuses, and did not suggest that the organization would take any action to address them. FIFA instead pointed to some of the steps taken by the Supreme Committee.

Describing its current due diligence approach FIFA said it has had "preliminary meetings and inspection visits of construction sites. FIFA set up a 2022 FIFA World Cup Sustainability Working Group…the first meeting was held in November 2015." (emphasis added). FIFA also told Amnesty International that it is "in the process of formalizing its human rights due diligence process". FIFA did not provide any explanation as to why, when the World Cup was awarded to Qatar in 2010, it has taken five years to establish due diligence process.

Overall, Amnesty International found FIFA's response failed to demonstrate any genuine commitment to ensuring the rights of migrant workers on World Cup sites are not abused.

Having awarded the 2022 FIFA World Cup to Qatar, it is incumbent on FIFA to engage in a robust and ongoing process of human rights due diligence that addresses the specific risks and actual impacts on the rights of individuals. On the evidence presented, this is not happening. FIFA's continued failure to take any meaningful action on the issue of labour exploitation means that thousands of migrant workers involved in World Cup construction sites are at risk of exploitation. Moreover, as football fans who travel to Qatar for the World Cut will stay in hotels, eat in restaurants and otherwise engage with service industries in which migrant workers are employed, FIFA must consider the wider human rights context of migrant workers in Qatar as part of its human rights due diligence.

Amnesty International has made a number of detailed recommendations to the Government of Qatar, the Supreme Committee for Delivery and Legacy, the companies involved in the Khalifa Stadium and Aspire Zone projects, and FIFA.

The organization continues to call on the Qatari authorities to end the system whereby employers have any influence over whether a person can leave Qatar and to ensure migrant workers can change jobs without seeking the permission of their sponsor. In addition, Qatar must significantly increase its capacity to detect and address breaches of the country's labour laws.

The Supreme Committee should revise its approach to monitoring and enforcement of the Workers' Welfare Standards to ensure it is looking at smaller contractors as a matter of urgency. The Committee should also take a more investigative approach to identifying breaches of the Standards. Specifically, Amnesty International is calling on the Supreme Committee to follow up on the cases of Seven Hills and Blue Bay.

The Aspire Zone Foundation plays a key role in the promotion of sports in Qatar. Its current approach to the abuse of the rights of migrant workers engaged on projects for which it is responsible is weak. The Foundation should develop a robust due diligence framework that ensures risks to human rights are identified and addressed.

Amnesty International has made detailed recommendations to the companies involved in the Khalifa Stadium refurbishment and the Aspire Zone landscaping with regard to each specific abuse documented. All of the companies have failed to exercise effective due diligence with regard to the rights of migrant workers. Amnesty International has also called on the companies to take action to remedy the abuses in a manner that respects the rights and dignity of the workers. All of the companies must address deception in the recruitment process by engaging directly with the recruitment agents they use. Asking recruitment agents to self-report is insufficient.

Finally, Amnesty International is calling on FIFA to make a step-change in the way it is addressing the rights of migrant workers on World Cup sites in Qatar. Having failed for more than five years to exercise due diligence, FIFA must now ensure that the processes it is putting in place are fit for purpose and will protect workers' rights. In addition, FIFA must consistently and robustly engage the Government of Qatar to call for an end of employer's control over the rights of workers to leave Qatar. If FIFA fails to do this, every woman, man and child who visits Qatar to see the 2022 World Cup is likely to directly encounter migrant workers – in hotels, sports venues, shops – whose human rights have been abused.

1.1 METHODOLOGY

Amnesty International carried out research for this report between February 2015 and February 2016. Researchers visited Qatar three times and interviewed 234 migrant workers (all men) working for companies carrying out work on Khalifa International Stadium and green spaces in the Aspire Zone. Interviews were conducted in English, Hindi, Nepali and Bangla. Researchers also visited the labour camps where the men were living.

The 234 men worked for different companies, the breakdown is as follows:

- 102 worked for a landscaping company, Nakheel Landscapes, which was carrying out landscaping work on the Aspire Zone green areas (99 of the men were working on the Aspire Zone project while three worked on other projects);

- 132 men told Amnesty International that they worked on the Khalifa Stadium refurbishment. 24 worked directly for a contractor, Eversendai Qatar; the other 108 worked for labour supply companies, which are small companies that hire migrant workers out to other companies. All of these men described their work Khalifa Stadium, and provided the names of the labour supply companies for which they worked. Four companies were named. Amnesty International was able to confirm the existence of two of the four labour supply companies, and to identify the company that hired men from these labour supply companies to work on Khalifa Stadium. In the case of the 34 men who worked for the other two labour supply companies, while their testimonies have informed this report, Amnesty International was unable to discover which company officially working on Khalifa Stadium had hired them. The main contractors and sub-contractors on construction projects did not make the full list of companies sub-contracted to work on the site available, despite repeated requests from Amnesty International for such information. In some cases the main contractors do not know that labour supply companies are on site. Amnesty International also requested that the Supreme Committee for Delivery and Legacy provide a full list of companies subcontracted to work on the site but it was not provided. Some of this information featured in a Supreme Committee presentation at a meeting with Amnesty International in January 2016 however researchers' requests for a copy of the relevant content were declined.

Researchers met with representatives of the Government Communications Office, the Ministry of Interior (Search and Follow Up Department) and the Ministry of Labour and Social Affairs, as well as representatives of the Supreme Committee for Delivery and Legacy and the Aspire Zone Foundation.

Amnesty International engaged in detailed correspondence with the companies who employed the migrant workers interviewed, and reviewed publicly available documentation to establish certain facts regarding contracts and sub-contracts for the Khalifa Stadium refurbishment.

Almost all of the 234 workers interviewed were fearful of complaining about their situation, including to Amnesty International representatives, because they were concerned about reprisals from their employers, such as being turned over to the authorities as 'absconded workers' - a crime under Qatari law - and deported against their will. Because of this, Amnesty International has changed the names of the individuals quoted in this report to protect their identities.

This report builds on past work by Amnesty International on migrant labour abuse in Qatar, including: *Promising little, delivering less: Qatar and migrant labour abuse ahead of the 2022 Football World Cup (2015); No extra time: How Qatar is still failing on workers' rights ahead of the World Cup (2014); My sleep is my break: Exploitation of migrant domestic workers in Qatar (2014);* and *The dark side of migration: spotlight on Qatar's construction sector ahead of the World Cup (2013)*.

2. BACKGROUND

Workers constructing Khalifa Stadium arch.The majority of Khalifa Stadium workers Amnesty International spoke to were steel and metal workers, May 2015. © Amnesty International

The Gulf state of Qatar has seen a dramatic economic transformation over the last two decades, fuelled largely by the growth of its oil and gas sector. The most visible sign of its transformation has been a massive increase in construction across the country. The 2022 Football World Cup, which FIFA awarded to Qatar in 2010, has been at the heart of Qatar's construction boom, prompting the building not just of stadiums but also of hotels and other infrastructure needed to facilitate tourism.[1]

The expansion of the construction sector has led to unprecedented population growth in Qatar, driven by the recruitment of migrant workers who come predominantly from South Asian countries. In 2015 the 1.7 million migrant workers living in Qatar, accounted for more than 90% of the country's workforce.[2]

1. See, for example, information about the Qatar Rail and Doha Metro projects being designed to transport football fans to stadiums, available at the Qatar Rail website: http://www.qr.com.qa/English/Projects/Pages/DohaMetro.aspx (accessed 12 March 2016) or venues to host competition-related events such as the Qatar National Convention Centre and the Doha Convention Center which will also operate as a local FIFA headquarters during the tournament.
2. Qatar Ministry of Development Planning & Statistics, *Labor Force Sample Survey: The first quarter of 2015*, Table 6, available at http://www.qix.gov.qa/portal/page/portal/QIXPOC/Documents/QIX%20Knowledge%20Base/Publication/Labor%20Force%20Researches/labor%20force%20sample%20survey/Source_QSA/Labor_Force_Quarterly_Jan_Mar_Statistics_MDPS_AE_Q1_2015.pdf (accessed 11 March 2016).

Exploitation of migrant workers is widespread in Qatar across all industries, including construction, hospitality, oil and gas and agriculture, as well as amongst domestic work. The issue has received international attention since the country was awarded the World Cup, but the problem has been documented for many years.[3] Among the most frequently reported problems are employers deceiving migrant workers about the nature of the work for which they are being hired, or the salary they will be paid; grossly inadequate living condition; delays in payment of salaries, which can leave workers struggling to survive; workers left without residence permits; and workers being denied the right to leave Qatar. Qatar has a number of laws that should protect the rights of migrant workers, but these are poorly enforced. Moreover, a central element of Qatar's legal framework on migrant labour – the Sponsorship Law – undermines the effectiveness of the labour protections that exist.[4] Qatar's sponsorship system is at the heart of labour rights concerns because it gives employers an excessive level of control over the lives of foreign workers. Every migrant worker in Qatar must have a "sponsor", who is also the worker's employer. Workers cannot change jobs without their sponsor issuing a "No Objection Certificate" indicating their permission. Migrant workers cannot leave Qatar without obtaining an "exit permit" from the authorities, and such permits can only be obtained if the sponsor gives permission. It is therefore extremely difficult for migrant workers to leave exploitative situations, as the individual responsible for the labour abuse is also the individual who must give the worker permission to leave Qatar. Amnesty International considers that the existence of the exit permit system in its current form constitutes a violation of the right to freedom of movement.[5]

WORLD CUP PROJECTS

The Supreme Committee for Delivery and Legacy, the national body responsible for managing the construction of stadiums and other projects for the 2022 World Cup, has publicly acknowledged the importance of the preventing labour exploitation on World Cup construction sites. It has taken a number of steps to address the most common problems encountered by migrant workers. In February 2014, the Supreme Committee published its Workers' Welfare Standards. These standards are more rigorous than the protections in Qatar's Labour Law and mandatory for all businesses undertaking work or providing services in relation to the 2022 FIFA World Cup.[6]

As part of Qatar's commitments to host the FIFA World Cup, the country is building seven new stadiums. The Khalifa International Stadium is being extensively refurbished, necessitating significant construction works. Khalifa Stadium is located in the Aspire Zone, a vast sporting complex on the outskirts of Doha. The Supreme Committee is overseeing the refurbishment work on Khalifa Stadium. It involves a number of companies as well as the government-funded organization, Aspire Zone Foundation, which was created by Emiri decree in 2008[7] with the aim of establishing Qatar as a global centre for elite sporting events.[8]

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3. See Amnesty International, *My Sleep Is My Break: exploitation of migrant domestic workers in Qatar*, (Index Number: MDE 22/004/2014), 23 April 2014; Amnesty International, *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; Human rights Council, *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau, (A/HRC/26/35/Add.1) 23 April 2014, available at http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf (accessed 12 March 2016); DLA Piper, *Migrant Labour in the Construction Sector in the State of Qatar*, April 2014, available at http://www.engineersagainstpoverty.org/documentdownload.axd?documentresourceid=58 (accessed 12 march 2016).
4. For a fuller discussion of the legal framework see Amnesty International, "*The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*", (Index Number: MDE 22/010/2013), 17 November 2013.
5. See Amnesty International, *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013, page 100
6. Supreme Committee for Delivery and Legacy, *Workers' Welfare Standards*, Edition 1, February 2014, Article 3.2
7. Emiri Resolution No. 1 of 2008 establishing the Aspire Zone. Aspire Zone Foundation is comprised of three membership organisations or "Strategic Business Units" that manage different aspects of the Foundation's functions: Aspire Logistics is responsible for the management of Aspire Zone Foundation venues, facilities and events. Aspire Academy provides sports training and education to student athletes and in recent years has operated as a venue for winter training camps for elite Europeans football clubs. Aspetar is a FIFA-accredited specialised orthopaedic hospital and sports medicine research facility which provides expert medical care for international footballer and athletes. It has served as the official medical partner of national football teams during international tournaments.
8. Aspire Zone Foundation website, "*Sport Services*", http://www.aspirezone.qa/sportsservices.aspx?lang=en (accessed 30 September 2015).

This report focuses on the refurbishment of Khalifa Stadium which began in 2014, and the landscaping of the Aspire Zone green areas around the stadium. The Khalifa Staidum refurbishment is a World Cup project. The landscaping of the Aspire Zonee green spaces around the stadium is not an official World Cup project.

Chapter 3 summarises the abuses experienced by more than 200 men working on the Khalifa Stadium refurbishment and the landscaping of the Aspire Zone green areas, telling their stories in their own words. Chapter 4 examines the companies involved and their responsibility for the abuses. This chapter also includes their responses to the allegations of abuse raised by Amnesty International. Chapter 5 looks at the action and failures of the government, and the government-established Supreme Committee for Delivery and Legacy. FIFA's role and responsibilities are examined in Chapter 6. Chapter 7 presents Amnesty International's conclusions and recommendations.

3. LABOUR ABUSE: KHALIFA INTERNATIONAL STADIUM AND ASPIRE ZONE

> ***"The sweeping arc and undulating roof of Khalifa International Stadium are visible from afar, providing a striking introduction to the Aspire Zone… Khalifa International Stadium forms an integral part of [a] vast sporting facility. Located approximately 14 kilometres from the centre of Doha [capital of Qatar], the Aspire Zone is the home to Aspire Academy, which is training many of the young players who are expected to form the backbone of Qatar's 2022 squad. Aspetar, a FIFA Medical Centre of Excellence credited with helping top footballers from around the world recover from injuries, is there too, as are numerous other world class sporting facilities.[9]***
>
> Supreme Committee for Delivery and Legacy website profile of Khalifa International Stadium

God knows there are days when I cannot continue, everything becomes too much. My basic [monthly] salary is only 600 riyals (US$160), most of that is taken up by my loan. The only thing that keeps me alive is the thought of my children. – Sakib, Aspire Zone gardener. [10]

9. Supreme Committee for Delivery and Legacy "*Khalifa International Stadium*", undated, http://www.sc.qa/en/stadiums/khalifa-international-stadium (accessed 29 November 2015).
10. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

MIGRANT WORKERS ABUSED AT 2022 WORLD CUP VENUE, KHALIFA INTERNATIONAL STADIUM

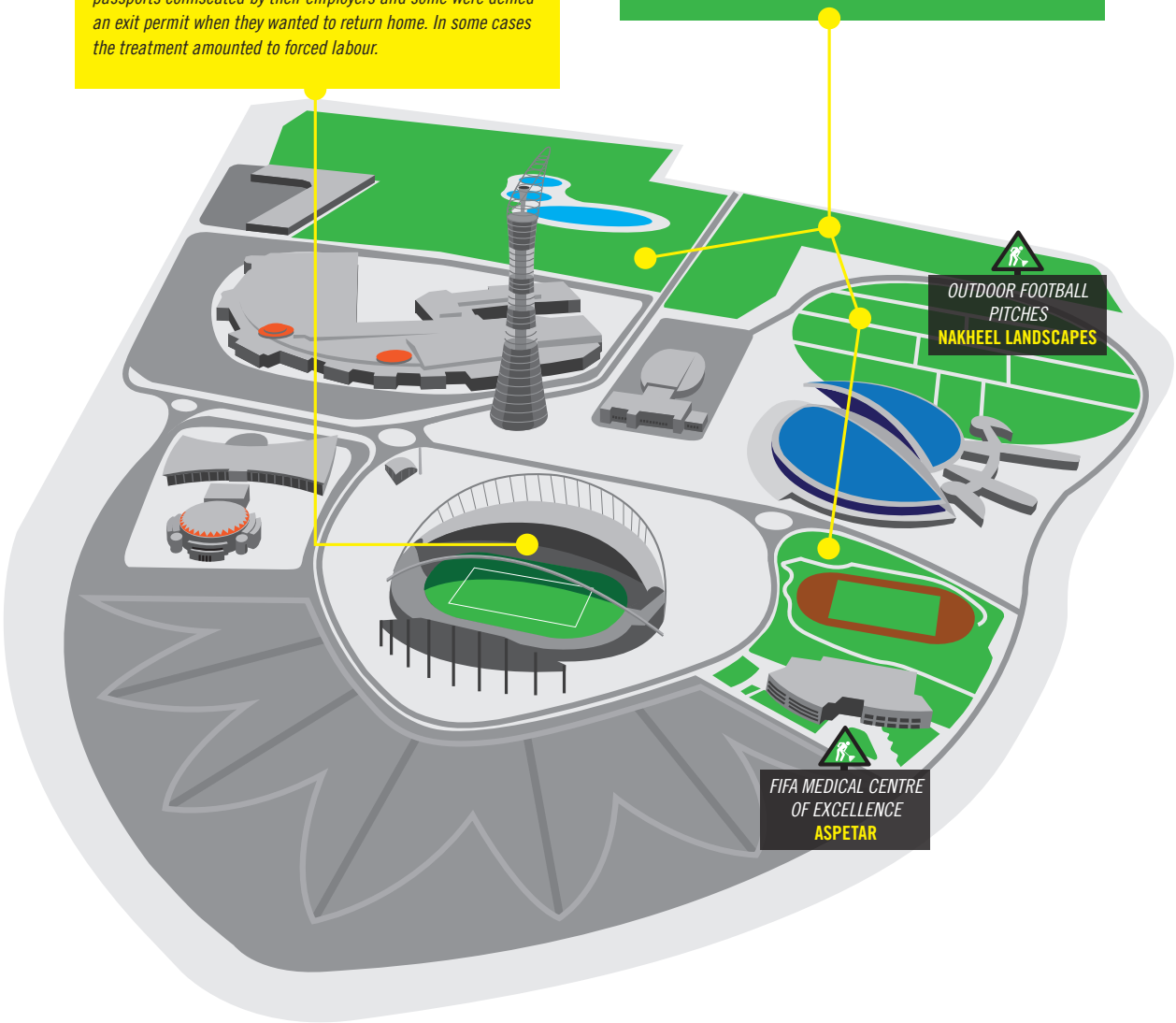
Amnesty International interviewed more than 200 migrant workers rebuilding the stadium and maintaining the surrounding green spaces at the Aspire Zone sporting complex. All of the men reported being exploited in some way.

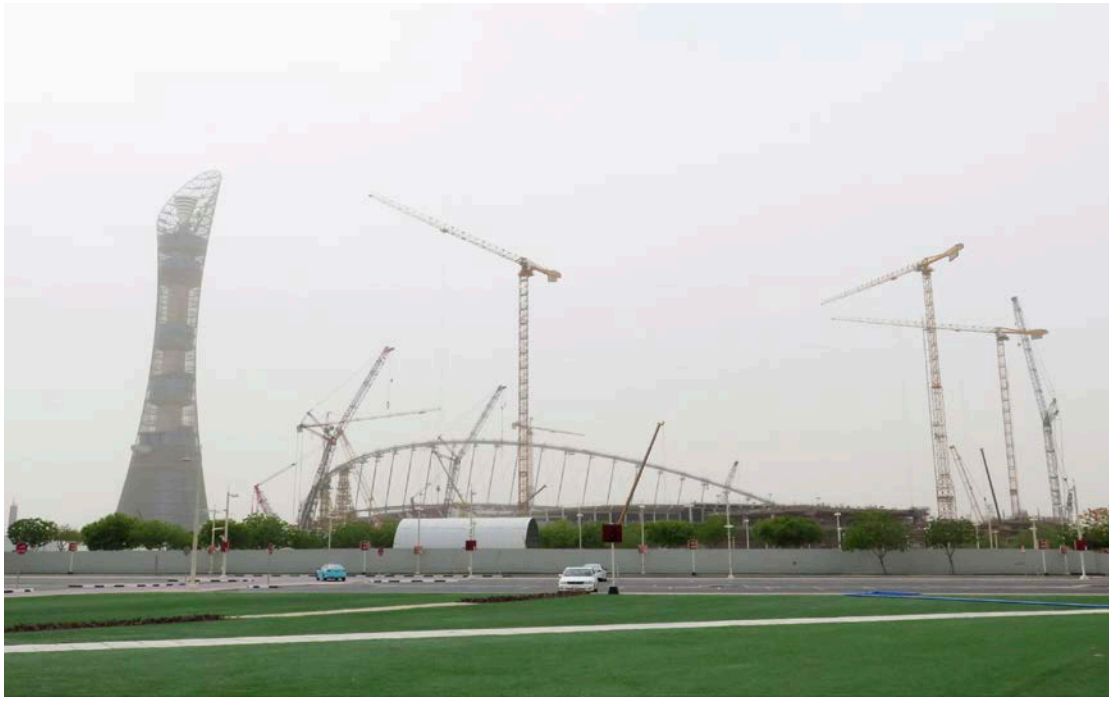
KHALIFA INTERNATIONAL STADIUM

Amnesty International interviewed 132 of the men working on Khalifa Stadium. When Amnesty met them they were living in cramped and unhygenic labour camps. Many described how they had paid large sums of money and taken on debt in their home country in order to get a job in Qatar but were now being paid less than they had been promised. All of the men had their passports confiscated by their employers and some were denied an exit permit when they wanted to return home. In some cases the treatment amounted to forced labour.

ASPIRE ZONE

99 migrants workers maintaining the green spaces in the surrounding Aspire Zone sports complex were housed in squalid and cramped accommodation. They all reported being paid less than promised and had paid substantial fees in their home country. Their passports were confiscated by the company on arrival in Qatar.





The refurbishment of Khalifa International Stadium began in August 2014. The surrounding Aspire Zone green spaces and sports facilities are often used by elite athletes from around the world, May 2015.
© Amnesty International

On Thursday 8 October 2015, the Supreme Committee for Delivery and Legacy gave journalists a tour of the extensive construction work being carried out on one of the main venues for the World Cup, Khalifa International Stadium.[11] Inside the construction site, according to one of the journalists who did the tour, a large banner proudly declared "3.7 million man-hours without Lost Time Accidents".[12] He said that migrant workers who spoke to him and other journalists described their work and experience of Qatar in positive terms. The picture that emerged during the October 2015 media event contrasts sharply with the findings of an Amnesty International investigation into the treatment of men working on the Khalifa Stadium refurbishment.

"My life here is like a prison," Deepak from Nepal, who worked as a metal worker on the Khalifa Stadium refurbishment in May 2015, told Amnesty International. "The work is difficult, we worked for many hours in the hot sun. When I first complained about my situation, soon after arriving in Qatar, the manager said 'if you complain you can but there will be consequences. If you want to stay in Qatar be quiet and keep working'. Now I am forced to stay in Qatar and continue working."[13]

Most of the workers interviewed by Amnesty International were visibly in a state of distress because of their treatment.

11. Amnesty International interview with Peter Kovessy, journalist with Doha News, who was present during the tour, December 2015. See also Peter Kovessy, Doha news, "*How Qatar's World Cup organizers are taking on worker abuse*", 12 October 2015, http://dohanews.co/how-qatars-world-cup-organizers-are-taking-on-worker-abuse/ (accessed 12 October 2015).
12. "Khalifa International Stadium reaches 3.7 million man-hours safety milestone", *Supreme Committee for Delivery and Legacy*, 14 October 2015, http://www.sc.qa/en/news/khalifa-international-stadium-reaches-3-7-million-man-hours (accessed 14 October 2015).
13. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

"I am fed up with living here," said Pawan, a Nepalese national who did 'helper' work on Khalifa Stadium in April 2015.[14] "All I want is to be paid on time and to be treated with respect. But my company did not pay me for four months when I first came to Qatar and the salary is much less than what I agreed to [in Nepal prior to arrival in Qatar]." Since arriving in Qatar Pawan has been housed in cramped and unhygienic accommodation (which Amnesty International researchers saw during a visit in May 2015). "Life here is difficult but I would still want to work if the conditions were good. But my sponsor won't even let me change companies," he told Amnesty International.[15]

The men interviewed by Amnesty International all had similar stories. The exploitative practices and abuses described to Amnesty International by the 132 men working on the Khalifa Stadium refurbishment and the 99 men working on the landscaping of the Aspire Zones green areas are detailed below.

HIGH FEES AND FALSE PROMISES: EXPLOITATION IN THE RECRUITMENT PROCESS

"We strictly prohibit contractors from working with recruitment agents that engage in unethical practices such as charging workers recruitment or processing fees." – Supreme Committee for Delivery and Legacy website[16]

RECRUITMENT FEES

Like so many before them, the men working on the Khalifa Stadium and Aspire Zone said they had come to Qatar to escape poverty and unemployment at home, in the hope of providing a better life for themselves and their families. Yet it was in the process of being recruited for work in Qatar that these men experienced the first of many exploitative labour practices. All of the 234 migrant workers interviewed by Amnesty International said that they had to pay recruitment agents in their home countries. The amount they paid ranged from US$500 to US$4,300 to obtain a job in Qatar.[17]

Qatar law prohibits the taking of recruitment fees and other costs from migrant workers during the recruitment process.[18] It is the responsibility of the employer in Qatar to pay any costs associated with recruitment. The Supreme Committee Workers' Welfare Standards (the Welfare Standards) require companies to use the services of a recruitment agency that has been registered with the Qatar Ministry of Labour, and to ensure that "the contract between the company and its Recruitment Agent stipulates that the Worker "is not to be charged any Recruitment or Processing Fees".[19]

Most of the men working on the Khalifa Stadium and Aspire Zone who Amnesty International interviewed said they had to take out loans from agents in their home country to pay for recruitment costs. Loan repayments put a heavy financial and emotional burden on migrant workers and, as discussed in more detail below, can put them at risk of forced labour. Workers can feel they have no choice but to accept lower wages than they were promised, poor conditions and other ill-treatment because they have large loans to pay off.

14. 'Helper' is a term informally used in Qatar's construction industry to describe individuals who assist with ad hoc, mostly unskilled tasks on a construction site. Examples of helper tasks are cleaning up the site or moving supplies such as cement and metal scaffolding pipes.
15. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
16. Supreme Committee for Delivery and Legacy, "*FAQ*", undated, http://www.sc.qa/en/media/faq (accessed 4 December 2015).
17. Payments were made in local currency. Amnesty International has converted the amounts reported by the men to USD using the exchange rate applicable at 17 March 2016.
18. Article 33 of Law no. 14 of 2004 ("the Labour Law").
19. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, February 2014, Articles 6.4, 8.6, 8.7 and Supreme Committee for Delivery and Legacy Workers' Welfare Standards, Edition 2, February 2016, Article 6.4(a)

"Once I make my monthly loan repayments, there is little left to send to my family," said gardener Shauqat from Bangladesh. He took out a loan in October 2014 to pay a recruiter in Bangladesh 150,000 Taka, the equivalent of US$1,900.[20] Since arriving in Qatar in November 2014 he has been paid 500 riyals (US$130) salary and 200 riyals (US$50) meal allowance per month. "Always there is demand for money from my family [in Bangladesh]. Qatar is a rich country, so everyone in the village thinks I am doing well, but my loan repayments leave very little to send back to my family. Even if I didn't have this loan the money still wouldn't go very far," Shauqat added.

Twenty-eight-year-old Sakib got a loan at 4% monthly interest to cover the 310,000 Taka ($4,000) an agent in Bangladesh charged him to secure work as a gardener in Qatar. A father of two young children, he described the profound stress caused by having to service his debt every month, along with the demand of sending money home as the sole financial provider for his family. "God knows there are days when I cannot continue, everything becomes too much," he said to Amnesty International. "My basic [monthly] salary is only 600 riyals (US$160), most of that is taken up by my loan. The only thing that keeps me alive is the thought of my children," he said.[21]

Thirty-year-old Bushal was a metal worker on Khalifa Stadium in early 2015. He paid 110,000 rupees ($1,030) to a recruiter in Nepal to secure his job in Qatar. In order to cover this fee he took out a loan at 2.5% monthly interest. He told Amnesty International about the financial pressures he faces to service his debt on a small salary. "The loan keeps me in tension all the time," he explained. "My salary is 910 riyals ($250) per month, but with that money I have to cover my family's costs like my children's education. After paying my loan repayments there is nothing left in savings. But even if my pay is delayed I still have to cover my loan."[22]

Sunil Pardeshi, who also worked on Khalifa Stadium in 2015, paid a recruiter in Nepal 68,500 rupees ($650) to work in Qatar. Because he had no cash, he took out a loan at 5% monthly interest. This meant that he spent the first six months working in Qatar servicing loan repayments of capital and interest compounded monthly. "The fee has eaten up all of my money. I work here six days a week, it is difficult work. My wish is to send back money for my family, but after paying my loan there is little left to send back home."[23]

These experiences were common amongst the men Amnesty International interviewed who had worked on Khalifa Stadium.

Despite the challenges, the men who spoke to Amnesty International felt they had little choice but to pay large recruitment fees given their need to seek employment in order to support their families.

"I'm poor. I have no money, no job, no land. I had to take a loan to get this job because I had to find work. I am still paying off the loan, that leaves very little to send back to my family – but what else can I do?" said gardener Rahman.[24]

Khim Sigdal, a farmer from Nepal, paid 110,000 rupees ($1,000) to a recruiter in Kathmandu in August 2014 in order to secure a job in Qatar and the hope of a better life for himself and his family. Later that year he was working as a metal worker on Khalifa Stadium. "It took me nearly ten months to pay off my recruitment fee, most of my salary. But I need the money, this is the fate of a poor man," he told Amnesty International.[25]

20. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
21. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
22. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
23. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
24. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
25. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

Abhik, a twenty-eight-year old father of two, paid a recruiter in Nepal 90,000 rupees ($830) to travel to Qatar for work. When Amnesty International met him in June 2015 he was a metal worker on Khalifa Stadium. "The recruiter told me he had a good job for me in the Gulf, but there was a lot of interest so I had to pay him upfront. It was a lot of money for me so I had to borrow 14,000 rupees ($130) from family, the rest I took as loan." he recalled. After he arrived in Qatar in November 2014 it took him eight months to clear the cost of his recruitment fees and start saving money to send to his family. "My salary is not much and is always late, so [paying off] the fee was a big burden for me."[26]

DECEPTION AND CONTRACT SUBSTITUTION

Many of the men whom Amnesty International interviewed who were working on the Khalifa Stadium refurbishment said that the terms and conditions of their work were different from those that they had been promised, either verbally or in writing, in their home country. The main form of deception that workers reported was with regard to salary. Some workers were also misled about the type of work they would do in Qatar. These practices are prohibited under Qatari law and the Workers' Welfare Standards.[27]

Ubaraj, a Nepalese man who was working on the Khalifa Stadium refurbishment when he was interviewed in May 2015, told Amnesty International how, in August 2014, he signed a contract in Nepal for a salary of 1100 riyals ($300) plus 200 riyals ($50) for meals per month. However, when he arrived in Qatar two months later he was handed another agreement for 700 riyals ($190) plus 200 riyals ($50) for meals. He was also deceived about the type of work he would be doing.[28]

"I am an electrician by trade and I agreed to electrician work but when I came to Qatar [in October 2014] the company gave me electrician work for only the first two months. After that they said I had to do iron fitting work and I've been doing that ever since…I have been doing iron fitting work on Khalifa Stadium since March [2015 to May 2015]." [29]

When Ubaraj and others complained to a manager, he recalled, "the manager said 'work for another 1-3 months and accept whatever you get. If you don't work you won't get paid and you won't get your passport back'. After that I just kept quiet, I had no choice."[30] Tek Thapa, another of the workers who complained alongside Ubaraj, said, "we asked the manager why our salaries are less than what was promised [by recruiters in Nepal]? He just replied 'this is what we've always paid'."[31]

Tek Thapa also said his agent in Nepal promised him scaffolding work in Qatar as he had three years' experience of scaffolding work in Saudi Arabia. Tek was promised 1,400 riyal (US$380) salary and 300 riyal (US$80) meal allowance per month. But instead of being offered a contract with these terms of employment, the agent told him to sign a blank piece of paper. "After signing the paper the recruiter showed me a [separate] piece of paper and he said this was my agreement. But I didn't get a chance to properly read it, or ask questions, nothing like that," Tek recalled. He described what happened when he arrived in Qatar in January 2015:

26. Amnesty International interview in Qatar, June 2015. Name changed to protect identity.
27. Articles 45 and 65 of Law No. 14 of 2004 ("the Labour Law"), Articles 6.4, 8.6 and 8.7, Supreme Committee for Delivery and Legacy Workers' Welfare Standards. See also Article 2, Law No. 15 of 2011 Combating Trafficking in Human Beings.
28. Ubaraj and some of the other men who spoke to Amnesty International showed the uniforms they wore on Khalifa Stadium. The uniforms were clearly marked with the name Eversendai on the front shirt-side. Amnesty International also saw the Eversendai uniforms of Sagar Rama and another man both of whom said they were working directly for Eversendai on Khalifa stadium.
29. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
30. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
31. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

"A man from my employer met me at the airport, he took me with others through immigration and then we were driven by bus to our camp in Al Wakrah. Once we arrived at camp the boss there told me I would be doing steel work, not scaffolding work, and my pay would be 1100 riyal ($300) plus 200 riyal ($50) for meals per month. I was in shock but did not know what to do. The other men in the camp with me told me to keep quiet, stay calm. At least I would make some money and after two years I could leave." [32]

In other cases, the individuals were given no information about the work on offer other than it would be based in Qatar. For example, Shauqat, a gardener working in the Aspire Zone green areas said:

"the agent did not give me a contract or any details about the work I would be carrying out in Qatar. I told him I am a farmhand but I found it hard to find work. He just said don't worry there is good money overseas. Later he told me that there was work in Qatar. Only when I arrived here did I learn I would be doing landscaping work. This is the destiny of a poor man." [33]

A common experience for workers was being given vague promises by recruiters about salaries and conditions that were ultimately false. In Nepal, before leaving for Qatar, Siddartha signed an agreement in English, a language he does not understand:

"No one explained the details nor was any copy of the agreement given to me. All I was told [by the recruiter] was that I would receive a monthly salary of over 2,000 riyal ($500) plus a food stipend. But I had no idea that I would be doing metal work on Khalifa Stadium, and I only receive 1500 riyal ($400) salary and 300 riyal ($80) for food here [in Qatar]." [34]

When Amnesty International met him in May 2015 Siddartha was working as a metal worker on Khalifa Stadium.

Other individuals faced a similar situation. Rajiv, who also did metal work on Khalifa Stadium between April and May 2015, paid a recruiter in Nepal 110,000 rupees ($1,000). He was told he would be paid around 3,000 riyals per month ($800) in Qatar. He signed an agreement at the request of the agent in Nepal even though he could not read it because it was in a language that appeared to be English. "All I was told was the salary on offer in Qatar, no one mentioned anything about the country – how hot it is, what work I would do, or if I needed some training to do my job," he recalled. Once in Qatar, Rajiv discovered his actual salary is 1,100 riyal ($300). He also receives 300 riyals ($80) to cover the cost of food per month.[35]

Umesh, a Nepalese man who was working on the Khalifa Stadium refurbishment when Amnesty International met him in May 2015, said he paid a recruiter in Nepal 140,000 rupees ($1,300) to cover the recruitment fee, a mandatory health check, the cost of his airfare and a visa to Qatar. "The recruiter said I would be paid around 4,000 riyals ($1,000) per month. He showed me a basic contract in Nepali, it showed the salary amount, that it would be paid monthly, and that the contract was for two years," he recalled. But in Qatar his actual salary was different. "When I first arrived in Doha the company manager took my contract and asked me to sign a paper. I could not understand it but he explained that my salary would be 1500 riyals ($400) including overtime and I would get another 250 riyals ($70) for food."[36]

32. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
33. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
34. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
35. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
36. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

Many of the men interviewed by Amnesty International said they told their employers in Qatar about the discrepancies in their pay and conditions, but their employers took no responsibility for the situation. When Mushfiqur, a twenty-two year old a gardener working on the Aspire Zone green areas, complained he was being paid half of what he agreed in his home country Bangladesh, his manager dismissed his protestations. Mushfiqur recalled, "my manager just said, 'I don't care what they said in Bangladesh. We are giving you this salary and nothing more. If you keep talking like this I'll tell them to cancel your visa and send you back'."[37]

Thirty seven of the men who confronted their employers about differences between the salaries they had agreed in their home country and what they were paid in Qatar had similar experiences. When Rabi, who carried out metal work on Khalifa Stadium, told his manager that his salary was less than half of what he was promised in Nepal, he was initially ignored, but persisted. "I kept telling him that my salary was less than what I agreed with the recruiter but he just did not want to listen. Eventually he put his hand up as if to say 'stop' and said 'I don't care [and] there's nothing I can do'."[38]

RETENTION OF PASSPORTS

"I still remember my first day in Qatar. Almost the very first thing [an agent] working for my company did was take my passport. I haven't seen it since." – Shamim, Aspire Zone gardener[39]

At the time Amnesty International carried out most of interviews for this report, between March and June 2015, all of the 234 workers interviewed said they were not in possession of their passport. For example, 28-year-old Aspire Zone gardener Rasool from Bangladesh described how he was met by a representative of his employer at the airport on his arrival in Qatar and was immediately asked to hand over his passport.

"He asked for my passport and I handed it over. He didn't explain anything or get me to sign any paper. I just assumed this is the procedure for workers in Qatar."[40]

Kul Bhatta, who was working as a metal worker on Khalifa Stadium when Amnesty International met him in May 2015, had a similar experience. He said: "My passport is still with the company, they took it from me as soon as I arrived. They didn't make me sign anything they just took the passport and I haven't seen it since, except when I went on holiday to Nepal," he explained.[41] Suriya, another metal worker from Nepal who worked on Khalifa Stadium, faced an almost identical situation: "When I arrived in Qatar [from Nepal] one of the men from the company met us at the airport and took us to the camp. As we departed the airport and went to the company bus in the parking lot they took our passports. Nothing was explained to us, he just demanded our passports."[42]

Qatari law and the Supreme Committee's Workers' Welfare Standards prohibit employers from retaining migrant workers' passports. However, the practice is commonplace. The retention of passports enables employers to have significant influence over their workforce, for example, by threatening not to return them and preventing workers leaving Qatar. The penalties for employers who retain passports are minimal and enforcement of the prohibition is weak.[43]

37. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
38. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
39. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
40. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
41. Amnesty International interviews in Qatar, May 2015. Name changed to protect identity.
42. Amnesty International interviews in Qatar, February 2016. Name changed to protect identity.
43. For a fuller discussion on the retention of passports see; Amnesty International, *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; Human rights Council, *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau, (A/HRC/26/35/Add.1) 23 April 2014, available at http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf (accessed 12 March 2016).

DELAYS IN THE PAYMENT OF SALARIES

All 132 men carrying out construction-related work on the refurbishment of Khalifa Stadium who were interviewed by Amnesty International said they had problems receiving salaries from their employers. This meant they faced delays in receiving their salaries for periods ranging from one to 10 months beyond the monthly due date, or where paid salaries three to six months in arrears. For example, men who worked on the Khalifa Stadium refurbishment for small sub-contractors, described how they were not paid for the first three or four months after arriving in Qatar. Although they were subsequently paid monthly, their pay was permanently several months in arrears. This practice is of significant concern because it can be used as a threat to compel migrant workers to continue working or face the loss of significant amounts of back pay. The men working as gardeners on the Aspire Zone's green areas did not report any delays in receiving their salaries.

Prolonged delays or payment of wages many months in arrears are not only abuses in themselves, they can be disastrous for low-income migrant workers, who are left unable to pay for food, send money to their family or afford phone calls home. Combined with the strain of servicing monthly recruitment-related debts and the inability to change jobs or leave the country because of Qatar's kafala sponsorship system, uncertainty over when, or if, they will be paid for their work can push workers to the point of desperation.

Hrishikesh, a twenty-eight-year-old metal worker from India who was working on Khalifa Stadium in May 2015 when Amnesty International met him, described his situation. "My salary is not very big, but at least it is something… I have not received anything from my company for the last ten months. Now, I just want the money still owed to me and then I want to return home to India. My manager says he will help me to get a [exit] permit [to leave the country]. He said the company will pay for my airfare and give me 90 riyals ($25), nothing more... I did not complain to any officials, who would I speak to? I am too scared the company will punish me [if I do]."[44]

Prem, a metal worker and father of three who carried out work on Khalifa Stadium between February and May 2015, faced a persistent delay of three months in receiving his salary since September 2014. "At the start of 2014 there was no problem, I was getting my monthly pay and sending back money to my wife to cover my [recruitment] loan and the rent for our house [in Nepal]. We also look after my parents." As a consequence of the delays in his salary payment, Prem's family was unable to keep up with loan and rental repayments and lost their home.

"My family is now homeless and two of my younger children have been taken out of school. My parents had to shift to my brother's house in our village, but it is far and there are no facilities there. Every day I am in tension, I cannot sleep at night. This is a torture for me." [45]

Paras, a farmer in his late twenties from Nepal, arrived in Qatar in December 2014. Although he commenced work as a metal worker almost immediately, including work on Khalifa Stadium, he did not receive his first pay until late May 2015. "Now I get my salary… but it is always five months behind. The manager promises that the company will send my back pay, but until now I am still owed."[46]

Father of two, Dev Khatri, a construction worker who also worked on the Khalifa Stadium refurbishment in May and June 2015, had a similar experience. "The salary I get every month is always four months behind and always they pay me [at different times of the month]. For example my last pay was in April, but it was just for December [2014]." As he explained to Amnesty International, constant delays and

44. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
45. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
46. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

uncertainty as to when he will receive his monthly salary are a cause of great stress for Dev, especially with the financial demand of supporting his wife and children at home in Nepal.[47]

The consistent late payment of salaries meant that workers always had significant amounts owing to them. They were therefore anxious about complaining about their conditions or seeking to leave their employer out of fear of losing income owed to them. "I get paid every month, but always it is my salary from four months ago, it has always been that way ever since I arrived in Qatar," explained Rajesh, who did metal work on Khalifa Stadium during 2015. "Even if my manager gave me permission to leave the country I'm afraid the company would not pay my four months of salary. That is why I decided to stay here and work. What more can I do?" he added.[48]

Mangal, who also worked on Khalfia Stadium in 2015 echoed this complaint:

"Sometimes my salary is paid at the beginning of the month. Other times in the middle or end of it. But always my [monthly] salary is from three months ago. I have been in Qatar for ten months now and it has been like this from the start. Of course I would prefer another company, but if I leave they might never pay me my full salary."[49]

FAILURE TO PROVIDE AND RENEW RESIDENCE PERMITS

"My life is just the work site [on Khalifa International Stadium] and my camp. Because I do not have my ID, I am too scared to travel anywhere else, I do not want to be taken by the police." – Mahesh, Khalifa Stadium construction worker[50]

Under Qatar Law, migrant workers must be issued residence permits (which take the form of ID cards) to demonstrate their right to work and live in Qatar, and to allow them access to a range of basic services including health care.[51] It is the sponsor's responsibility to arrange for these documents through the authorities as migrant workers cannot obtain residence permits on their own.[52] However, when sponsors fail to provide valid permits this leaves the migrant workers vulnerable to abuse. Workers without residence permits or whose permits have expired may be suspected of having "absconded", a crime under Qatar law, and face detention.[53] In addition, migrant workers are fined for not having valid permits, and they cannot leave Qatar until these fines have been paid.

Many of the 132 men working on the Khalifa Stadium refurbishment who were interviewed by Amnesty International between March and June 2015 said they had problems with their residence permits. Some said they did not receive residence permits at all while others said they faced delays of several months in obtaining their first residence permit or getting a permit renewed. Under Qatar's Sponsorship Law and the Workers' Welfare Standards, sponsors are responsible for ensuring that all their employees have current residence permits.[54] Issues with residence permits created significant anxiety amongst the workers who were always fearful of travelling beyond the stadium work site or their camps. "I am very worried about the police because without a valid ID at any time if they stop me I could be arrested and put in prison," said Tek Thapa who worked on Khalifa Stadium.[55]

47. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
48. Amnesty International interview in Qatar, June 2015. Name changed to protect identity.
49. Amnesty International interview in Qatar, June 2015. Name changed to protect identity.
50. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
51. Article 9 of Law No. 4 of 2009 (the Sponsorship Law); Article 9.2 (a) and (b) Supreme Committee for Delivery and Legacy Workers' Welfare Standards
52. Article 9 of Law No. 4 of 2009 ("the Sponsorship Law").
53. Article 9 and Article 11 of Law No. 4 of 2009 ("the Sponsorship Law").
54. Article 9 of Law No. 4 of 2009 ("the Sponsorship Law") and Articles 8 and 10 of Law No. 21 of 2015 ("the new Sponsorship Law"), and Article 9.2 Supreme Committee for Delivery and Legacy Workers' Welfare Standards.
55. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

Thirty-seven year old Manish, who also worked on Khalifa Stadium, told Amnesty International of the constant fear of being arrested by police because his employer has not arranged his residence permit. "I have only been in Qatar for three months but already it feels like three years. My work mates told me to be careful leaving the camp, without ID the police will take me away." Because of these anxieties, Manish has yet to travel anywhere other than around his accommodation and the work sites the company takes him six days a week between Sunday and Thursday, including, in May 2015, Khalifa Stadium.[56]

INADEQUATE ACCOMMODATION

"In the next seven years we will be working closely with contractors and housing providers to ensure that each worker involved in our projects has access to proper facilities... we will work with our partners to create a healthy living environment in workers' accommodation."[57] – Supreme Committee for Delivery and Legacy website

Arguably no labour issue in Qatar has received more attention than migrant worker living conditions. Perhaps for that reason, the Supreme Committee and several major construction companies have actively sought to demonstrate the high quality of accommodation provided to their migrant workforce.

Both Qatari law and the Supreme Committee Workers' Welfare Standards make a number of clear stipulations with regard to the quality of accommodation for migrant workers. The 2005 Minister of Civil Service Affairs and Housing Decree No. 17 states that workers in permanent accommodation should only sleep four to a room and each worker should have four square metres of their own space in their bedroom.[58] The Workers' Welfare Standards also stipulate a maximum of four beds per room with six square metres of space per person, prohibit the use of bunk beds and require employers to ensure good bathroom and kitchen facilities as well as recreational spaces.[59]

Yet all of the accommodation of workers who had worked on the Khalifa Stadium and Aspire Zone that was inspected by Amnesty International in 2015 was in clear breach of the Workers' Welfare Standards (see photos at pages 40, 42-44 and 58)."

Amnesty International researchers visited labour camps in the Industrial Area, Al Khor and Al Wakrah that housed 200 of the 234 men interviewed by researchers. Ninety-eight of the men who worked on the Khalifa Stadium refurbishment, lived at a camp in Al Wakrah (see photos below). At the time of Amnesty International's visit in May 2015, the main entrance road to the camp was dirty and flooded due to inadequate drainage and smelled of raw sewage. The accommodation was cramped, unclean and unsafe.[60] All of the workers slept on bunk beds in rooms accommodating four, six, eight or more people.

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56. Amnesty International interview in Qatar May 2015. Name changed to protect identity.
57. Supreme Committee for Delivery and Legacy, "FAQ", undated, http://www.sc.qa/en/media/faq (accessed 4 December 2015)
58. Minister of Civil Service Affairs and Housing Decree 17 of 2005.
59. Sections 1.2 and 1.4 of Appendix A of Supreme Committee for Delivery and Legacy Workers' Welfare Standards.
60. Qatar law: Minister of Civil Service and Housing Affairs Decrees No. 17, 18 and 20 of 2005; Supreme Committee for Delivery and Legacy Workers' Welfare Standards: Section 1.2 of Appendix A; Article 5(e)(iii) of the International Convention on the Elimination of Racial Discrimination which Qatar has ratified provides that states parties "prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction… to housing." The Committee on the Elimination of Racial Discrimination has said that states parties should "[g]uarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices": General Recommendation No.30: Discrimination Against Non-Citizens: 10/01/2004. Gen. Rec. No. 30. (General Comments). Para 32. General Comments are non-binding but authoritative interpretations of individual human rights or of the legal nature of human rights obligations. See also Article 38 of the Arab Charter, which Qatar has ratified, that obliges states to respect the right to an adequate standard of living, including with respect to housing. The UN Committee on Economic, Social and Cultural Rights has interpreted the right to adequate housing to include "certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services [and that] [a]dequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors." CESCR GC 4, para 8.

There did not appear to be any fire alarm systems or fire extinguishers when Amnesty International visited the premises. In many of the rooms where men slept Amnesty International saw gas cylinders, which workers said they used to cook meals. The kitchen and toilet facilities were rudimentary and dirty and were located in close proximity to each other.

The 99 men interviewed by Amnesty International who worked as gardeners in the Aspire Zone lived in worker camps in the Industrial Area and Al Khor. Both of the accommodation sites were cramped and clearly in breach of Qatar law and the Workers' Welfare Standards requirements regarding overcrowding and the maximum number of people allowed per room.[61] The rooms viewed by Amnesty International had eight or more individuals sleeping in bunk beds.

Thirty-four of the workers interviewed by Amnesty International lived in camps in other parts of Qatar and described similar living conditions. However Amnesty International researchers were not able to visit these camps because of concerns for the security of the workers.

AMNESTY INTERNATIONAL VISIT TO NEW WORLD CUP WORKER ACCOMMODATION

Since Amnesty International's visits to these camps in the first half of 2015, most, but not all, of the migrant workers who had been working on Khalifa Stadium and the Aspire Zone green spaces have been moved to new and better accommodation at two sites: Labour City and Barwa Al Baraha. Amnesty International visited both sites in February 2016. The visit was facilitated by the Supreme Committee.

LABOUR CITY

Labour City is a new complex, commissioned by the State of Qatar's Private Engineering Office. The site is large, encompassing 55 residences, with a potential capacity to house up to 100,000 mostly male workers. The facilities at Labour City are significantly better than the camps at which Amnesty International first interviewed workers. Living spaces are larger and meet the space requirements set by law. The site has Internet access, green outdoor spaces, places for worship and exercise facilities. Each residence is divided into 'blocks', which are rented by companies to house their workers. A small hospital facility has been included within Labour City. According to managers on the site who spoke to Amnesty International the hospital is expected to open sometime in 2016.

Labour City is a significant improvement in terms of the conditions and facilities available for migrant workers. However, Amnesty International researchers observed a high degree of surveillance at the site. This included CCTV cameras operating in all of the external and internal public spaces that Amnesty International visited. The delegation was shown a surveillance room manned around the clock by a Qatar Security Services guard who could view the corridors in each block.

BARWA AL BARAHA

Barwa Al Baraha is a private enterprise managed by Waseef, a property management business that is a subsidiary of the partially-state owned company Barwa Real Estate.[62] It has a total capacity of 53,000

61. Minister of Civil Service and Housing Affairs Decrees No. 17, 18 and 20 of 2005 and Sections 1.2 and 1.4 of Appendix A of Supreme Committee for Delivery and Legacy Workers' Welfare Standards.
62. The Qatar Investment Authority, a sovereign wealth fund of the State of Qatar, owns a 45% share in Barwa Real Estate. See also https://www.waseef.qa/en/about-waseef/ (accessed 11 March 2016).

but currently hosts 10,000 migrant workers. The conditions at Barwa Al Baraha observed by Amnesty International during a visit in February 2016 are a significant improvement on the camps at Al Wakrah, the Industrial Area and Al Khor where researchers met many of the men interviewed for this report. However, workers' bedroom windows were blacked out from the outside, so that natural light could not easily penetrate.[63] When the Amnesty International delegation expressed concern regarding workers' access to natural light in their rooms, Supreme Committee representatives said that the windows required protection from the sun during the hottest months. But they acknowledged the need to improve access to natural light and said that they had requested Barwa Al Baraha management to install retractable curtains in all workers' bedrooms.

PREVENTED FROM LEAVING THE COUNTRY

All of the men working on the Khalifa Stadium refurbishment whom Amnesty International interviewed and twenty workers carrying out gardening work in the Aspire Zone told researchers that they faced problems when seeking to leave Qatar. Migrant workers cannot leave Qatar without their sponsor's permission: they must obtain an "exit permit" from the authorities, approved by their employer, before they can clear immigration at the airport every time they leave the country.[64]

NEPAL EARTHQUAKES: EXIT PERMIT RESTRICTIONS KEEP MIGRANT WORKERS AWAY FROM LOVED ONES

Following massive earthquakes in Nepal in April and May 2015, Manish, who was working as a metal worker on Khalifa Stadium at the time, was desperate to learn if his family and friends were alive. "For days I did not hear anything from my brother and his family. My mother lives with him so I became too anxious and could not work properly," he told Amnesty International. Manish worked for a small labour supply company that provided workers for part of the Khalifa Stadium refurbishment. He asked his supervisor for an exit permit to leave the country. "He just said this is not possible and left the room. When I followed him outside he got angry and said, 'do not mention this again. You cannot leave for two years [when his contract ends]'," Manish recalled.[65]

Tiray, another Nepalese man who worked on Khalifa Stadium in between April and May 2015, also made several requests for an exit permit to return home to check on his family after the earthquakes. However, the company (the same labour supply company) refused to respond to his requests, effectively preventing him from returning home. "The company won't let me go home. They have said nothing they just ignore my requests," he told Amnesty International in May 2015.[66] Although under Qatar law migrant workers are entitled to annual leave each year, Tiray was told he could not request an exit permit until the end of his two year contract.

Individuals seeking to return home after an emergency were not the only ones prevented by their employers from leaving Qatar. Ayush, who was employed as a metal worker on Khalifa Stadium, in an incident common to others interviewed, told Amnesty International that he wanted to return home because he was being paid less than the amount he had agreed to when he was recruited in Nepal

63. ILO Standard Recommendation 115 - *Workers' Housing Recommendation*, 1961, (No. 115), para 7e, requires workers housing to have adequate natural light
64. Article 18 of Law No. 4 of 2009 ("the Sponsorship Law")
65. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
66. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

and his housing conditions were poor. "I want to go home. Twice I have asked to go home [and requested an exit permit] but the manager says I can only leave after a year when my contract ends," he explained.[67] Omar, a gardener in the Aspire Zone, had a similar experience. After learning that his pay would be almost half the 950 riyals ($260) per month he was promised in Bangladesh, he repeatedly asked company representatives to release him. "The salary and conditions were very different to what I agreed in Bangladesh. [When I first arrived in Qatar] I asked my camp boss, but he said my contract still has two years and there is nothing he can do." Frustrated by the camp boss' intransigence, Omar then asked a company manager to let him leave: "He just said you have a contract for two years, you cannot leave until you finish it."[68]

After completing his two year contract in March 2015, Manoj, who worked on construction at Khalifa Stadium asked his manager for an exit permit to return home to India. "At first he did not respond, but I repeated myself… [and] eventually he said, 'do three or six more months, there is still work to be done'." Frustrated and confused, Manoj pleaded with his manager to release him, noting again that his contract period had ended. "His expression changed", Manoj recalls, "and he said sternly, 'I'll tell you when you can leave. Get back to work, don't make this request of me again!'"[69]

Alok, who worked as a scaffolder on the Khalifa Stadium refurbishment in 2015, told his manager that he wanted to return to India for personal reasons. The manager told him to speak to the senior manager at his employer's office. "When I went to the office the manager screamed at me saying 'keep working or you will never leave'," Alok recalled.[70] "What more can I do now, I cannot leave here because the police will take me away [as an absconded worker] and only my manager can send me home," he told Amnesty International. After the incident, Alok was forced to continue working on Khalifa Stadium.

Many other men described similar experiences with their employers. For example, when Sagar Rama who was employed as a metal worker on Khalifa Stadium in 2015 requested an exit permit to return to Nepal for the first time in over two years to visit his ill mother, his camp boss flatly refused to convey his request to company management. "The camp boss just told me this was not possible. He said 'it is a busy time for the company, when things are quieter then you can ask to leave'," Sagar recalled.[71]

In the cases documented by Amnesty International the employer's power to restrict workers' freedom of movement had a profound psychological effect on workers. The men working on the Khalifa Stadium and Aspire Zone were acutely aware that the power given to employers under Qatar's 'kafala' sponsorship system enabled employers not only to prevent them from going home or changing jobs, but to also stifle complaints about their work and living conditions.

THREATENED FOR SEEKING ASSISTANCE

Almost all of the men interviewed by Amnesty International said they dared not raise any complaint for fear of reprisals from their employers. All of the 132 men interviewed by Amnesty International who worked on the Khalifa Stadium refurbishment said they were fearful of complaining about their conditions because they were owed several months' salary, and were afraid their employer could end their contract, and send them home without paying them the money owed. Under Qatar's sponsorship system, employers have the power to end a worker's contract and send them home whenever they want. As

67. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
68. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
69. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
70. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
71. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.

Madhav, who did metal work on Khalifa Stadium, explained, "if I request to change companies I'm afraid [my employer] will cancel my visa and send me back. How will I then help my family and pay off my debt?"[72]

All of the men working on green spaces in the Aspire Zone said they received their salary on time. Despite this, a majority of these gardeners interviewed by Amnesty International – 82 of the 99 individuals – said they dared not raise any complaint for fear of reprisals from their employers, such as cancellation of their sponsorship or, conversely, deny them the right to leave the country.

As one worker told Amnesty International, "in January I told my manager that my salary is too low – I have too many expenses and the pay does not cover them all. I paid a large [recruiter] fee and the pay doesn't leave much to send home. But he just shouted abuse at me and said that if I complained again I'd never leave the country. Ever since I have been careful not to complain about my salary or anything else. Of course, if I could I would change jobs or leave Qatar."[73]

Such incidents were common among the Aspire Zone gardeners interviewed. And while some workers did not experience direct threats, they were averse to making complaints because they were aware of the experiences of others. For example, Mohammad, who maintains green spaces in the Aspire Zone, said, "the company has my passport and I haven't asked why they haven't returned it to me. If my sponsorship status changes they will send me back and I have a lot of debt to pay." When asked if he would lodge a complaint, Mohammad replied, "yes of course, I want my passport back… [and] the camp is no good, there are eight of us in one room – it is too many. But I cannot complain [because] they will end my job."[74]

FORCED LABOUR

Amnesty International found evidence that some workers employed on the Khalifa Stadium refurbishment were subjected to forced labour. All of the cases involved men employed by a small labour supply company. These are small companies that bring migrant workers to Qatar for the sole purpose of hiring their labour out to other companies. Amnesty International spoke to 108 men who said their direct employer was a labour supply company, and they worked on Khalifa Stadium for periods ranging from one to eight months. In all cases the men appear to have been brought on to the Khalifa site by a company that was contracted to work on Khalifa Stadium, although not all of the men were able to identify the contractor for whom they worked. The specific companies involved are dealt with in Chapter 3.

WHAT IS FORCED LABOUR?

International Labour Organization (ILO) Convention 29 defines "forced or compulsory labour" as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."[75] The following factors can be used to identify forced labour in practice:

72. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
73. Amnesty International interview in Qatar, May 2015
74. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
75. ILO Convention 29 concerning Forced or Compulsory Labour (1930), Article 2(1).

Actual presence or threat of a penalty, including: physical or sexual violence; financial penalties (such as non-payment of wages); loss of rights or privileges; denunciation to authorities and deportation; dismissal from current employment or exclusion from future employment; deprivation of food, shelter or other necessities; etc.

Lack of consent to work, including: restriction of freedom of movement, physical confinement in the work location; psychological compulsion; induced indebtedness (by falsification of accounts, reduced value of goods or services produced, etc.); deception or false promises about types and terms of work; withholding and non-payment of wages; confiscation of identity documents; etc.[76]

The ILO Committee of Experts on the Application of Conventions and Recommendations has stated that a penalty "need not be in the form of penal sanctions, but might take the form also of a loss of rights or privileges".[77] 'Voluntarily' is less clearly defined but the ILO Committee of Experts has stressed that "considering the freedom to "offer oneself voluntarily" for work or service, account must be taken of the legislative and practical framework which guarantees or limits that freedom… An external constraint or indirect coercion interfering with a worker's freedom to "offer himself voluntarily" may result not only from an act of the authorities, such as a statutory instrument, but also from an employer's practice, e.g. where migrant workers are induced by deceit, false promises and retention of identity documents or forced to remain at the disposal of an employer; such practices represent a clear violation of the Convention."[78]

Solomon, who worked as metal worker on Khalifa Stadium in 2015 recalled: "I went to the company office, telling them I wanted to go home because always my pay is late. The manager screamed at me saying 'keep working or you will never leave'." The manager also threatened that unless Solomon kept working the company would withhold the delayed salary payments owed to him.[79]

Most of the workers to whom Amnesty International spoke faced similar situations where company staff forced them to continue to work against their will using the particular threat of withholding salary payments if they refused to work, tried to change jobs or leave the country.

Twenty-one year-old Kamal and his nineteen year-old friend Chetan spent two months as scaffolders on Khalifa Stadium before deciding it was time to return home to Nepal. "I know there are older men here that have been with the company for longer, but I am fed up with this place. The work is hard, our camp is filthy and small and I haven't received any pay yet," Kamal told Amnesty International in May 2015. One evening the two men approached their camp boss, a man employed by their company to run their accommodation. "I told him we are ready to leave, you just need to get our plane ticket. We don't care about our pay, we just want to go home," Kamal said. According to the two men, the camp boss flatly rejected the request. But the next day, while on the Khalifa Stadium work site, Kamal and Chetan approached one of the managers during the lunch break. "After we made our request to the boss - he too was Nepali - [he] told us in Nepali not to mention this request again." Unperturbed by

76. International Labour Office, A Global Alliance Against Forced Labour: Global Report under the Followup to the ILO Declaration on Fundamental Principles and rights at Work, 2005, p6 and par14, modified.
77. International Labour Conference, 1979 General Survey of the Reports relating to the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1975, (No. 105), Report of the Committee of Experts on the Application of Conventions and Recommendations, 65th Session, Geneva, 1979, Report III, Para 21.
78. International Labour Conference, 2007 General Survey of the Reports relating to the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1975, (No. 105), Report of the Committee of Experts on the Application of Conventions and Recommendations, 96th Session, Geneva, 2007, Report III, Paras 38 – 40.
79. Amnesty International interview in Qatar, May 2015. Name changed to protect identity

this further rejection, Kamal persisted on behalf of the two men, and the manager told him to visit the company office after work. "In the office the [senior] manager listened quietly for a moment and then signalled us to stop talking with his hand." The senior manager then brought in two company representatives. Kamal recalled, "when the two [other] men entered his office the manager told them to take a good look at us. He said 'these men are causing trouble, they are lazy, they do not want to work. Watch them closely. If they do not show up to work or try to escape, make sure to report them to the police." According to Kamal and Chetan the manager also threatened to withhold their pay indefinitely unless they agreed to continue working at least for a further eighteen months when their contracts expire.[80] Fearful of being handed over to the police and losing what salary was owed to them, Kamal and Chetan continued working on the Khalifa Stadium refurbishment.

Subaraj, a father of one and former farmhand from Nepal, was under significant pressure due to the demands of monthly recruitment loan repayments he had to make while facing chronic delays in receiving his salary, typically for periods of two months at a time. "The company was giving me 850 riyal basic ($230) per month, but in Nepal I agreed to a salary of 1400 riyal ($380). My loan repayments alone are 300 riyals ($80). How can I send back money for my family too on that salary and always pay is late?" he told Amnesty International. In March 2015 he and several colleagues visited the company office and delivered an ultimatum. "I told the manager that we could not live on the salaries, and unless they are increased and paid every month we will stop working." According to Subaraj, in response the company manager said each worker who failed to show up for work would be charged a penalty and will not receive their residence permits, which at the time had not yet been provided by the company.[81] According to Subaraj, the manager said the company would not pay salaries still owed and instead charge them the value of their daily pay for each day they refused to work. Under the threat of losing salaries already owed and what little money they had already saved, Subaraj and the other men continued working on the Khalifa Stadium refurbishment.

Nabeel, a metal worker from India explained how he was threatened by the manager that his salary would be stopped and he would be prevented from changing employers or leaving the country, unless he kept working for the company. "I was already upset because [the company] is paying me less than what I agreed in India. Ever since I've been in Qatar my pay has been delayed for three months at a time, so I refused to keep working and told my manager that I want my back pay and [an exit permit] to return to India. The manager threatened that if I do not continue working [until the end of the contract in 2017] he would stop paying me and would refuse me an NOC or exit permit… So I have to work until the end of my contract."[82]

The risk of forced labour was exacerbated by the fact that many migrant workers were unclear about the terms of their employment and faced contract substitution or lower pay than promised. The penalties used by staff of the companies to exact work from the workers included the threat of non-payment of wages, being reported to the police, not being allowed to leave Qatar or change companies if they did not continue to work.

80. Amnesty International interviews in Qatar, May 2015. Names changed to protect identity.
81. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
82. Amnesty International interview in Qatar, June 2015. Name changed to protect identity.

4. BUSINESSES RESPONSIBLE FOR THE ABUSE AT KHALIFA

A sign at the Aspire Zone displaying the main companies involved in the refurbishment of Khalifa Stadium, May 2015.
© Amnesty International

The labour abuses documented in Chapter Three involve a number of businesses of varying sizes that are responsible for different aspects of the Khalifa Stadium project. This chapter examines the role of companies, including multinational companies, subcontractors and Qatari labour supply companies in the Khalifa Stadium project. It assesses whether the companies have acted in line with relevant Qatari law, the Supreme Committee's Workers' Welfare Standards, which apply to all World Cup sites, and internationally recognised standards for responsible business, principally the UN Guiding Principles on Business and Human Rights (UNGPs) which have been endorsed by the UN Human Rights Council.

Section 1 summarises the relevant domestic and international laws and standards by which businesses should abide by. Section 2 looks at the individual businesses involved, examining the responsibility of each company in the chain.

THE LEGAL AND REGULATORY FRAMEWORK FOR BUSINESSES EMPLOYING MIGRANT WORKERS IN QATAR

THE 2009 SPONSORSHIP LAW AND LAW NO. 21 OF 2015

The sponsorship system is central to the experience of migrant workers in Qatar. The Sponsorship Law binds foreign workers to a single "sponsor" who must, under the law, also be their employer – either an individual or a company established in Qatar. A migrant worker cannot change job or leave the country without the permission of their sponsor.[83]

The Sponsorship Law allows sponsors to cancel residency permits at any time and without reason. Article 11 of the Sponsorship Law states:

"Any expatriate permitted to enter or reside in the state for a particular purpose or for business with any particular entity shall not act in breach of the relevant purpose and shall leave the state upon the depletion of such purpose, the completion of such business or the cancellation of the residence for any reason whatsoever."[84]

Migrant workers found to have violated this article face a maximum jail sentence of three years and / or a fine of up to 50,000 riyals (US$13,731). This legal provision underpins the power of sponsors to declare workers as "absconded" and seek the aid of the police and authorities in finding and deporting the migrant worker. During research conducted in 2013, Amnesty International found that sponsors can declare a worker to have "absconded" without providing any evidence that the worker has left the job.[85]

Sponsors can therefore have significant influence over the lives of migrant workers. The sponsorship system has been widely criticised by human rights groups.[86]

Although the 2009 Sponsorship Law gives sponsors significant control over the lives of migrants, it also obliges them to take certain actions that are important for the protection of the rights of workers.

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83. Article 4 Law No. 4 of 2009 (the Sponsorship Law). See also Law No. 21 of 2015 (the new Sponsorship Law)
84. Article 11 Law No. 4 of 2009 (the Sponsorship Law)
85. Amnesty International, *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; page 94, 96-97.
86. See Amnesty International, *My Sleep Is My Break: exploitation of migrant domestic workers in Qatar*, (Index Number: MDE 22/004/2014), 23 April 2014; Amnesty International, *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; Human rights Council, *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau, (A/HRC/26/35/Add.1) 23 April 2014, available at http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf (accessed 12 March 2016); DLA Piper, *Migrant Labour in the Construction Sector in the State of Qatar,* April 2014, available at http://www.engineersagainstpoverty.org/documentdownload.axd?documentresourceid=58 (accessed 12 march 2016).

The law requires sponsors to ensure migrant workers have residence permits, which are vital to enable migrants to move freely within Qatar and to access public health services.[87] The law also mandates sponsors to return workers' passports to them after having their residence permits issued. However this frequently does not happen.[88] Article 12 allows for the transfer of sponsorship "in the event of abuse" with the approval of the Minister of Interior or temporarily if there is a legal dispute between the sponsor and employee. However, very few such transfers take place.[89]

On 27 October 2015 the Emir of Qatar approved Law No. 21 of 2015 which will replace the 2009 Sponsorship Law from 14 December 2016.[90] The law creates a new system for migrant workers to appeal a sponsor's decision to refuse them an exit permit to leave the country and increases the state's oversight of the process by which workers seek to change jobs or leave Qatar. However, migrant workers are still required to obtain their sponsor's approval to change jobs or leave the country.

The 2009 Sponsorship Law is the framework that applies to all of the cases documented in this report.

THE 2004 LABOUR LAW

Qatar's Labour Law lays out the basic entitlements of workers and places specific responsibilities on employers. The Labour Law applies to all migrant construction workers, but explicitly excludes certain categories of workers from the scope of its protections, including domestic workers.[91] The Labour Law stipulates the following:

- A maximum working week of 48 hours over six days, plus up to 12 hours paid overtime for certain professions, and a ban on work in exposed areas in the hottest part of the day during Qatar's summer;

- Employers are not allowed to ask workers to do work which differs from what they had agreed, with limited exceptions "if it is temporary or if the work does not basically differ from the original work and if the request to perform that work does not entail an insult on the worker provided that the wage of the worker shall not be reduced";[92]

- Minimum standards for workers' accommodation, medical care of workers, and health and safety at work.[93]

- A Wage Protection System: This is a system that requires businesses to pay workers on time by direct bank deposits. It is an amendment to the Labour Law and came into force in November 2015.[94]

Article 116 of the Labour Law allows only Qatari workers the right to form workers' associations or trade unions. This provision prevents migrant workers from exercising their rights to freedom of association and to form a trade union.[95] It precludes migrant workers from responding in an organized manner

87. Amnesty International, *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; page 102.
88. Amnesty International, *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; page 103.
89. Amnesty International, *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; page 95.
90. Qatar News Agency, "*HH the Emir Issues Law on Expats' Residency*" http://www.qna.org.qa/en-us/News/15102714320057/HH-the-Emir-Issues-Law-on-Expats-Residency (accessed 28 October 2015)
91. For more information regarding human rights abuses faced by domestic workers in Qatar see *My Sleep Is My Break: exploitation of migrant domestic workers in Qatar*, (Index Number: MDE 22/004/2014), 23 April 2014". See also Article 3 of Law No 14 of 2004 (the Labour Law) which lists categories of migrant workers it does not cover. It includes civil servants, armed forces and police personnel, casual workers, and persons employed in domestic employment such as drivers, nurses, cooks, gardeners and similar workers.
92. Article 45 of the Law No. 14 of 2004 (the Labour Law).
93. Minister of Civil Service and Housing Affairs Decrees 17, 18 and 20 of 2005.
94. Law No. 1 of 2015 amending some provisions of Law No. 14 of 2004 (the Labour Law).
95. Article 20 (1) of the Universal Declaration on Human Rights provides that "everyone has the right to freedom of peaceful assembly and association" and Article 23 (4), provides that "everyone has the right to form and to join trade unions for the protection of his interests.

to exploitative practices and other abuses by their employers. Through its differential treatment of workers, on the basis of national origin, without any objective justification, the Government of Qatar is discriminating against migrant workers in violation of its obligations under the International Covenant on the Elimination of All Forms of Racial Discrimination.[96]

SUPREME COMMITTEE WORKERS' WELFARE STANDARDS

The Supreme Committee for Delivery and Legacy is the organization established under Qatar law to manage the construction of stadiums and other projects for the 2022 FIFA World Cup.[97] It has been one of the most prominent promoters of improved labour standards for the construction industry in Qatar. Central to this is the development of its Workers' Welfare Standards, a set of mandatory, contractually-binding rules that, in principle, seek to ensure that all companies engaged on World Cup projects respect the rights of their workforce.[98] According to Article 3.2, the Welfare Standards apply to "all entities that undertake any Work or provide any good or services in relation to the Program."[99] Program is defined in Section 1 of the Welfare Standards as "the construction of facilities by the SC and all other activities directly under the control of the SC associated with hosting the 2022 FIFA World Cup."[100] Contractors are required to ensure that other parties engaged on World Cup projects, including subcontractors, consultants, labour suppliers and recruitment agents, uphold the Standards.[101] Amongst the most relevant provisions of the Workers' Welfare Standards are:

The prohibition of fees and deception in recruitment process: The Welfare Standards state that the Contractor and its "Other Contracting Parties" (companies that are sub-contracted) can only use the services of a recruitment agency that is registered with the Ministry of Administrative Development and Labour and Social Affairs in Qatar. The contract between the Contractor and its Recruitment Agent "must… stipulate that a Worker is not to be charged any Recruitment or Processing Fees…"[102] The Workers' Welfare Standards also state that the Contractor must ensure that "its Other Contracting Parties comply with all relevant Laws and these WW Standards during the recruitment of their Workers".[103]

Measures to prevent deception in the recruitment process: The Welfare Standards require that companies contracted to work on World Cup projects must ensure, through contractual agreements with recruiters, that migrant workers are not subjected to deceptive recruitment. Migrant workers must be given an original offer of employment which specifically states the nature of the work they will be performing and their rights with regard to wages and overtime. The Offer must be in writing and explained to the migrant worker in a language that they understand. The Standards explicitly prohibit workers being coerced into signing a blank or incomplete document. The worker has to be given a signed copy of the offer, and once they arrive in Qatar they should be promptly provided, by the Contractor, with an Employment Contract that sets out the terms and benefits of employment which must be no less

96. Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination requires states parties to "prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, in the enjoyment of the following rights: …the right to freedom of peaceful assembly and association;… the right to form and join trade unions". Article 2 (c) requires state parties to "take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists".
97. Emiri Resolution No. 27 of 2011 establishing the Qatar 2022 Supreme Committee and Emiri Resolution No.3 of 2014 establishing the Supreme Committee for Delivery and Legacy.
98. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, February 2014, Article 3.7 "A Contractor shall be liable for any non-compliance by its Other Contracting with these Standards, as if such non-compliance was the non-compliance of the Contractor." Article 3.6, Workers' Welfare Standards, Edition 2, has the same provision. See also Section 4, Workers' Welfare Standards, Editions 1 and 2, which requires tenderers to sign a Commitment Statement that binds them to compliance with the Standards. See also Section 5, Workers' Welfare Standards, Editions 1 and 2.
99. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, February 2014, Article 3.2
100. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, February 2014, Section 1
101. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, February 2014, Article 3.2, states that the Welfare Standards apply to "all entities that undertake any Work or provide any good or services in relation to the Program." Program is defined in Section 1 of the Workers' Welfare Standards as "the construction of facilities by the SC and all other activities directly under the control of the SC associated with hosting the 2022 FIFA World Cup."
102. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, February 2014, Article 6.4(a)
103. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, February 2014, 6.2(a).

favourable than the Original Offer of Employment. The Contractor has to ensure that no worker is required to sign an Employment Contract different to the Original Offer of Employment unless the Employment Contract stipulates terms and conditions more advantageous to the Worker.[104]

Passports and other documents: The Welfare Standards re-state the provisions of Qatari law that require sponsors to ensure, at their own cost, that all workers possess a valid work visa that is then transferred into a residence permit, Qatari identity card and health card in accordance with the Law. Each worker must be provided with individual lockable storage facilities.[105] Contractors are required to ensure this with respect to their own direct employees and to ensure that any sub-contractors also abide by these standards.[106]

All workers must be paid their salaries regularly: Contractors must ensure that they and their sub- contractors pay workers in accordance with the Wage Protection System implemented under the Qatar Labour Law.[107]

Minimum accommodation standards: Under the Welfare Standards companies tendering for World Cup projects are required to submit information about the proposed accommodation for the workers who will be engaged on the projects for which they are bidding, which should meet requirements set by the Workers' Welfare Standards. Tenderers which do not meet the workers' welfare criteria for accommodation may be disqualified.

Accountability: The Welfare Standards make clear that the main Contractor is "liable for any non-compliance by its Other Contracting Parties with these Standards, as if such non-compliance was the non-compliance of the Contractor."[108]

UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

In addition to Qatari law and the Workers' Welfare Standards, all companies have a responsibility to respect human rights. This standard is articulated in the UN Guiding Principles on Business and Human Rights (UNGPs), an internationally-accepted set of standards endorsed by the UN Human Rights Council.

The UNGPs state that the responsibility to respect human rights is:

"a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights." [109]

The UNGPs make clear that, although particular country and local contexts may affect the human rights risks of a company's activities, companies "are expected to respect the principles of internationally recognized human rights to the greatest extent possible in the circumstances, and to be able to demonstrate their efforts in this regard."[110]

104. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1 & 2, Article 8.3
105. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, Article 12.4; Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 2, Article 9.3
106. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, Article 9.5; Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 2, Article 9.4
107. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Editions 1 & 2, Article 10.1
108. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, Article 3.7
109. UN Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy*" Framework (2011) UN Doc HR/PUB/11/04, www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed 17 March 2016)
110. UN Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy*" Framework (2011) UN Doc HR/PUB/11/04, Principle 23 commentary, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed 17 March 2016)

The responsibility to respect human rights extends not only to the company's own activities but also to its business relationships, such as relationships with sub-contractors. The UNGPs note that a company's "activities" include both actions and omissions.

To meet the responsibility to respect human rights, companies should have in place a human rights due diligence process to identify, prevent, mitigate and – where necessary – redress human rights abuses connected to their operations. The UNGPs state that human rights due diligence should be "initiated as early as possible in the development of a new activity or relationship, given that human rights risks can be increased or mitigated already at the stage of structuring contracts or other agreements..."[111] According to the UNGPs due diligence processes must involve meaningful consultation with potentially affected groups and other relevant stakeholders:

"In this process, business enterprises should pay special attention to any particular human rights impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization, and bear in mind the different risks that may be faced by women and men."[112]

The UNGPs take account of complex business networks such as the sub-contracting chains that are prevalent within the construction sector, and state that:

"Where business enterprises have large numbers of entities in their value chains it may be unreasonably difficult to conduct due diligence for adverse human rights impacts across them all. If so, business enterprises should identify general areas where the risk of adverse human rights impacts is most significant, whether due to certain suppliers' or clients' operating context, the particular operations, products or services involved, or other relevant considerations, and prioritize these for human rights due diligence."[113]

The UNGPs also make clear that, in order to account for how they address their human rights impacts, companies should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders.

4.1 EVERSENDAI: ABUSES ON THE KHALIFA STADIUM REFURBISHMENT PROJECT

"*Eversendai and all sub-contractors and labour companies are contractually obliged to ensure compliance with the SC's Workers' Welfare Standards if they have any workers engaged on a World Cup project.*"[114] – Midmac-Six Construct JV, the main contractor for the Khalifa Stadium refurbishment.

Like all World Cup projects, the Khalifa Stadium refurbishment project is being carried out under the auspices of the Supreme Committee. The main client is the Aspire Zone Foundation.[115] The Foundation is a stakeholder in the Supreme Committee. The Aspire Zone Foundation awarded the main contract on Khalifa to a joint venture company, Midmac-Six Construct JV. This company has sub-contracted

111. UN Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy"* Framework (2011) UN Doc HR/PUB/11/04, Principle 17 commentary, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed 17 March 2016)
112. UN Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy"* Framework (2011) UN Doc HR/PUB/11/04, Principle 18 commentary, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed 17 March 2016)
113. UN Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy"* Framework (2011) UN Doc HR/PUB/11/04, Principle 17 commentary, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed 17 March 2016)
114. Letter from Midmac-Six Construct JV to Amnesty International, dated 2 March 2016
115. See Midmac website, "*Khalifa Stadium and Museum - Total Renovation*", undated, http://www.midmac.net/projects_details.asp?project_id=119&cat_id=3 (accessed 14 March 2016).

work to a number of other companies, one of which is Eversendai Qatar, a subsidiary of a Malaysian company Eversendai.[116] Eversendai commenced work on Khalifa in the last quarter of 2014.

Many of the labour rights abuses described in Chapter 2 occurred in the context of the operations of Eversendai. Amnesty International researchers spoke to a total of 132 men who had worked, or were working, on the Khalifa Stadium refurbishment project. Ninety-eight of these men said they worked on Khalifa Stadium for Eversendai. Twenty-four said they worked directly for the company, while the other 74 told Amnesty International they were employed by two labour supply companies used by Eversendai: Seven Hills Trading and Contracting WLL and Blue Bay Trading and Contracting WLL.[117] The following abuses were identified within Eversendai's operations at Khalifa.

ABUSES EXPERIENCED BY WORKERS DIRECTLY EMPLOYED BY EVERSENDAI

PASSPORTS OF EVERSENDAI WORKERS RETAINED

Retaining workers passports contravenes Qatar's Sponsorship Law.[118] Despite this, all of the men directly employed by Eversendai told Amnesty International that the company held their passports. As Rajesh, one of the men, explained: "when I came to Qatar [in August 2014] the company manager who took me to the camp asked for my passport. He told me to sign a paper but he did not explain what it was and I could not read it… I haven't seen my passport since."[119]

Eversendai confirmed that it held the passports of migrant workers, telling Amnesty International that employees' passports were retained by the company "for safekeeping with the written consent of each individual worker".[120] Under the Workers' Welfare Standards, companies should provide a safe, lockable facility for workers' documents. Workers could request the return of their passport in writing. Amnesty International asked Eversendai whether each worker requested, on their own initiative, in writing, that the company hold their passports, or whether the company asked each employee to sign a document that gave the company permission to hold their passport. Eversendai said workers were offered the option to let the company hold their passports. In a letter dated 5 March 2016 the company told Amnesty International that it has now returned passports to migrant workers.[121]

POOR ACCOMMODATION

In May 2015 Amnesty International researchers visited a labour camp in Al Wakrah that was home to the 24 men directly employed by Eversendai, and 74 other men employed by labour supply companies to carry out work for Eversendai on Khalifa stadium. The conditions at this camp, described in the previous chapter (see photos), were extremely poor, over-crowded and unhygienic. The men who worked directly for Eversendai were subsequently moved to Barwa Al Baraha, a new camp with relatively good facilities. According to the Supreme Committee, Eversendai moved its works in April 2015.[122] Although Amnesty International confirmed that Eversendai did move its workforce to Barwa Al Baraha in mid-2015, Amnesty International researchers met the men living at the old camp at Al Wakrah in May.

116. Supreme Committee for Delivery and Legacy, "*SC Workers' Welfare Progress Report published for April to December 2015*", 11 February 2016, http://www.sc.qa/en/news/sc-workers-welfare-progress-report-published (accessed 20 March 2016).
117. Eversendai confirmed its contracts with the two companies in a letter to Amnesty International dated 5 March 2016.
118. Article 9, Law No. 4 of 2009 (the Sponsorship Law)
119. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
120. Letter to Amnesty International from Eversendai, dated 5 March 2016.
121. Letter from Eversendai Qatar to Amnesty International, dated 5 March 2016.
122. Letter from the Supreme Committee for Delivery and Legacy to Amnesty International dated 25 January 2016.

Basic washroom facilities used by Blue Bay workers at the Al Wakrah camp which housed labour supply workers and some Eversendai workers who carried out work on Khalifa Stadium, May 2015. © Amnesty International

When Amnesty International asked Eversendai about the serious shortcomings in the original accommodation (Al Wakrah), where employees of Eversendai who were working on Khalifa Stadium had lived for seven months or longer, the company denied there was any problem and challenged Amnesty International's investigation of the case. They stated:

"Our initial investigations makes it very clear that Amnesty International did not seek the required permissions before conducting the survey."[123]

They went on to say:

"On Khalifa stadium project our accommodation has been subject to inspection by the main contractor and consultant and it was found meeting [sic] the required standards."[124]

Amnesty International questioned these statements. Firstly, human rights organizations do not need the permission of employers or the authorities to visit people in what are their homes. Researchers visited the camps at the invitation of the men who were living there. Secondly, the accommodation being used by Eversendai to house men working on Khalifa Stadium in early 2015 did not meet the required standards. Midmac-Six Construct JV, the Aspire Zone Foundation and the Supreme Committe all confirmed that Eversendai's workers were moved in mid-2015 because the accommodation in

123. Letter from Eversendai Qatar to Amnesty International dated 16 December 2015.
124. Letter from Eversendai Qatar to Amnesty International dated 16 December 2015.

which they were living, while working on Khalifa Stadium, was sub-standard. According to the Supreme Committee the relocation was a direct result of inspections "against the [Worker Welfare] standards carried out by the main contractors for whom Eversendai is engaged".[125] Midmac-Six Construct JV confirmed this, telling Amnesty International that, as the main contractor, they carried out an inspection of the Eversendai accommodation in January 2015 and, following this inspection, in which breaches of the Workers' Welfare Standards were found, Eversendai moved its workers to Barwa Al Bahara.[126]

This information contradicts Eversendai's claim that their accommodation "*was found meeting the required standards.*"[127] The accommodation Eversendai was using until at least April 2015 was clearly found to be below standard and the workers were moved, but only following an intervention by the main contractors.

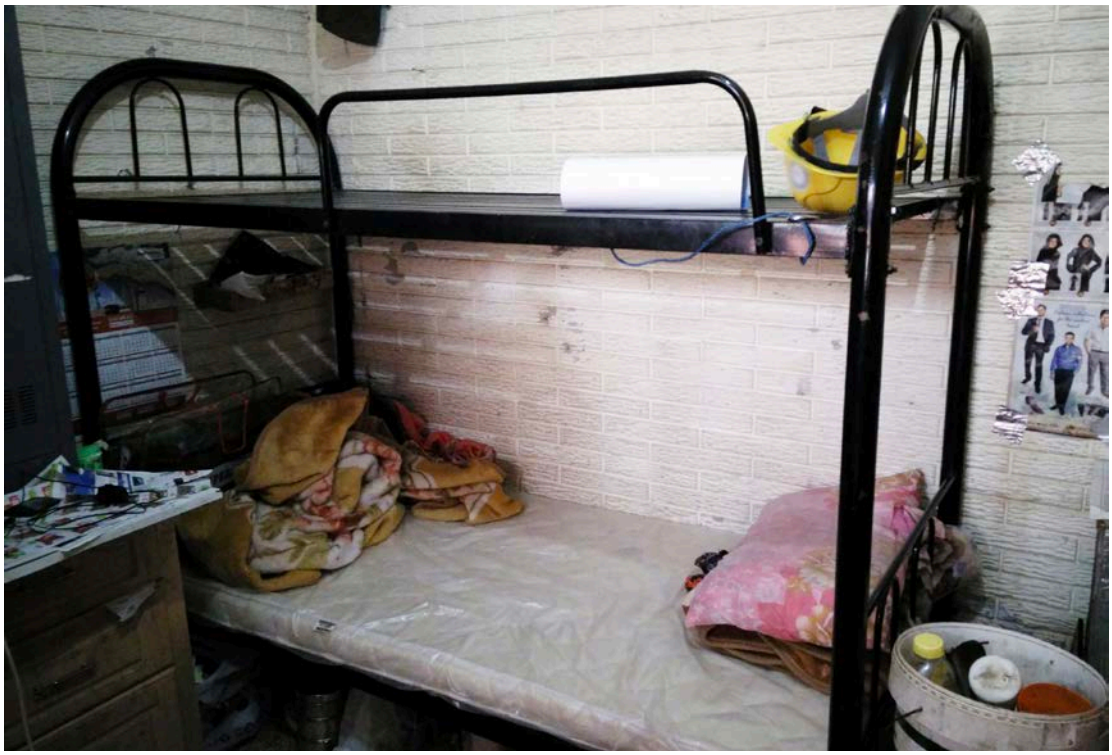
Amnesty International did not receive a copy of the January 2015 accommodation inspection report. In a letter to Amnesty International, Six Construct stated that a copy of the January report which identified breaches of the Workers' Welfare Standards at Eversendai's accommodation had been attached as an Annex. However Amnesty International received only a December 2015 report on the inspection of Eversendai's new accommodation at Barwa Al Bahara. Amnesty International requested a copy of the January 2015 inspection report from Six Construction but it was not provided.[128]

Amnesty International also visited the new Eversendai worker accommodation at Barwa Al Bahara. The conditions at Barwa, described on page 27-28, are a significant improvement on the camp at Al Wakrah. While the fact that the workers were moved from the extremely poor conditions in which Amnesty International originally found them is positive, it remains the case that men working directly for Eversendai, a major contractor on the Khalifa Stadium, were living in such conditions for at least seven months after the work on Khalifa started. The information provided by the Aspire Zone Foundation and the Supreme Committee also raises questions as to why the main contractors (Midmac-Six Construct JV) did not inspect the worker accommodation prior to engaging Eversendai in August 2014.[129] The failures of the main contractors are addressed below.

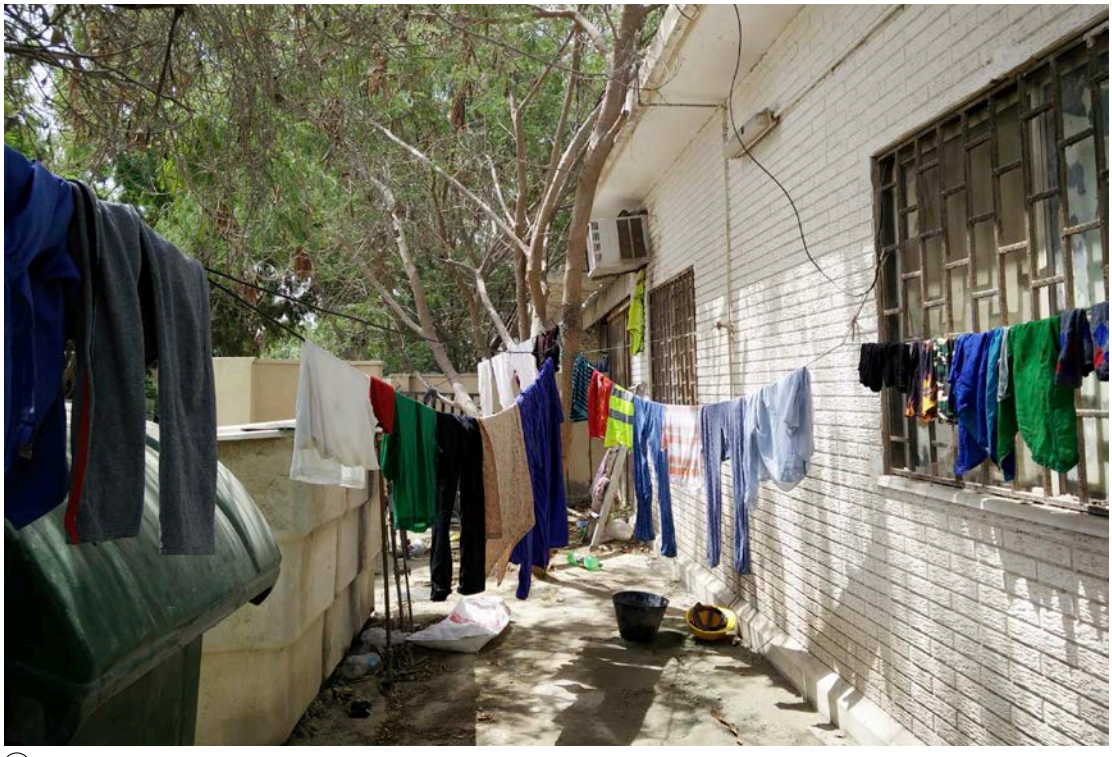
125. Letter from Supreme Committee for Delivery and Legacy to Amnesty International dated 25 January 2016
126. Letter from Six Construct to Amnesty International dated 4 January 2016
127. Letter from Eversendai Qatar to Amnesty International, dated 16 December 2015.
128. Letter from Amnesty International to Six Construct dated 28 January 2016
129. See Eversendai, "*Eversendai Wins RM113 Million Stadium Contract in Qatar*", 25 August 2014, http://www.eversendai.com/web/eversendai-wins-rm113-million-stadium-contract-in-qatar-2/ (accessed 17 March 2016)

The main access road to the Al Wakrah camp which housed 98 of the men working on Khalifa Stadium who Amnesty International interviewed, May 2015. © Amnesty International

The exterior of one of the blocks in the Al Wakrah camp housing some of the migrant workers working on Khalifa Stadium. The Al Wakrah camp housed the majority of Khalifa Stadium workers Amnesty International interviewed, May 2015. © Amnesty International



Workers in the Al Wakrah camp slept on bunk beds in rooms accommodating four, six, eight or more men, May 2015. © Amnesty International



Conditions at the Al Wakrah camp housing Seven Hills, Blue Bay and some Eversendai workers were cramped, dirty and unhygienic, May 2015. © Amnesty International

Photograph of Al Wakrah camp, an open area used by workers to dry clothes, May 2015. © Amnesty International

FAILURE TO RESPECT WORKERS' PRIVACY AND DIGNITY

Amnesty International visited Barwa Al Bahara, now home to some 500 Eversendai employees, in February 2016. The visit was facilitated by the Supreme Committee. Eversendai managers and members of staff of the Supreme Committee were present during this visit.

During the visit to Barwa Al Bahara, Eversendai managers asked if Amnesty International delegates wanted to talk to workers. Before waiting for a response the managers barged into a bedroom and told workers who were asleep following a night shift to wake up and get out of bed. Representatives of the Supreme Committee and Amnesty International's researcher intervened and told the Eversendai managers not to disturb the workers while they were resting.

During the same visit an Eversendai manager stopped two Indian workers who appeared to be returning to their rooms from the showers. The manager instructed the workers to show Amnesty International researchers their passports. The workers were visibly apprehensive with about 10 people observing the conversation, including senior Eversendai managers.

Amnesty International has raised the organization's concerns in writing regarding the manner in which Eversendai managers spoke to and treated migrant workers. Amnesy International noted that Eversendai may need to establish training for its managers to enable them to treat workers with dignity and respect.

Eversendai told Amnesty International that all of its workers were paid on time and in accordance with the Workers' Welfare standards.

EVERSENDAI: FAILURE TO UNDERTAKE ADEQUATE DUE DILIGENCE ON LABOUR SUPPLY COMPANIES

Eversendai's responsibility, in line with the UNGPs, encompasses respecting the rights of its workforce and ensuring that it carries out due diligence checks on any company it sub-contracts.

Hundreds of labour supply companies operate in Qatar, often bringing in migrant workers solely for the purpose of sub-contracting out their labour to other companies. Having brought migrant workers into Qatar, small labour supply companies (also described as "manpower companies") are frequently unable, or unwilling, to ensure migrant workers are paid on time or provided with documents that require the payment of a fee, such as residency permits. They can also be unwilling to let workers they view as an "investment" leave the country.[130]

Given the particular context of Qatar and the foreseeable risks associated with labour supply companies, checks on the most commonly reported labour abuses would be the minimum due diligence expected of a company like Eversendai. In the context of the Khalifa Stadium refurbishment, Eversendai should also have acted in line with the provisions of the Workers' Welfare Standards.

Eversendai confirmed that it used two labour supply companies to carry out work as part of it's operations on the Khalifa site: Seven Hills and Blue Bay.[131]

A Khalifa Stadium construction site pass used by a labour supply company migrant worker to enter the site. On the pass the company listed is Eversendai Qatar, May 2015. © Amnesty International

130. Ray Jureidini, Qatar Foundation, *Migrant Labour Recruitment to Qatar*, 2014
131. Letter from Eversendai to Amnesty International dated 5 March 2016.

SEVEN HILLS

According to Eversendai, 21 men from Seven Hills worked on Khalifa Stadium between October 2014 and June 2015.[132] Amnesty International interviewed 51 men who said they worked for Seven Hills and had done work on Khalifa Stadium. Since at least May 2015, Seven Hills has been on a "watch list" maintained by the Nepalese Embassy in Qatar of companies that have failed to address labour-related complaints from Nepalese nationals working for them in Qatar.[133] Amnesty International wrote to Seven Hills in December 2015, asking for their response to the allegations of labour exploitation, but did not receive any response.

BLUE BAY

According to Eversendai 14 men from Blue Bay worked on the Khalifa Stadium over a one-month period in late 2014.[134] Amnesty International interviewed 24 men who said they worked for Blue Bay, and who described their work on the Khalifa site. They said they did their work for Eversendai. Amnesty International was unable to find any working contact information for Blue Bay.

The men who worked for these companies, which had been subcontracted by Eversendai to work on the Khalifa Stadium refurbishment, told Amnesty International that they were subjected to a range of human rights abuses by their employers.[135] These abuses included deceptive recruitment practices, retention of passports, inadequate accommodation, delays in payments of salaries, and failure to provide and renew residence permits. Amnesty International also found evidence of forced labour and that managers of the labour supply companies used the threat of penalties, as described in chapter 2, to exact work from migrant workers.

Amnesty International presented the evidence it had collected to Eversendai to seek its response. The organization also asked Eversendai to describe what, if any, due diligence it had undertaken in relation to Seven Hills and Blue Bay, prior to engaging their workers on the Khalifa Stadium refurbishment, to determine if their treatment of their workers complied with Qatar's laws and the Worker's Welfare Standards.[136]

Amnesty International received two letters from Eversendai, both reproduced at www.amnesty.org/en/document/mdd22/3681/2016/en. The company did not provide any information to show it had carried out due diligence checks before engaging Seven Hills and Blue Bay.

Eversendai conceded that it had found certain shortcomings with respect to accommodation of sub-contracted workers engaged on the Khalifa Stadium refurbishment, but this appears to have happened only after the sub-contracted workers were already engaged on the project. Eversendai told Amnesty International that it responded to these shortcomings by "removing" the workers. The company also said that, when it observed certain shortcomings in the accommodation of sub-contracted workers, it moved the workers to Eversendai's own accommodation which "complies fully with the standards set for the Khalifa project".[137]

132. Letter from Eversendai Qatar to Amnesty International dated 5 March 2016.
133. Nepal Embassy, Qatar "Watch List" obtained by Amnesty International in May 2015.
134. Letter from Eversendai Qatar to Amnesty International dated 5 March 2016.
135. Amnesty International interviews with workers employed by Seven Hills Trading and Contracting WLL and Blue Bay Trading and Contracting WLL conducted in Qatar between May 2015 and February 2016.
136. Letters from Amnesty International to Eversendai Qatar, dated 8 December 2015 and 18 January 2016.
137. Letter from Eversendai Qatar to Amnesty International dated 16 December 2016.

As noted above, the accommodation used by Eversendai for its own workforce on Khalifa Stadium was inadequate until at least April 2015, after which time Eversendai's workforce was moved to Barwa Al Bahara. Seven Hills had been providing workers to Eversendai for the Khalifa Stadium refurbishment since October 2014.[138] Even if Eversendai identified the problems with Seven Hills' workers accommodation and moved men to their own accommodation, this accommodation was not compliant with the Workers Welfare Standards until at least April 2015. Moreover, when Amnesty International met the men working for Seven Hills in May 2015, several were still working on Khalifa Stadium for Eversendai, they were living at the Al Wakrah camp, described in Chapter 3, which was clearly inadequate.

Eversendai and Midmac-Six Construct JV, the main contractor, informed Amnesty International that Eversendai terminated its contract with Seven Hills following an inspection of Seven Hills' labour camp in May 2015.[139] According to Midmac-Six Construct JV:

"Eversendai uncovered a number of areas of non-compliance during an inspection in May 2015, specifically regarding the accommodation used by Seven Hills, and they subsequently decided to terminate the contract…". [140]

It is worth noting that the camp in which Seven Hills' workers were living was at Al Wakrah, in the same area as the inadequate camp used by Eversendai, only a block away on the same street and conditions in the Seven Hills camp were similar to the Eversendai block at Al Wahrah. The Midmac-Six Construct JV inspected Eversendai's camp in January 2015 and found it below standard and workers had to be moved to a new camp. It is not clear how Eversendai only made its decision that Seven Hills' accommodation was inadequate in May. As noted above, the contract with Seven Hills was terminated, and its workforce was not moved to Barwa al Baraha.

The accommodation conditions appears to have been the only issue inspected by Eversendai. The company did not address questions about how it checked whether sub-contracted workers from Seven Hills and Blue Bay were paid on time. Nor did it respond to the evidence that Amnesty International presented about forced labour, people being denied exit permits, and the failure of the labour supply companies to provide and renew residence permits.

The decision to end its engagement with Seven Hills does not release Eversendai from its responsibility to remediate the harms suffered by sub-contracted workers when they were working for the company. The UN Guiding Principles of Business and Human Rights stated that "[w]here business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes".[141]

In response to Amnesty International's question about what remedial action the company would take to address the abuses Amnesty Internationalbrought to their attention was, Eversendai stated:

"Given the fact that Eversendai have [sic] not abused the workers engaged by them no remedial action is deemed necessary." [142]

The only corrective action that Eversendai mentioned taking in relation to the conditions of sub-contracted workers was the claim that some workers were moved to Eversendai's own accommodation.

138. Letter from Eversendai Qatar to Amnesty International dated 5 March 2016.
139. Letter from Eversendai Qatar to Amnesty International dated 5 March 2016
140. Letter from Midmac-Six Construct JV letter to Amnesty International, dated 2 March 2016.
141. UN Guiding Principles on Business and Human Rights (http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf), Principle 22
142. Letter from Eversendai Qatar to Amnesty International, dated 16 December 2016

However, as noted above, men working for Seven Hills were living in sub-standard accommodation while working for Eversendai in May 2015. During a visit to Qatar in February 2016 Amnesty International found Seven Hills' workforce, including some of the same men researchers had interviewed in 2015, living in the same camp at Al Wakrah in the same abysmal conditions.[143]

Based on the data gathered by Amnesty International Eversendai sub-contracted both Seven Hills and Blue Bay without carrying out even basic due diligence with respect to the way these companies treated their workforce. As a result, construction work on one of the FIFA World Cup stadiums has been carried out by migrant workers who were subjected to a range of serious abuses including, potentially, forced labour. Eversendai's failures occurred despite the existence of substantial guidance provided by the Supreme Committee Workers' Welfare Standards.

Amnesty International also investigated the due diligence that was undertaken by the main contractors for the project who contracted Eversendai to work on the Khalifa Stadium refurbishment.

4.2 MIDMAC-SIX CONSTRUCT JV

The main contractor on the Khalifa Stadium refurbishment is a joint venture collaboration between Midmac and Six Construct. Midmac is a Qatari contracting and construction company employing some 6,000 people.[144] Six Construct is a subsidiary of Besix, the largest construction company in Belgium.[145] The joint venture is known as Midmac-Six Construct JV.

CONTRACTUAL OBLIGATIONS AND RESPONSIBILITY FOR HUMAN RIGHTS

As the lead contractor on the Khalifa Stadium refurbishment, Midmac-Six Construct JV is responsible for the safety and rights of all workers on the Khalifa site. The Joint Venture company, in line with the UNGPs, should undertake human rights due diligence to ensure their operations are not causing or contributing to human rights abuses. The UNGPs are clear that the responsibility to respect human rights extends not only to the company's own activities but also to its business relationships (such as its sub-contracting chain). This same responsibility is reflected in the Workers' Welfare Standards, which state that:

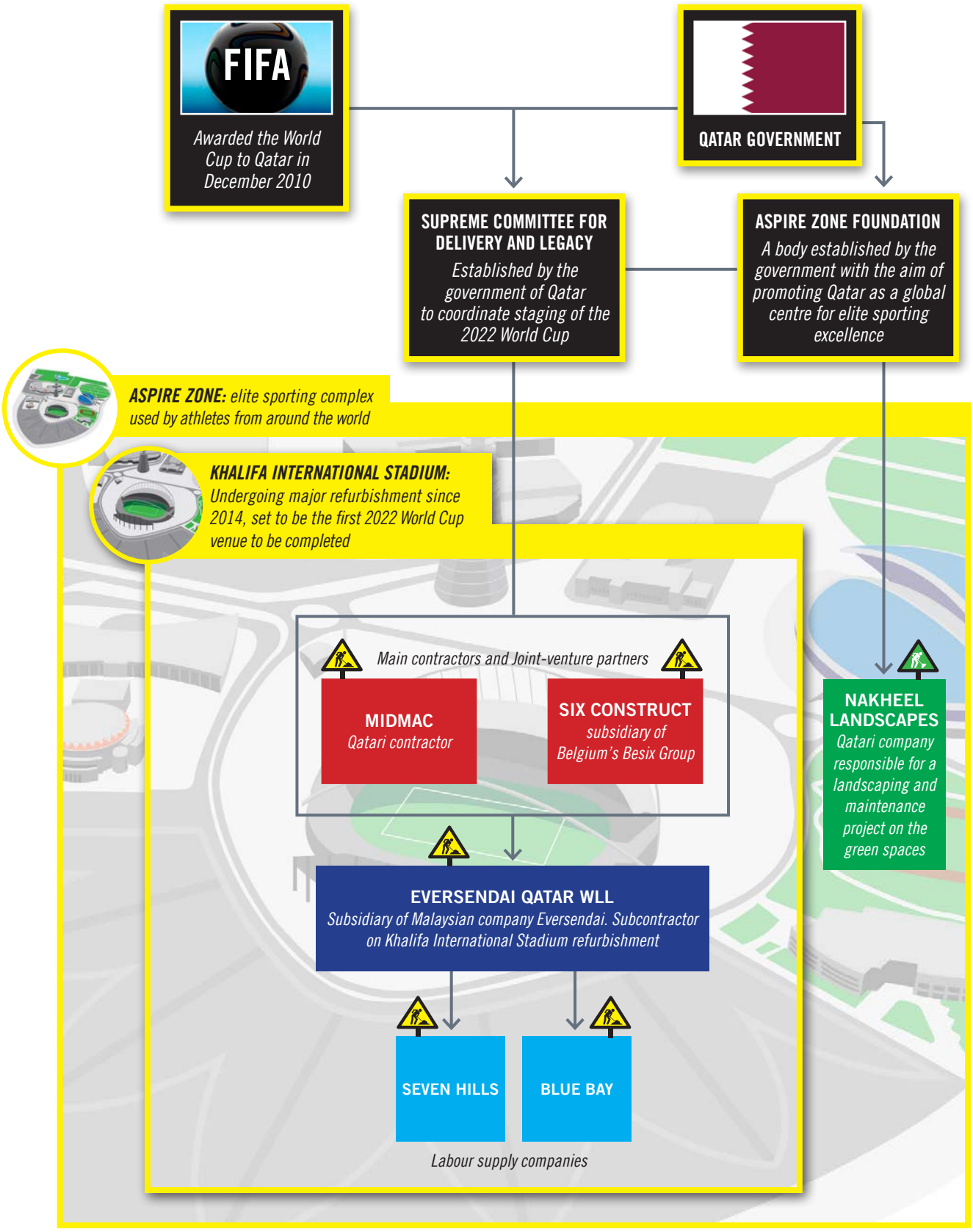
"A Contractor shall be liable for any non-compliance by its Other Contracting Parties with these Standards, as if such non-compliance was the non-compliance of the Contractor." [146]

Other Contracting Party is defined as "any subcontractor, consultant, labour supplier or Recruitment Agent to a Contractor."[147]

The Midmac-Six Construct JV acknowledged that it was both contractually and morally bound to respect labour rights, telling Amnesty International that the company:

"recognizes its responsibility to hold both ourselves and our sub-contractors to the highest possible standards of labour practices and we are both contractually and morally committed to ensure the standards outlined in the Supreme Committee for Delivery and Legacy's Workers' Welfare Standards are adhered to across the board on the Khalifa Stadium refurbishment project."[148]

143. Amnesty International interviews with Seven Hills workers, February 2016.
144. "Midmac company profile", *Midmac*, undated, available at: http://www.midmac.net/company.asp (accessed 20 February 2016).
145. For more information on Midmac see http://www.midmac.net/; and on Besix, parent company of Six Construct see: http://www.besix.com/Home.aspx.
146. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 1, Article 3.7; Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Edition 2, Article 3.6
147. Supreme Committee for Delivery and Legacy, "*Workers' Welfare Standards*", Editions 1 & 2,Section 1
148. Letter from Midmac-Six Construct JV to Amnesty International dated 2 March 2016.


FIFA
Awarded the World Cup to Qatar in December 2010
QATAR GOVERNMENT
SUPREME COMMITTEE FOR DELIVERY AND LEGACY
Established by the government of Qatar to coordinate staging of the 2022 World Cup
ASPIRE ZONE FOUNDATION
A body established by the government with the aim of promoting Qatar as a global centre for elite sporting excellence
ASPIRE ZONE: elite sporting complex used by athletes from around the world
KHALIFA INTERNATIONAL STADIUM: Undergoing major refurbishment since 2014, set to be the first 2022 World Cup venue to be completed
Main contractors and Joint-venture partners
MIDMAC
Qatari contractor
SIX CONSTRUCT
subsidiary of Belgium's Besix Group
NAKHEEL LANDSCAPES
Qatari company responsible for a landscaping and maintenance project on the green spaces
EVERSENDAI QATAR WLL
Subsidiary of Malaysian company Eversendai. Subcontractor on Khalifa International Stadium refurbishment
SEVEN HILLS
BLUE BAY
Labour supply companies

FAILURE TO CARRY OUT APPROPRIATE DUE DILIGENCE ON EVERSENDAI AND ITS SUB-CONTRACTORS

The risks facing migrant workers in Qatar are well known and have received considerable attention over the past five years.[149] The major risk, including deceptive recruitment, sub-standard accommodations, withholding of passports, denying workers the right to leave Qatar and forced labour, are all reflected in the Workers' Welfare Standards. This information should inform and shape the due diligence carried out by the main contractors on all construction projects. However, as discussed below, Amnesty International's investigation into the due diligence conducted by Midmac-Six Construct JV found major shortcomings.

EVERSENDAI WORKER ACCOMMODATION ONLY CHECKED AFTER CONTRACT AWARDED

Midmac-Six Construct JV only inspected Eversendai's worker accommodation after Eversendai started work on Khalifa Stadium.[150] Eversendai was awarded the contract on Khalifa in August 2014.[151] According to Six Construct, Eversendai's accommodation was inspected by in January 2015.[152] At this point the accommodation was found to be sub-standard. Six Construct, in a letter to Amnesty International dated 4 January 2016, stated that "Eversendai Qatar took immediate action by shifting their workers to another camp (Barwa Al Bahara)."[153] Although Midmac-Six Construct JV refer to "immediate action", the Aspire Zone Foundation told Amnesty International that the Eversendai workers were moved in April (three months after the inspection, and eight months after Eversendai won the contract on Khalifa). Moreover, some Eversendai workers, including those who said they were working on Khalifa Stadium refurbishment, were still at the old Al Wakrah camp site in May 2015. Amnesty International asked both Six Construct and Midmac why the accommodating inspections were not done prior to awarding the contract to Eversendai. Neither company responded on this issue.

While the action taken to address the poor accommodation of Eversendai workers is welcome, it does not alter the fact that the company was contracted to do major work on Khalifa Stadium without such an obvious issue being addressed in advance.

Eversendai was not the only sub-contractor hired to work on Khalifa Stadium without a prior inspection of accommodation. Six Construct told Amnesty International that the Joint Venture carried out inspections on other companies already under contract and that "during some of these inspections Midmac-Six Construct JV did discover breaches of the Supreme Committee Workers' Welfare Standards. As a result of this contracts with a few subcontractors were terminated. In other cases subcontractors acted upon our inspection reports."[154]

In a letter to Amnesty International dated 4 January 2016 Six Construct stated, under the sub-heading "Measures proposed by Six Construct to avoid abuse" that:

149. See *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; *Qatar: Profit and Loss Counting the cost of modern day slavery in Qatar: What price is freedom?*, International Trade Union Conference, 18 December 2015, available at: http://www.ituc-csi.org/IMG/pdf/qatar_en_web.pdf (accessed 25 December 2015); *Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022*, Human Rights Watch, 12 June 2012 (http://www.hrw.org/reports/2012/06/12/building-betterworld-cup); and Pete Pattison, "Revealed: Qatar's World Cup 'slaves'", *The Guardian*, 25 September 2013, http://www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves (accessed 12 March 2016).
150. Letter from Six Construct to Amnesty International dated 4 January 2016; Letter from Supreme Committee to Amnesty International, dated 25 January 2016; Letter from Midmac-Six Construct JV to Amnesty International dated 2 March 2016. According to Eversendai, it moved its own workforce to Barwa Al Baraha after an inspection of the previous accommodation by Midmac-Six Construct JV in January 2015. Six Construct and Midmac have not explained why they did not undertake an inspection of the accommodation prior to awarding Eversendai the contract for the Khalifa stadium refurbishment.
151. "Eversendai Wins RM113 Million Stadium Contract in Qatar", *Eversendai*, 25 August 2014, http://www.eversendai.com/web/eversendai-wins-rm113-million-stadium-contract-in-qatar-2/ (accessed 20 November 2015).
152. Letter from Six Construct to Amnesty International dated 4 January 2016.
153. Letter from Six Construct to Amnesty International dated 4 January 2016.
154. Letter from Six Construct to Amnesty International dated 4 January 2016

"Midmac-Six Construct JV will continue conducting camp inspections for subcontractors. We are sending one month notice letters to subcontractors breaching the standards with a strict follow up after one month. In case the subcontractor camp is still not compliant with [the Workers' Welfare Standards], the contract will be terminated.

"In addition Technical & commercial teams are notified not to sign any agreement with sub-contractors prior to checking the welfare facilities/ accommodation of their camps."[155]

While welcoming the fact that Six Construct proposes to take action to address one of the major problems facing migrant workers, Amnesty International is concerned that the approach outlined does not include any remedial action for the migrant workers if termination of a contract occurs. It is imperative that the main contractors put in place a process of engagement with the companies and the authorities that ensures that migrant workers are not left living in the same appalling conditions in which a contractor finds them. This issue is addressed in more detail in the recommendations made in Chapter 7.

The proposal that agreements with sub-contractors are not to be signed prior to a check on accommodation being carried out is also welcome, and in line with the Workers' Welfare Standards and the UNGPs. However, it is a matter of some concern that a major contractor on a World Cup project is only proposing to take this action in a letter dated 4 January 2016, and appears not to have not done this to date.

UNAWARE OF LABOUR SUPPLY COMPANY WORKERS ENGAGED ON KHALIFA STADIUM

The Supreme Committee for Delivery and Legacy has stated that:

"Contractors are required to ensure that other parties engaged on projects, including subcontractors, consultants, labour suppliers and recruitment agents, uphold the SC's Workers' Welfare Standards."[156] ***"Workers' Welfare" page on Supreme Committee for Delivery and Legacy website***

Midmac-Six Construct JV told Amnesty International that they "enforce compliance of the Supreme Committee for Delivery & Legacy's Workers' Welfare Standards with direct sub-contractors and any worker stepping foot on a World Cup-related project".[157]

However, in the same communication they acknowledged that they had not been aware that men from the labour supply company, Seven Hills, were on the Khalifa Stadium site:

"Midmac-Six Construct JV were only assessing their direct subcontractors and accordingly the presence of Seven Hills on the project has only been highlighted to us after receiving Amnesty [sic] letter".[158]

Full and effective monitoring and enforcement of compliance with the Workers' Welfare Standards cannot happen if the main contractor is unaware of labour supply workers or sub-sub-contracted companies on World Cup sites. It is not clear why, as the main contractor, Micmac-Six Construct did not require its immediate sub-contractor, Eversendai, to notify it of the names of any other companies that it engaged on the Khalifa Stadium site.

RELIANCE ON CORPORATE SELF-AUDITS

According to the Midmac-Six Construct JV they mandate that all their sub-contractors conduct their own self audits and audits of their labour supply companies in line with the Workers' Welfare Standards to "ensure any organization engaged on a World Cup related project is [Workers' Welfare Standard] compliant."[159]

155. Letter from Six Construct to Amnesty International dated 4 January 2016
156. Supreme Committee for Delivery and Legacy website, *"Workers' Welfare", undated*, http://www.sc.qa/en/delivery-and-legacy/workers-welfare (accessed 17 March 2016)
157. Letter from Midmac-Six Construct JV to Amnesty International dated 2 March 2016.
158. Letter from Midmac-Six Construct JV to Amnesty International dated 2 March 2016.
159. Letter from Midmac-Six Construct JV to Amnesty International dated 2 March 2016.

Amnesty International is concerned that self-audits are insufficient as a mechanism for detecting bad practice and abuse of workers' rights. It is a process that is open to abuse and - in Amnesty International's experience – it is the very companies that are most likely to abuse rights that also abuse self-regulation processes. In the case of Khalifa Stadium, such self-audits do not appear to have detected serious problems.

Referring to the self-audits by subcontractors Midmac-Six Construct JV told Amnesty International that Eversendai uncovered a number of areas of non-compliance "specifically with regard to accommodation used by Seven Hills". Neither Eversendai nor the Joint Venture appear to have discovered other areas of non-compliance by Seven Hills using the self-audit process.
With regard to deception in the recruitment process Midmac-Six Construct JV told Amnesty International that:

"Midmac-Six Construct JV has always asked the subcontractors to provide us with the signed/stamped 'Self-Audit accommodation and Ethical Recruitment'".[160]

However, in three letters sent to Amnesty International Midmac-Six Construct JV did not say it discovered any specific recruitment problems through this process or any other process.

INADEQUATE RESPONSE TO ABUSES INCLUDING FORCED LABOUR ON KHALIFA STADIUM

An important element of the corporate responsibility to respect human rights is how adverse impacts on rights are addressed. Amnesty International made Midmac- Six Construct JV aware of serious allegations of labour exploitation, including some practises within their sub-contracting chain that could amount to forced labour. The response of the Joint Venture focused primarily on accommodation. It also made reference to recruitment and payment of wages, but provided no response at all to the cases of forced labour.

Responding to the allegations that the salaries of Seven Hills' workers were delayed or in arrears of several months, Midmac-Six Construct JV told Amnesty International that it had "received a confirmation from Seven Hills through Eversendai that all the labours [sic] had received their complete salaries for the duration they worked at [Khalifa Stadium].[161] Relying on the company that has, allegedly, failed to pay its workers properly and used late payments to coerce them into continuing to work, to then confirm whether or not it has abused the rights of its workforce is clearly inadequate. As with self-audits, Midmac-Six Construct JV is relying on those who may be abusing the rights of migrant workers to report on themselves.

The Midmac-Six Construct JV told Amnesty International that they had introduced some new measure to "enforce the respect of the [Workers' Welfare Standards]". These changes also focused on accommodations. From 2016 Midmac-Six Construct has been conducting "intensive camp inspections covering all the subcontractors as well as their supply chain (if any)."[162] Midmac-Six Construct JV now has a block in the Barwa al Baraha camp "specifically reserved for any non-compliant sub-contractors to allow them to move their workforce engaged on a World Cup project to this new camp prior to mobilizing their workers to the site."[163]

Midmac-Six Construct JV acknowledged that they have focused on accommodation and need to look at other issues, stating:

160. Letter from Midmac-Six Construct JV to Amnesty International dated 2 March 2016.
161. Letter from Midmac-Six Construct JV to Amnesty International, dated 2 March 2016.
162. Letter from Midmac-Six Construct JV to Amnesty International, dated 2 March 2016.
163. Letter from Midmac-Six Construct JV to Amnesty International, dated 2 March 2016.

"While accommodation has been our primary focus in 2015, we are also increasing our ethical recruitment auditing in 2016 and working with the Aspire Zone Foundation and the SC to increase checks across the board."[164]

While such measures are welcome, they fall far short of an adequate monitoring and enforcement of the Workers' Welfare Standards or Midmac-Six Construct JV's compliance with the responsibility to respect human rights. The failure to recognise the risks of forced labour or to mention any action to address the cases of forced labour detailed by Amnesty International is a serious concern.

Midmac-Six Construct JV told Amnesty International that a clause on compliance with the Workers' Welfare Standards "is applied to all agreements and has been in place since we started working on the project in 2014."[165] Based on the information provided to Amnesty International, it is difficult to see how Midmac-Six Construct could enforce such contractual obligations. In the case of Khalifa Stadium, it appears to have been unable to do so.

As the main contractor on Khalifa Stadium, Midmac-Six Construct JV did not act in line with the Workers' Welfare Standards when it appointed Eversendai in 2014. Checks that should have been carried out prior to the appointment were either carried out afterwards or not at all. Moreover, the joint venture has failed to ensure a key sub-contractor such as Eversendai followed the Workers' Welfare Standards and consequently significantly weakened the protections contained in the Standards.

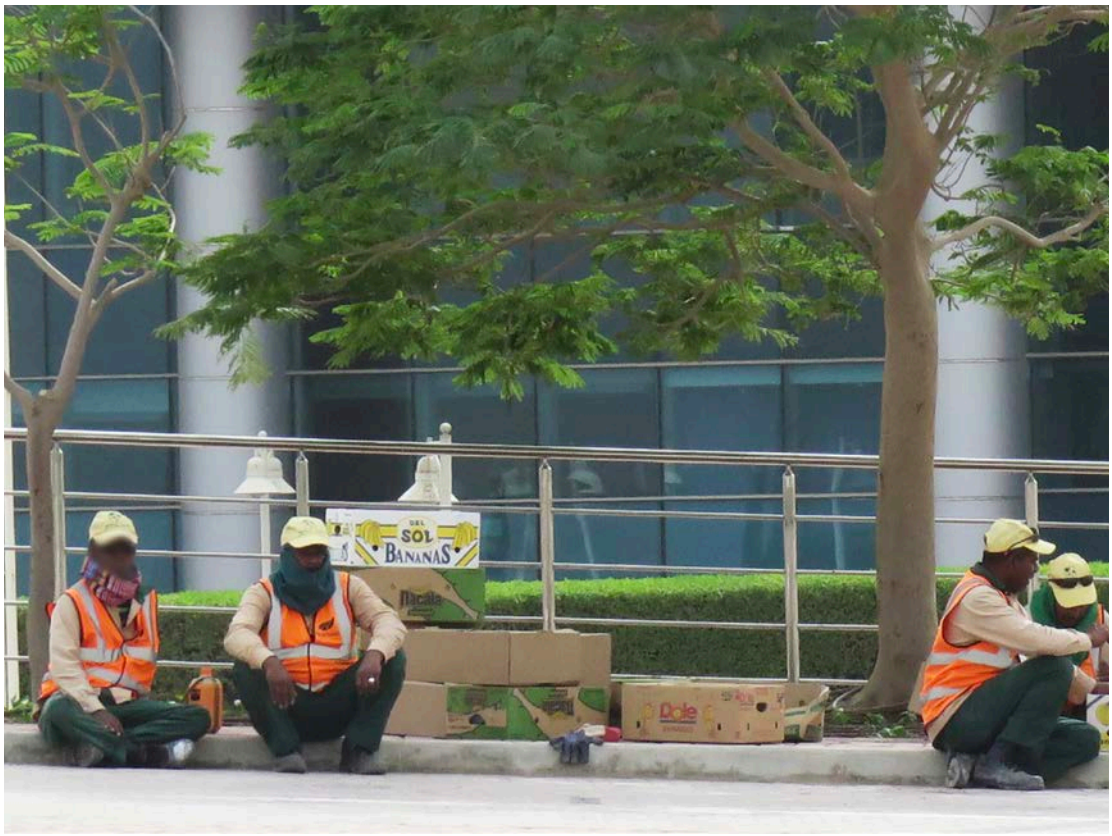
By failing to ensure it carried out adequate due diligence with respect to all of the labour rights of workers employed on the Khalifa Stadium refurbishment, whether these workers were on site for a month or a year, Midmac-Six Construct JV has also breached its responsibility to respect human rights.

4.3 NAKHEEL LANDSCAPES

The Aspire Zone green spaces surround Khalifa International Stadium. Aspire Logistics, a part of the Aspire Zone Foundation, awarded a major contract for the maintenance of these spaces to Nakheel Landscapes, a Qatari company, on 1 May 2014.[166] Although the Aspire Zone green areas surround the Khalifa Stadium, and Aspire Zone Foundation is involved with both the Khalifa Stadium refurbishment and the landscaping work in the green areas, the Aspire Zone green areas are not officially a World Cup project.[167]

Amnesty International interviewed 102 men who worked for Nakheel, 99 of whom worked as gardeners in the Aspire Zone green spaces. Almost all of the men were from Bangladesh. They reported experiencing a range of exploitative practices by Nakheel, including deceptive recruitment, sub-standard living conditions and being denied exit permits.

164. Letter from Midmac-Six Construct JV to Amnesty International, dated 2 March 2016.
165. Letter from Midmac-Six Construct JV to Amnesty International, dated 2 March 2016.
166. Nakheel Landscapes, "*Major on-going maintenance contracts*", undated, http://nakheellandscapes.com/content/going-maintenance-contracts (accessed 13 March 2016).
167. Letter from Aspire Zone Foundation to Amnesty International dated 21 February 2016.



Nakheel Landscapes workers take a break from landscaping duties at the Aspire Zone, May 2015. © Amnesty Intrenational

When Amnesty International first contacted Nakheel and raised allegations of labour exploitation the company stated that it was "deeply concerned by the serious allegations" but went on to say that it wanted "full disclosure" and that without this Nakheel denied the allegations.[168] The information that Amnesty International provided to Nakheel is reflected in Chapter 3 of this report (the letters sent from the company are available at www.amnesty.org/en/document/mdd22/3681/2016/en). Amnesty International did not provide Nakheel or any other party with the names of the men interviewed, at their request, in order to protect them from reprisals.

Nakheel also stated that:

"Nakheel Landscapes (Nakheel) takes great pride in ensuring that all of its employees, whether connected with the Supreme Committee for Delivery & Legacy ("SC") or otherwise, are provided with working conditions that comply with the standards imposed by domestic Qatari law as well as the [Supreme Committee's] Workers' Welfare Standards."[169]

Despite this claim, Amnesty International found the following labour rights abuses by Nakheel against migrant workers employed by them on the Aspire Zone green areas.

168. Letter from Nakheel Landscapes to Amnesty International dated 17 January 2016.
169. Letter from Nakheel Landscapes to Amnesty International dated 17 January 2016.

Thousands of migrant workers live in the Industrial Area, many in poor accommodation, May 2015. © Amnesty International

INADEQUATE ACCOMMODATION

In April and May 2015, when Amnesty International researchers first met them, the 102 men were living in worker camps in the Industrial Area and Al Khor. Amnesty International researchers inspected eleven rooms and two of the bathrooms, but not the kitchen areas. Both camps were clearly identified as Nakheel Landscapes camps (see, for example, picture of the entrance to the Al Khor camp) and the companies' uniforms were visible in workers' dormitories. The rooms inspected were occupied by six to nine men, cramped, and appeared to contravene the requirement under Qatar law that each worker be provided with a minimum of 4 square metres of living space. Both of the accommodation sites were clearly in breach of international standards, Qatari law and the Welfare Standards (see page 27).[170]

Amnesty International told Nakheel that researchers had seen Nakheel workers housed in these poor conditions.[171] The company told Amnesty International:

"For the avoidance of doubt, Nakheel denies that employees employed on Supreme Committee related projects have been housed in rooms with bunk beds and/or with more than four people per room…On projects unrelated to the Supreme Committee, Nakheel confirms that all accommodation is in compliance with Qatar law…."

Nakheel went on to say that it had started to move employees to Labour City from October 2015 onwards.[172] Nakheel workers employed on the Aspire Zone green areas told Amnesty International in February 2016 they were moved to Labour City on 7 December 2015, four days after Amnesty International sent a letter by courier and email to Nakheel about the abuses it had documented.[173]

170. Minister of Civil Service and Housing Affairs Decrees No. 17, 18 and 20 of 2005 and Sections 1.2 and 1.4 of Appendix A of Supreme Committee for Delivery and Legacy Workers' Welfare Standards.
171. Letter from Nakheel Landscapes to Amnesty International, dated 15 February 2016.
172. Letter from Nakheel Landscapes to Amnesty International, dated 15 February 2016.
173. Amnesty International interviews in Qatar, February 2016.

Entrance to Nakheel Landscapes accommodation camp at AL Khor, May 2015. © Amnesty Intrenational

Bedrooms in the Nakheel Landscapes camp in the Industrial Area where eight or more workers slept in bunk beds, June 2015. © Amnesty International

As noted in the last chapter, Amnesty International visited Labour City in February 2016. Conditions at this site are significantly better than the sites at the Industrial Area and Al Khor. However, the move to Labour City notwithstanding, the evidence gathered by Amnesty International clearly shows that the men working for Nakheel were living in substandard conditions while working on landscaping the Aspire Zone green areas.[174]

RECRUITMENT FEES AND DECEPTIVE RECRUITMENT

All of the men interviewed by Amnesty International reported having to pay recruitment fees in their home countries. The Nakheel workers interviewed by Amnesty International said those who had arrived from Bangladesh since 2014 typically paid 350,000 Bangladeshi Taka ($4,300) and earned 500 riyals ($130) a month plus an additional 250 riyals for food ($200).[175] Fifty-seven of the men interviewed said they took out loans to cover the costs of their recruitment.

Eight-four of the men said they experienced deception in the recruitment process, with most reporting that they were promised a higher salary than they actually received when they arrived in Qatar. The

174. Amnesty International inspections of Nakheel Landscapes accommodation in the Industrial Area and Al Khor in May 2015.
175. Amnesty International interviews in Qatar, May 2015 and February 2016.

men interviewed by Amnesty International described how Nakheel staff met them at the airport and took them to their camp where they were notified of their actual salary. Although this was frequently lower than promised, the workers said they felt they had no choice but to stick with the job because they had to service debts or needed the money for their families.[176]

The case of Yusuf was typical: in his home country of Bangladesh a recruiter told him he would be paid a salary of 900 riyals ($240) and 250 Riyals ($65) for meals per month. On arrival in Qatar in 2014 he learned his salary was actually 500 riyals. "I did not sign any agreement [in Bangladesh], but the recruiter told me the job would be decent and he explained the salary [of 900 Riyal] a number of times. Only when I came here the company man [he initially meet at his camp in the Industrial Area] made me sign something, but he didn't let me keep it or give me a copy," Yusef explained.[177]

Nakheel told Amnesty International that the company was:

"deeply concerned to read your allegations of deceptive recruitment practices. This is a practice which Nakheel feels strongly about and is not prepared to tolerate. Now that this has come to our attention Nakheel is making enquiries of potential recruitment agencies both in Qatar and abroad. In particular Nakheel now requires confirmation from recruiters that they do not deduct money from and/or deceive employees about salaries and/ or other benefits."[178] (emphasis added)

This response is problematic on a number of fronts. Firstly, it makes clear Nakheel has not undertaken any due diligence to date on a well-documented problem facing migrant workers. Secondly, the limited remedial action proposed by Nakheel appears to consist of asking recruiters to self-report on bad practice rather than talking to and investigating the cases of the migrant workers Nakheel has employed and then addressing the problem in a way that respects the rights of its workforce. Nakheel employs more than 1,000 migrant workers,[179] yet appears to suggest that deception in the recruitment process has never been raised with the company. However, 18 migrant workers employed by Nakheel and interviewed by Amnesty International said that they had raised the issues with Nakheel management. They report that they were met with indifference. One gardener described to Amnesty International how, when he was newly arrived in Qatar, he told his manager at Nakheel that his salary was lower than what he agreed to before arriving:

"[the manager] said 'this is what we always pay. What you agreed in Bangladesh is not my problem'."[180]

This experience was typical of the workers interviewed by Amnesty International. Thirty year old Imanullah, immediately confronted his camp boss about his salary when he arrived in Qatar in March 2015. Promised a 900 riyal ($240) basic monthly salary by an agent in Bangladesh, the camp boss explained that his actual salary would be 500 riyal ($130) basic per month. According to Imanullah, after challenging this, "the [camp boss] said this is what we pay, you must stop complaining, just do the work. You can leave in two years."[181]

A Nakheel representative met Aspire Zone gardener Arif at Doha International Airport when he first arrived in Qatar in October 2014. As he was driven to the camp in the Industrial Areas the representative explained that his salary would be 500 riyal ($130), half of what was promised to him by a recruiter in Bangladesh.

176. Amnesty International interviews in Qatar, May-August 2-15.
177. Amnesty International interview in Qatar, May 2015 and February 2016. Name changed to protect identity.
178. Letter from Nakheel Landscapes to Amnesty International, dated 17 December 2015.
179. Nakheel Landscapes, "*Human resources*", undated, available at: http://www.nakheellandscapes.com/content/human-resources-0 (accessed 21 March 2016).
180. Interview with Mushfiqur in Qatar, May 2015. Name changed to protect identity.
181. Amnesty International in Qatar, May 2015. Name changed to protect identity.

When he immediately complained, he says the company representative told him that this was Nakheel Landscape's standard salary for gardeners. According to Arif, "he [the Nakheel representative] threatened to keep my passport and never give it back. He shouted at me, 'Do your work and do not mention this'."[182]

Simply asking for confirmation that recruiters are not abusive is not sufficient due diligence. In line with the UNGPs, Nakheel Landscapes must undertake some form of due diligence vetting of the recruitment agents it uses. Based on the information reported by Nakheel workers to Amnesty International, men coming from Bangladesh are frequently promised higher salaries than Nakheel pays. If Nakheel is aware of this and continues to work with the same recruiters, then the company could be considered complicit in this abuse.

RETENTION OF PASSPORTS

All of the 102 workers who spoke to Amnesty International said their passports had been confiscated by Nakheel. For example, Gahfoor recalled:

"Nakheel company people picked me up from the airport and took me immediately to the accommodation in the Industrial Area. [At the camp] they took my passport and made me sign an agreement but I had no idea what it was and I do not know what language it was written in. No one asked for my permission, the [company] man just told me to hand it over."[183]

Other Nakheel workers described similar experiences. Sheraz, a gardener on the Aspire Zone who came to Qatar in February 2014 said, "Yes the company man met me at the airport [when he first came] and took my papers [passport and agreement signed in Bangladesh] straight away. He did not explain anything, he just asked for them."[184]

When Amnesty International asked Nakheel about this issue the company stated:

Nakheel can confirm that it does not retain possession of passports belonging to employees. As part of its ongoing improvements, all employees have been provided with individual secure locker facilities in which to keep passports and other personal documentation. All passports remain in the possession of individual employees.[185]

While the information that migrant workers are now in possession of their passports and secure locker facilities is welcome, according to migrant workers employed by Nakheel, interviewed in February 2016, in most cases their passports were returned during or after January 2016.[186]

SYSTEMIC PROBLEMS AND FAILURES OF DUE DILIGENCE

Nakheel Landscapes has operated in Qatar for 18 years.[187] Despite the requirements of Qatari law, more than 100 migrant workers employed by the company were found living in sub-standard labour camps that did not adhere to the 2005 Ministerial Decree on workers' accommodation,[188] and the company held their passports, in violation of the Sponsorship Law.[189] It has also failed to respect the right to adequte housing of its workforce.

182. Amnesty International in Qatar, May 2015. Name changed to protect identity.
183. Amnesty International interview in Qatar, February 2016. Name changed to protect identity.
184. Amnesty International interview in Qatar, May 2015. Name changed to protect identity.
185. Letter from Nakheel Landscapes to Amnesty International dated 15 February 2016.
186. Amnesty International interviews in Qatar, February 2016.
187. See Nakheel Landscapes website at: http://nakheellandscapes.com/content/company.
188. Minister of Civil Service and Housing Affairs Ministerial Decree 16 of 2005.
189. Article 9, Law No. 4 of 2009. Article 8, Law No. 21 of 2015, the new Sponsorship Law, allows sponsors to keep passports with the written consent of their employee. However, none of the men interviewed who handed over their passport after being asked to sign a document appeared to do so with informed consent.

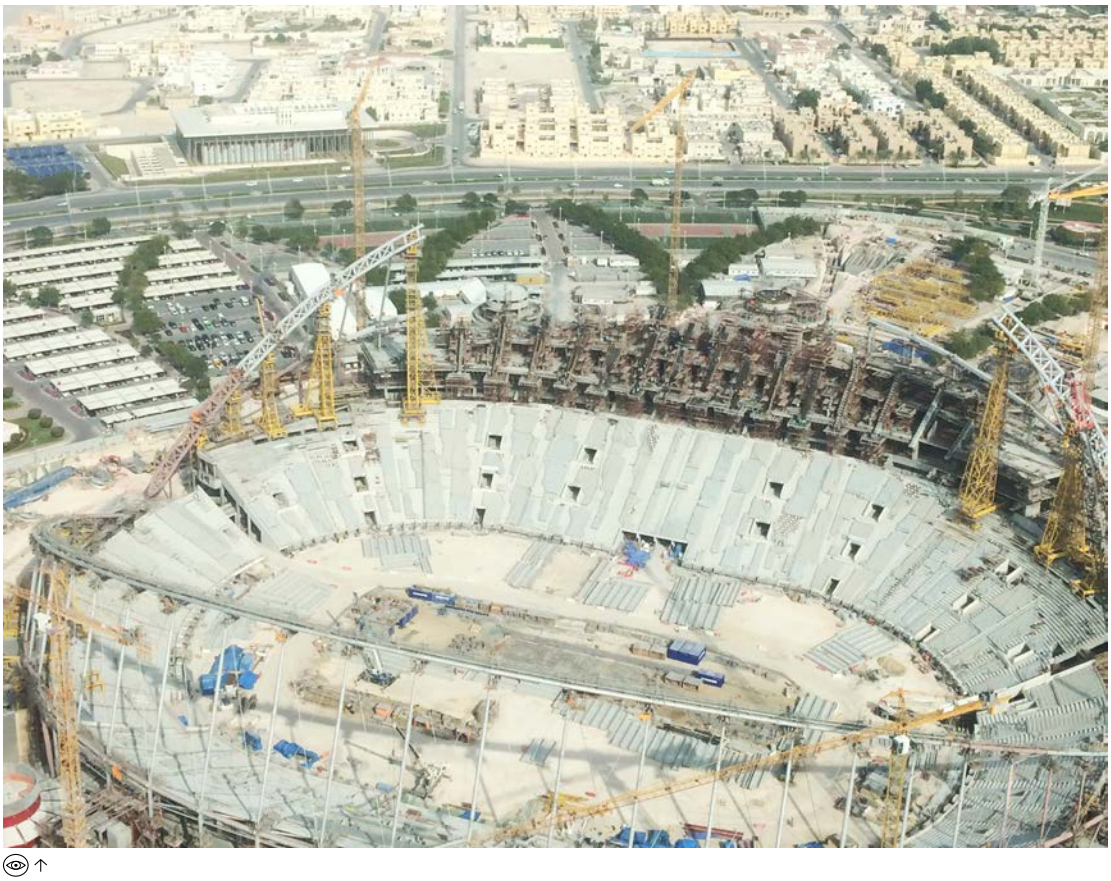
Nakheel has also failed to act with due diligence in the recruitment of migrant workers. Deception in the recruitment process is widespread. To suggest, as Nakheel Landscapes did to Amnesty International, that the problem has only come to its attention in 2015 represents a deeply problematic disregard for the rights of migrant workers it employs.

While Amnesty International interviewed 102 men working for Nakheel, it appears that the problems identified were not confined to those workers. The failure to check on deceptive recruitment, for example, is likely to be a systematic problems affecting the entire migrant labour workforce of Nakheel.

IMPROVEMENTS MADE BY NAKHEEL

While Amnesty International has expressed serious concern about how Nakheel Landscapes treated the workers interviewed, the organization also acknowledge that Nakheel and Aspire Zone Foundation (the organization that contracted Nakheel to work on the Aspire Zone green areas) also reported a number of improvements. In addition to the return of passports and the move to Labour City, Aspire Zone Foundation stated that Nakheel had established an Employee Consulting Procedure on 1 December 2015, and put in place 'elected worker representatives' who can represent the workers and raise problems.

4.4 ASPIRE ZONE FOUNDATION



Khalifa International Stadium was the venue for the Asian Games in 2006.The refurbished stadium will host group and latter stage games of the FIFA 2022 World Cup, February 2016.
© Amnesty International

The Aspire Zone Foundation is a government-funded body established in 2008 under Qatar law to develop sporting facilities and other public areas around Khalifa Stadium.[190] A broader aim of the Foundation is to establish Qatar as a global centre for elite sporting events, facilities, and research.[191] The Aspire Zone Foundation, which works with the Supreme Committee for Delivery and Legacy, is overseeing work on Khalifa Stadium on behalf of the Supreme Committee.[192] As such, Aspire Zone Foundation is responsible for commissioning Midmac-Six Construct JV. Aspire Logistics, part of the Aspire Zone Foundation, is overseeing the landscaping of the Aspire Zone green areas. Nakheel Landscapes' contract for maintenance and development of green spaces is with Aspire Logistics.

As the client for the Khalifa Stadium refurbishment and the Aspire Zone green spaces, Aspire Zone Foundation has a responsibility to undertake due diligence to ensure that the work on these two projects does not involve human rights abuses. It is also responsible for ensuring that all the contractors working on the Khalifa Stadium refurbishment adhere to the Supreme Committee Workers' Welfare Standards. Amnesty International contacted Aspire Zone Foundation about the exploitation of workers on Khalifa Stadium refurbishment and the landscaping of the surrounding Aspire Zones green areas. The Foundation responded in writing and met with Amnesty International representatives in Doha on 11 February 2016.

Aspire Zone Foundation initially refused to engage with the information presented by Amnesty International on the basis that it had not been provided it with sufficient evidence. The Foundation stated:

"Given the seriousness of these allegations, we will need to review any relevant evidence before commenting on specifics. In the absence thereof, we wholly deny abuse of workers on the Khalifa International Stadium refurbishment project."[193]

During the meeting on 11 February 2016 researchers were told that the information provided by Amnesty International was "high-level information" and that Aspire Zone Foundation needed case information and names.

The evidence presented to Aspire Foundation is reflected in this report. Amnesty International expressed concern about the Foundation's unwillingness to respond to serious abuses of labour rights. Researchers interviewed more than 100 men working for Nakheel Landscapes and more than 100 men working for a variety of companies contracted on the Khalifa Stadium refurbishment. Amnesty International visited the labour camps where they were living. Researchers reviewed publically available documentation. All of this was shared with Aspire Foundation and the company's responses appear on Amnesty International's website at www.amnesty.org/en/document/mdd22/3681/2016/en.

As noted earlier, Amnesty International did not provide the names of workers interviewed because many of the men fear punitive action by their employers. Their fears are well founded. Amnesty International, Human Rights Watch, international media and others have published considerable

190. Emiri decree No. 1 of 2008 for the establishment of the Aspire Zone Foundation. Aspire Zone Foundation is comprised of three membership organisations or "Strategic Business Units" that manage different aspects of the Foundation's functions: Aspire Logistics is responsible for the management of Aspire Zone Foundation venues, facilities and events. Aspire Academy provides sports training and education to student athletes and in recent years has operated as a host venue for winter training camps for elite Europeans football clubs. Aspetar is a FIFA-accredited specialised orthopaedic hospital and sports medicine research facility which provides expert medical care for international footballer and athletes. It has served as the official medical partner of national football teams during international tournaments.
191. "Sports Services", *Aspire Zone Foundation*, undated, available at: http://www.aspirezone.qa/sportsservices.aspx?lang=en (accessed 30 September 2015).
192. "Khalifa International Stadium", *Supreme Committee for Delivery and Legacy*, undated, http://www.sc.qa/en/stadiums/khalifa-international-stadium (accessed 15 December 2015).
193. Letter from Aspire Zone Foundation to Amnesty International dated 4 January 2016.

evidence to show that migrant workers in Qatar have been subjected to threats, the loss of their jobs and deportation from Qatar, without adequate due process by the authorities, in response to their attempts to raise complaints or leave abusive work situations.[194] And the research documented in this report is not the first time that human rights groups have brought such concerns to the attention of Aspire Zone Foundation representatives. In a letter dated 15 May 2012, Human Rights Watch wrote to Aspire Logistics (part of Aspire Zone) noting specifically that workers in the Aspire Zone, "asked us not to identify their employer for fear of reprisal."[195]

Moreover, responding to the allegations of abuse does not require the names of the individuals who made them. Amnesty International's letter to Aspire Zone Foundation made clear that the abuses documented were, in most cases, not only the experience of an individual but a systemic practice of the companies involved. In addition, almost all of the issues Amnesty International raised with Aspire Zone Foundation are issues that the Workers' Welfare Standards and the UNGPs require Aspire Zone Foundation, as the client for the two projects, to check.

Its outright denial that any abuse took place on the Khalifa Stadium refurbishment notwithstanding, Aspire Zone Foundation stated, in a letter of 4 January 2016, that:

"Notwithstanding our denial, as an immediate action I have called a review of the application and enforcement of the WW Standards amongst all contractors, subcontractors and labour supply companies operating as part of the supply chain of the KIS refurbishment project…"[196]

If this was done then Aspire Zone Foundation must have discovered, at the very least, that:

- The accommodation of Eversendai, while now improved, was still sub-standard. Migrant workers employed by Eversendai and deployed on the Khalifa Stadium site, were living at the Al Wakrah accommodation for at least seven months, until they were moved in mid-2015.

- As described above, the accommodation used by Nakheel prior to the move to Labour City was sub-standard. More than 100 men working on the landscaping of the Aspire Zone were living in these conditions while working on the Aspire Zone green areas, until they were moved in December 2015.

- Eversendai held passports of migrant workers, by its own admission, until March 2016. Nakheel held passports of migrant workers until the end of 2015. Retention of passports violates Qatari law.

- Eversendai brought migrant workers from labour supply companies onto the Khalifa site without a prior assessment of compliance with the Workers' Welfare Standards. The treatment of these workers by their direct employers was contrary to the Workers' Welfare Standards and there is no evidence that Eversendai undertook any due diligence before engaging these sub-contractors.

- Nakheel had no system in place to address deception in the recruitment process, something Nakheel told Amnesty International.

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194. See *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; *Qatar: Profit and Loss Counting the cost of modern day slavery in Qatar: What price is freedom?*, International Trade Union Conference, 18 December 2015, available at: http://www.ituc-csi.org/IMG/pdf/qatar_en_web.pdf (accessed 25 December 2015); *Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022*, Human Rights Watch, 12 June 2012 (http://www.hrw.org/reports/2012/06/12/building-betterworld-cup); and Pete Pattison, "Revealed: Qatar's World Cup 'slaves'", *The Guardian*, 25 September 2013, http://www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves (accessed 12 March 2016).
195. See Letter from Human Rights Watch to Aspire Logistics dated 15 May 2012, *Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022*, Human Rights Watch, 12 June 2012 (http://www.hrw.org/reports/2012/06/12/building-better-world-cup).
196. Letter from Aspire Zone Foundation to Amnesty International dated 4 January 2016.

- Midmac-Six Construct JV failed to inspect the accommodation of one of the main contractors, Eversendai, until five months after they were appointed in August 2014, despite the requirements of the Workers' Welfare Standards.

In addition to the issues above, Aspire Zone Foundation was also aware that its own due diligence on the issue of deception in the recruitment process, a widely acknowledged problem, was inadequate. In a meeting on 11 February 2016, Aspire Zone Foundation representatives told Amnesty International that monitoring exploitation in the recruitment process was "a challenge" and acknowledged this was not currently part of their tendering process for contractors. The failure to include any measures to combat deceptive recruitment in the tendering process is contrary to Article 4.2 of the Workers' Welfare Standards, which states that: "…during which tendering companies are meant to demonstrate broad respect for a range of SC Welfare Standards requirements including with respect to recruitment."[197]

Responding to Amnesty International's concerns about deception and recruitment fees, Aspire Zone Foundation pointed to a "contractor self-audit check list, which all contractors working on the [Khalifa Stadium] refurbishment project and mandated to complete a monthly basis and which contains a section on ethical recruitment."[198]

However, with respect to its investigation into the allegations raised by Amnesty International, Aspire Zone Foundation made the following claim:

"It is worth noting that our initial investigations do not show widespread infringement in the [Workers' Welfare] standards, conversely showing a dramatic improvement with regards to the welfare of the workforce employed by Nakheel Landscapes to undertake work for Aspire Logistics on the [Khalifa International Stadium] refurbishment project. The [Supreme Committee] and [Aspire Logistics] have worked in partnership with the specific contractor (Nakheel) over the last six months and we would be more than happy to share an update as to the improvements made since Amnesty's initial investigation between February and May 2015, providing all the necessary documentation to demonstrate such progress."[199]

This statement is not consistent with the facts, nor for that matter coherent. In the first place, some of the problems listed above, which any investigation should have uncovered, represent serious and systemic infringements of the Workers' Welfare Standards, Qatari law and international standards on business and human rights.

Moreover, the claims that Aspire Zone Foundation did not find widespread infringement of the Workers' Welfare Standards and the statement that there has been a "dramatic improvement" with regards to the welfare of the workforce employed by Nakheel Landscapes in the last six months appear contradictory. While Amnesty International acknowledges that Nakheel has made improvements, these improvements were required precisely because the company's treatment of workers was not in line with the requirements of the Workers' Welfare Standards.

Aspire Zone Foundation has told Amnesty International that the Workers' Welfare Standards do not apply to Nakheel's contract on the Aspire Zone green areas because this is not an official World Cup project.

However, in July 2015 Aspire Logistics awarded Nakheel a World Cup project - to grow and test turf for World Cup stadiums. The Workers' Welfare Standards apply to Nakheel on this project. Based on

197. Section 4, Workers' Welfare Standards, Editions 1 and 2.
198. Letter from Aspire Zone Foundation to Amnesty International dated 21 February 2016.
199. Letter from Aspire Zone Foundation to Amnesty International dated 4 January 2016.

the information provided by Aspire Zone Foundation and Nakheel, sub-standard accommodation, the retention of passports and inadequate action to prevent deceptive recruitment were prevalent in July 2015 when Nakheel was awarded a World Cup contract.

On the evidence gathered by Amnesty International, Aspire Zone Foundation's approach to due diligence with regard to the rights and welfare of migrant workers employed on projects for which it is responsible, including but not limited to World Cup projects, is inadequate. The Foundation has not ensured the effective implementation of the Workers' Welfare Standards, where they should apply. Moreover it has breached the responsibility to respect human rights by not taking any due diligence steps to ensure that migrant workers employed by Nakheel are not subjected to deception in the recruitment process.

5. FAILURE OF THE STATE TO PROTECT MIGRANT WORKERS

In 2015 migrant workers comprised over 90% of Qatar's workforce. With World Cup construction expected to peak in mid-2017 demand for foreign workers will likely continue to increase, May 2015. © Amnesty Intrenational

ACTION TAKEN BY THE QATARI AUTHORITIES ON THE SPECIFIC ABUSES DOCUMENTED IN THIS REPORT

As far as Amnesty International is aware none of the workers whose cases are documented in this report brought a complaint to the authorities about the human rights abuses they were experiencing. As discussed in Chapter 3, almost all of the men interviewed by Amnesty International said they dared not raise any complaint for fear of reprisals from their employers. All of the 132 men working on the Khalifa Stadium refurbishment were particularly averse to complaining about their conditions because

they were owed several months' salary, due to the practice of paying workers several months in arrears and were afraid that they would be deported and never receive the earnings owed. All the workers had to pay high fees to recruitment agents in their home countries, and most of them had taken loans in order to do so.

Amnesty International presented the evidence it had collected to the Supreme Committee for Delivery and Legacy and to the Qatari authorities.[200] The responses received from both are discussed below.[201]

SUPREME COMMITTEE FOR DELIVERY AND LEGACY: GAPS IN LABOUR RIGHTS PROTECTIONS

As discussed in Chapter 4, the Supreme Committee for Delivery and Legacy, the organization responsible for managing stadium construction and other projects for the 2022 Football World Cup,[202] has developed its own Workers' Welfare Standards. The Standards set mandatory, contractually-binding rules that, in principle, seek to ensure companies tendering for and engaging on World Cup projects respect the human rights of their workforce.[203]

Amnesty International has engaged extensively with the Supreme Committee, and acknowledges the Committee's sustained commitment to addressing the abuse of workers' rights. The Workers' Welfare Standards have set clear expectations for businesses on World Cup projects, and have been influential in promoting awareness of human rights due diligence amongst companies in Qatar.

However, as the previous chapters demonstrate, there are serious deficits in the enforcement of the Workers Welfare Standards. Specifically:

- **A focus on major contractors:** the Workers' Welfare Standards are supposed to apply to "all entities that undertake any Work or provide any good or services in relation to the Program."[204] However, in practice, and as the Supreme Committee admits, their focus has been on the largest companies at the top of contractual chains working on major World Cup projects. Given that the greatest risks are linked to small sub-contractors and labour supply companies, this approach is a serious limitation to the effectiveness of the Standards.

- **Over-reliance on self-auditing:** the Workers' Welfare Standards place significant reliance on audits as a tool to ensure enforcement. The Standards use a "four tier auditing system" that consists of: Monthly Self-Audits by the contractor; Ad hoc Supreme Committee audits to validate self-audits by the contractor; Ad hoc external monitor audits by an independent third party auditor; and audits by the Ministry of Labour & Social Affairs Inspections.[205] The audits shared with Amnesty International by some of the companies working on World Cup projects rely on the company providing information against a checklist. Such self-auditing is a poor enforcement tool. In Amnesty International's

200. Amnesty International wrote to the Supreme Committee for Delivery and Legacy on 7 January 2016 and met with its representatives in London 20-21 January and in Doha 10 February 2016. Amnesty International wrote to the Qatari authorities regarding the abuses documented in this report dated 9 March 2016. Copies of these letters are attached/available at www.amnesty.org/en/documents/mde22/3681/2016/en.
201. Letter from the Ministry of Foreign Affairs to Amnesty International received 19 March 2016.
202. Emiri Resolution No. 27 of 2011 establishing the Qatar 2022 Supreme Committee 27 / 2011.
203. In its own words the Supreme Committee says "the WW Standards aim to improve the working and living conditions of workers in Qatar, and to address ethical recruitment and employment related challenges, both locally and in sending countries." See Supreme Committee for Delivery and Legacy, *Semi-Annual Workers' Welfare Compliance Report*, September 2014, http://www.sc.qa/en/delivery-and-legacy/workers-welfare, (accessed 14 March 2016)
204. Article 3.2. Program is defined in Section 1 of the Welfare Standards as "the construction of facilities by the SC and all other activities directly under the control of the SC associated with hosting the 2022 FIFA World Cup."
205. Supreme Committee for Delivery and Legacy, *Workers' Welfare Standards*, Editions 2., Article 19.1 See also Supreme Committee for Delivery and Legacy, *Workers' Welfare Progress Report: April-December 2015*", undated, http://www.sc.qa/en/delivery-and-legacy/workers-welfare (accessed 4 March 2016); and also Supreme Committee for Delivery and Legacy, "*Workers' Welfare*", undated, http://www.sc.qa/en/delivery-and-legacy/workers-welfare (accessed 14 March 2016).

experience, companies that abuse human rights are often willing to also make false claims in self-reporting processes. The Supreme Committee's ad hoc audits may go some way to verifying whether companies are acting consistently with their self-reporting. However, based on discussions with the Supreme Committee and information provided by companies working on Khalifa Stadium, Supreme Committee audits also rely on information provided by the company but not verified by the Supreme Committee. More than two years after the standards were first published, the system of ad hoc external monitor audits by an independent third party auditor has not yet been put in place. This is a serious gap. Amnesty International has in the past also extensively highlighted the weaknesses in the inspection and enforcement process of the Ministry of Labour & Social Affairs.

- **Challenges of recruitment:** Although the Workers' Welfare Standards explicitly addresses ethical recruitment, enforcement has been weak. The Supreme Committee has acknowledged that it has been "extremely challenging," to ensure that worker's rights are respected in the recruitment process. It noted that "many of the problems start in the worker's home country and many of the workers were recruited long before (sometimes many years before) the company they work for won an SC contract."[206] Amnesty International believes this response is insufficient. The organization's research shows that companies are doing little to no due diligence with respect to recruitment agencies and their practices.

- **Inspection process:** according to the Supreme Committee, as at October 2015, its Worker Welfare Unit has carried out 132 random inspections on companies engaged in World Cup projects at every level in their supply chains.[207] Based on the information provided in its Workers' Welfare Reports and meetings with Amnesty International, the focus of these inspections has been on work and accommodation, health and safety issues and meals. These inspections do not sufficiently address some of the more egregious human rights issues that have been widely identified as risks facing migrant workers in the construction sector, such as deceptive recruitment practices, retention of passports, delays in receiving pay, and threats against workers who complain about their conditions and forced labour. The Supreme Committee stated that it was in the process of hiring an independent human rights monitor to assist it in identifying abusive practices.

According to the Supreme Committee, no World Cup contractor has been penalised for breaching the Welfare Standards.[208] The large number of abuses documented by Amnesty International affecting workers from several different businesses on one of the most active World Cup construction sites demonstrates that the present administration of the Standards is failing.

Amnesty International welcomes the steps taken by the Supreme Committee to promote respect for human rights and their openness to dialogue. However it is essential that they move away from an audit-based approach that relies on companies at the top of the chain filing documents. Instead the Supreme Committee should put in place an independent system of monitoring and inspection that applies to all companies at every level working on a World Cup project. The Supreme Committee should clearly communicate to contractors and sub-contractors that failure to meet the Workers' Welfare Standards carries a genuine risk of penalty. It should follow through on any such penalty, particularly for breaches that result in serious human rights abuses such as those documented in this report.

206. Letter from Supreme Committee for Delivery and Legacy to Amnesty International, dated 25 January 2017. See also Supreme Committee for Delivery and Legacy, "*Workers' Welfare Progress Report: April-December 2015*", undated, http://www.sc.qa/en/delivery-and-legacy/workers-welfare (accessed 4 March 2016).
207. Peter Kovessy, Doha News, "*How Qatar's World Cup organizers are taking on worker abuse*", 25 October 2015, http://dohanews.co/how-qatars-world-cup-organizers-are-taking-on-worker-abuse/ (accessed 20 October 2015).
208. Peter Kovessy, Doha News, "*How Qatar's World Cup organizers are taking on worker abuse*", 25 October 2015, http://dohanews.co/how-qatars-world-cup-organizers-are-taking-on-worker-abuse/ (accessed 20 October 2015).

A SYSTEM WHICH CONTINUES TO PERMIT ABUSES

Amnesty International asked the government of Government of Qatar, in writing, if they were aware of the abuse of Khalifa stadium project workers documented in this report. The government's response did not address any of the specific abuses, despite the fact that several of the cases involved breaches of Qatar's laws. The government told Amnesty International:

"In general, the questions detailed in your letter relate to alleged abuses of the rights of workers employed by individual companies involved in the construction of World Cup sites, and the companies' various subcontractors. All of these companies are required to obey Qatari laws with regard to their labour practices."[209]

The government did not address the fact that the companies clearly have not obeyed Qatari laws, and made no reference to any plans to follow-up on the cases or the evidence of unlawful activity. Instead, in its one-page response the government highlighted a range of steps it has taken to improve labour protections in the country. These include:

- In October 2015 the Emir of Qatar approved Law No. 21 of 2015, which will replace the 2009 Sponsorship Law from 14 December 2016.[210] The law creates a new system for migrant workers to appeal a sponsor's decision to refuse them an exit permit to leave the country and increasing the state's oversight of the process by which workers seek to change jobs or leave Qatar. The most significant change under the law is the removal of the 'two year rule', whereby migrant workers who left Qatar at the completion of a contract were not allowed to return for two years. Despite some limited changes[211] however, migrant workers will still be required to obtain their sponsor's approval to change jobs or leave the country, a key tool of control and coercion for abusive employers.

- The government reported that it carried out over 1,800 inspections of Qatar-based recruitment agencies in 2015 to ensure they are not charging recruitment fees from migrant workers. The state of Qatar has also signed bilateral agreements with provisions seeking to prevent "malicious recruitment practices" with 35 countries from which migrant workers originate. While these measures are welcome, they do not appear to have prevented the deceptive recruitment practices documented by Amnesty International.

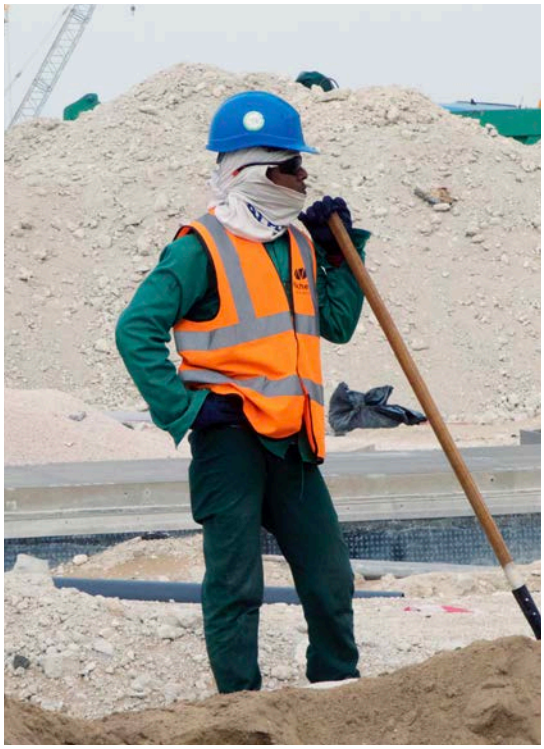
- A Wage Protection System: the system was approved in February 2015 and entered into force in November 2015. It requires all businesses in Qatar to pay their workers through bank transfers every fortnight or month. However, it is not clear how effectively this provision will be enforced.

- The government has hired 375 labour inspectors to investigate housing and working conditions. In 2015 this team carried out over 56,000 inspections, resulting in 923 companies being banned from doing business in Qatar.[212] While the inspections are welcome, the government has not provided details about the focus of these inspections and remedies that were made available to workers whose rights were abused. Moreover the astonishing figure of 56,000 means that each

209. Letter from the Ministry of Foreign Affairs to Amnesty International received 19 March 2016
210. Qatar News Agency, HH the Emir Issues Law on Expats' Residency, 27 October 2015 http://www.qna.org.qa/en-us/News/15102714320057/HH-the-Emir-Issues-Law-on-Expats-Residency (date accessed 28 October 2015)
211. Article 21 provides that migrant workers will no longer need to seek their sponsor's permission to change jobs if they reach the end of a fixed-term contract, but not before. Migrant workers whose contracts do not stipulate an end date, however, will continue to require their employer's permission to change jobs until they have completed five years of work.
212. Letter from the Ministry of Foreign Affairs to Amnesty International received 19 March 2016. See also Report of the High-Level Tripartite Delegation to Qatar regarding Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution, ILO, GB.326/INS/8(Rev.), 17 March 2016, p 11.

inspector did approximately 150 inspections a year, which, assuming each person works five days per week and takes four weeks of holiday works out to each inspection taking one and half days, including all paperwork. It was not clear if the inspections involved visits to the accommodation sites, but given the rate of inspection, it is unlikely that the inspectors can identify, let alone follow up on labour rights abuses that cannot be identified through visual inspections of the site alone. These actions reported by the government of Government of Qatar are welcome as far as they go. However, they have not been sufficient to protect the human rights of migrants working on a high profile World Cup Project or on landscaping the Aspire Zone.

Qatar is a member of the International Labour Organization (ILO).[213] It has ratified five out of the eight ILO Conventions that set out core international labour standards, including the Forced Labour Convention (Convention No. 29)[214], the Abolition of Forced Labour Convention (Convention No. 105)[215], the Discrimination (Occupation and Employment) Convention (Convention No. 111).[216] It has also ratified the Labour Inspection Convention (Convention No. 81).[217] Qatar is also a party to the International Convention on the Elimination of All Forms of Racial Discrimination. The government is under an obligation to eliminate racial discrimination and guarantee the rights of all persons, without distinction as to race or national origin, to equality before the law, including in the enjoyment of their rights to and at work, to form and join trade unions, and to peaceful assembly and association.



Reforms due to come into force in late 2016 will still require migrant workers in Qatar to seek their employer's permission to leave the country, May 2015. © Amnesty Intrenational

The government's failure to respond to evidence of abuse of human rights and international labour standards, including evidence of forced labour and the existence of serious risk factors for forced labour, such as paying salaries many months in arrears, is a flagrant breach of its legal obligations under these conventions. Moreover, the government's letter of response demonstrates a shocking disregard to for the conduct of companies or the plight of the migrant workers whose cases Amnesty International documented. It also sends a signal that companies that abuse workers' rights do so with relative impunity.

Given the approach of the authorities to abuse on a World Cup site, there is little hope that the 2022 FIFA World Cup can be delivered without many more such abuses occurring. This is a serious challenge for Qatar, but also for FIFA, which awarded the World Cup to the country. FIFA's responsibility is examined in the next Chapter.

213. Qatar became a member in 1972.
214. Qatar ratified the Convention on 12 March 1998.
215. Qatar ratified the Convention on 2 February 2007.
216. Qatar ratified the Convention on 18 August 1976.
217. Qatar ratified the Convention on 18 August 1976.

6. FIFA: PERSISTENT FAILURES OF DUE DILIGENCE

Khalifa International Stadium under construction, February 2016.
© Amnesty International

FIFA operates, in part, as a commercial organization[218] and, as such, should apply the UN Guiding Principle's on Business and Human Rights and other relevant standards applicable to corporations.[219] FIFA has a responsibility to respect human rights and, at a minimum, this requires that FIFA put in place adequate due diligence processes that would enable it to identify and address human rights

218. Professor John Ruggie and Roel Nieuwenkamp have stated "FIFA can be considered to be a multinational enterprise itself. Therefore, it should apply the OECD Guidelines and UNGPs and conduct due diligence on its operations in order to ensure that it is not contributing to adverse impacts. The same should apply for other commercial international sports organisations, such as Formula 1 and so on." See Roel Nieuwenkamp and John Ruggie, 'Qatar 2022: Three Rana Plazas in Slow Motion?', 14 July 2014, available at: http://www.ihrb.org/commentary/guest/qatar-2022-three-rana-plazas-slow-motion.html (last accessed 19 March 2016).
219. FIFA has acknowledged that it has a responsibility to respect human rights and has engaged Professor John Ruggie, the former UN Special Representative of the UN Secretary-General on Business and Human Rights to provide recommendations for further embedding the United Nations Guiding Principles on Business and Human Rights (UNGPs) into the FIFA's policies and practices. See FIFA, 'FIFA to further develop its human rights approach with international expert John Ruggie', Media Release, 14 December 2015, available at: http://www.fifa.com/governance/news/y=2015/m=12/news=fifa-to-further-develop-its-human-rights-approach-with-international-e-2744747.html (last accessed 19 March 2016).

risks linked to the hosting and staging of the World Cup. Risks to human rights should be identified in advance of awarding any country the right to host the tournament, and prior to entering into any contracts. In addition, FIFA should ensure that it has in place adequate agreements with host countries to address any human rights abuses, linked to the hosting or staging of the event, that occur once the World Cup has been awarded.

FAILURE TO ACT WITH DUE DILIGENCE PRIOR TO AWARDING THE WORLD CUP TO QATAR

A critical element of every FIFA World Cup is the construction or refurbishment of football stadiums. Qatar's bid to host the World Cup initially included plans to build eleven stadiums (likely to be revised downwards) and to carry out extensive work on Khalifa Stadium. In 2010, when FIFA awarded the 2022 World Cup to Qatar, it knew, or ought to have known, that migrant workers were subjected to serious and systemic labour exploitation, and that the massive construction projects referred to in Qatar's bid would involve, primarily, migrant workers. Yet FIFA did not put in place any measures to ensure that the people who would build the World Cup infrastructure in Qatar would not be subjected to human rights abuses. None of the publically available documentation on FIFA's award of the 2022 World Cup to Qatar contains any reference to labour exploitation or to ensuring that human rights of workers would be respected.[220]

FAILURE TO RESPOND EFFECTIVELY TO EVIDENCE OF ABUSE AT KHALIFA STADIUM

Of even greater concern is the lack of action by FIFA in the last five years, during which time labour and human rights abuses experienced by construction workers in Qatar have been repeatedly exposed by the media, human rights groups and trades unions.[221] The UN Guiding Principles make clear that due diligence is an ongoing process. FIFA has an ongoing responsibility to take action both to prevent abuses and to address those that have occurred, where FIFA's business operations have contributed to the abuses.

Amnesty International raised the specific abuses documented at Khalifa Stadium with FIFA, both in a meeting on 20 January 2016 in London and in writing. FIFA's sole response to these abuses was to state that some workers had been moved to better accommodation and that there had been a review of payment records during audits of companies contracted by the Supreme Committee that found no evidence of delayed payments. It is not clear if this audit included the labour supply companies. FIFA did not address any of the other abuses documented in this report, including the cases of forced labour.

The men subjected to forced labour on Khalifa Stadium were employed by a labour supply company, sub-contracted by Eversendai. While FIFA did not mention the forced labour cases, it noted:

"We are fully aware that the greatest risks of human rights violations tend to occur at the lowest end levels of the supply chain beneath multiple layers of sub-sub-contractors. This decentralization and fragmentation is a challenge faced by the global construction industry and we believe it can only be tackled through a multi-stakeholder approach from various angles."[222]

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220. FIFA, *2022 FIFA World Cup Bid Evaluation Report: Qatar*, page 19, (http://www.fifa.com/mm/document/tournament/competition/01/33/74/56/b9qate.pdf), (accessed 21 March 2016)
221. See *The Dark Side of Migration: spotlight on Qatar's construction sector ahead of the World Cup*, (Index Number: MDE 22/010/2013), 17 November 2013; *Qatar: Profit and Loss Counting the cost of modern day slavery in Qatar: What price is freedom?*, International Trade Union Conference, 18 December 2015, available at: http://www.ituc-csi.org/IMG/pdf/qatar_en_web.pdf (accessed 25 December 2015); *Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022*, Human Rights Watch, 12 June 2012 (http://www.hrw.org/reports/2012/06/12/building-betterworld-cup); and Pete Pattison, "Revealed: Qatar's World Cup 'slaves'", *The Guardian*, 25 September 2013, http://www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves (accessed 12 March 2016).
222. Letter from FIFA to Amnesty International, dated 17 March 2016.

FIFA did not say when it became "fully aware" of sub-contracting and associated human rights risks within the construction industry, an industry with which FIFA could be assumed to have significant familiarity, given that the construction of stadiums is a core element of most World Cup bids. Whether it was before or after awarding the World Cup to Qatar, it is a matter of some concern that FIFA appears only now to be considering how it should be addressed.

Amnesty International is also concerned by other elements of FIFA's response on this issue. Firstly, Seven Hills and Blue Bay were not "beneath multiple layers of sub-sub-contractors." These companies where only two steps away from the main contractor, Midmac-Six Construct. They were not difficult to identify, as Amnesty International's research demonstrates. Nor can the involvement of these companies on a construction site be credibly described as "decentralization and fragmentation". Sub-contracting is commonplace on major construction projects. The Supreme Committee's Workers' Welfare Standards clearly stipulate that identifying sub-contractors, including labour supply companies, is the responsibility of the main contractor.

Secondly, FIFA's response appears to be an attempt to reframe the risks of serious human rights abuses, including forced labour, in Qatar as a "*challenge faced by the global construction industry*", rather than addressing the fact that specific patterns of abuses have been identified in the construction industry in Qatar for many years. The evidence presented by Amnesty International and many other organizations who have investigated labour abuses in Qatar makes clear that a central element of the problem is the sponsorship system that gives sponsors such significant control over migrant workers. This is not a global industry problem.

WEAK APPROACH TO DUE DILIGENCE

FIFA's approach to its human rights responsibilities and human rights due diligence is a serious concern. Responding to Amnesty International's queries on due diligence FIFA emphasising the role of the Supreme Committee and pointed to: the Workers' Welfare Standards; the incorporation of the Workers' Welfare Standards into the tendering process for World Cup projects; the four-tier audit system; and an online audit tool launched by the Supreme Committee in February 2016.[223]

Amnesty International acknowledges that the Workers' Welfare Standards, launched in 2014, four years after FIFA awarded the World Cup to Qatar, are an important due diligence development. However, FIFA did not engage with the evidence presented by Amnesty International that these Standards were not adequately applied or enforced in the Khalifa Stadium case. Specifically, Midmac-Six Construct do not appear to have acted in line with the Workers' Welfare Standards when appointing Eversendai. Checks that should have happened prior to appointing a contractor did not happen. Eversendai, in turn, did not apply the standards to Seven Hills and Blue Bay. The four-tier audit system to which FIFA refers does not appear to have identified the labour supply companies on the Khalifa Stadium site, let alone the abuses to which men working for these companies were subjected. As noted in Chapter 3, audits are, in any case, a weak mechanism to detect abuse, particularly when there is significant reliance on self-auditing by companies.

While FIFA's letter to Amnesty International details the action taken by the Supreme Committee, it provides little detail as to what actions FIFA has directly taken on human rights in relation to Qatar. According to FIFA, since 2011 the organization has met with the "highest authorities" in Qatar to discuss how to address the human rights issues. However, FIFA does not provide any information on the substance of these discussions or any outcomes.

223. Letter from FIFA to Amnesty International, dated 17 March 2016.

Describing its current due diligence practice FIFA stated that it has had "preliminary meetings and inspection visits of construction sites. FIFA set up a 2022 FIFA World Cup Sustainability Working Group…the first meeting was held in November 2015." (emphasis added)

Observing that over the next two years the number of people working on the world cup sites in Qatar would increase to some 36,000 and FIFA that:

"Therefore, it is crucial that FIFA is involved in overseeing the work on the ground and is therefore in the process of formalizing its human rights due diligence process".[224]

FIFA provides no explanation why, when the World Cup was awarded to Qatar in 2010, it has taken five years to establish due diligence process. Having awarded the 2022 FIFA World Cup to Qatar, it is incumbent on FIFA to engage in a robust and ongoing process of human rights due diligence that addresses the specific risks and actual impacts on the rights of individuals. On the evidence presented, this is not happening. FIFA's continued failure to take any meaningful action on the issue of labour exploitation means that thousands of migrant workers involved in World Cup construction sites are at risk of exploitation. Moreover, as football fans who travel to Qatar for the World Cup will stay in hotels, eat in restaurants and otherwise engage with service industries in which migrant workers are employed, FIFA must consider the wider human rights implications for migrant workers in Qatar.

224. Letter from FIFA to Amnesty International, dated 17 March 2016.

7. CONCLUSION

The human rights abuses documented in this report are the result of multiple failures. Companies that directly employed migrant workers have flouted Qatari law. All of the businesses and organizations responsible for the abuse of workers on the Khalifa Stadium refurbishment and the Aspire Zone green areas failed to put in place adequate due diligence processes that would enable them to identify human rights risks linked to their business activities. Several of the companies have focused on the accommodation given to migrant workers but have done little to address other well-documented problems such as deception in the recruitment process.

As the organizations responsible for the delivery of the World Cup in Qatar, the Supreme Committee for Delivery and Legacy has a clear responsibility to ensure human rights are respected in the context of preparing for and carrying out the 2022 World Cup in Qatar. While the Supreme Committee's Workers' Welfare Standards provide for a range of important protections, there are significant gaps in their application both during the tendering processing and after businesses have been engaged on projects. An enforcement approach that is heavily reliant on audits, including self-auditing, is inadequate to address the conditions of the most vulnerable stakeholders in World Cup projects: the migrant workers themselves.

Ultimately, it is the Qatari authorities who are responsible for the failure to protect migrant workers from the human rights abuses documented in this report. However, when confronted with the evidence of human rights abuses, the government's response was apathetic at best. The government did not address the fact that the companies clearly have not obeyed Qatari laws, and made no reference to any plans to follow-up on the cases or the evidence of unlawful activity. The government's response raises serious questions about Qatar's willingness to protect the rights of the hundreds of thousands of migrant workers living the country. If abuse on a flagship World Cup project does not merit investigation and action, it is unlikely abuses that do not attract the international spotlight will be dealt with in an effective manner. The government has pointed to legal reforms, which are either too new to assess or not yet in force. Promised changes to the sponsorship system have failed to deliver meaningful reform for many migrant workers and still leave them vulnerable to exploitation and abuse by unscrupulous employers.

FIFA was or should have been aware of the serious and systematic human rights abuses experienced by migrant workers in Qatar before it awarded the tournament to the country in December 2010. However, FIFA did not put in place any measures to ensure that the people who would build the World Cup infrastructure in Qatar would not be subjected to human rights abuses. This initial failure to act with due diligence has been compounded by FIFA's lack of meaningful action to address the issue since.

Despite the substantial media attention that abuse of migrant workers has received over the past five years, FIFA is only now "in the process of formalizing its human rights due diligence process". However, this process will be of little value unless FIFA's approach to human rights abuse changes. In responding to the evidence contained in this report, FIFA failed to address most of the specific cases of abuse, including the cases of forced labour. Its actions and omissions offer little hope that FIFA plans to do all it can to ensure that the 2022 FIFA World Cup will leave a positive legacy and not a trail of human misery.

All actors – companies, the government, the Supreme Committee and FIFA – have focused extensively on processes that are intended to, but often fail to, protect the rights of migrant workers. While such processes are part of the solution, they are not a substitute for action when specific cases of human rights abuses are reported. In such cases, the various companies and organizations must act to address the situation of the individuals whose rights have been abused.

7.1 RECOMMENDATIONS

TO THE QATARI AUTHORITIES:

1. Fundamentally reform the sponsorship system

- Amend Article 21, Law No. 21 of 2015, to remove the requirement on foreign national employees to seek their employer's permission to change employment unless they have reached the end of their contract or completed five years of work. All workers, irrespective of whether they have a fixed-term or indeterminate contract, should be able to change employment without the permission of the employer.

- Remove the employers' authority to prevent foreign national employees from leaving the country.

- Amend Article 8 of Law No. 21 of 2015 to remove the proviso which allows employers to retain the passport or travel document of any employee, with their consent. Enforce the requirement under Article 9 of the 2009 Sponsorship Law requiring employers to return passports to employees once residence procedures are completed.

- Establish a mechanism for workers to enforce their right to obtain their passport at any time, even if they have given it to their employer after signing a consent form.

- Increase the monitoring of the arrival of workers in Qatar, so that when workers arrive their contract is checked by government officials in the presence of their employer and the worker, to confirm that the terms and conditions are what the worker has been promised prior to leaving his or her home country.

2. Address the high risk of abuse associated with the phenomenon of labour supply companies

- Adopt regulations setting out the safeguards which a labour supply company must have in place before sponsoring any migrant workers, ensure that these regulations are enforced, including through monitoring and regular inspections of labour supply companies.

TO THE SUPREME COMMITTEE FOR DELIVERY AND LEGACY

- Apply the Supreme Committee Workers' Welfare Standards to all businesses involved in World Cup projects, regardless of their size or the length of their contract.

- Require the main contractor on any World Cup site to identify all workers on site and the companies they work for. This information should be publically available.

- Require all contractors on World Cup projects to identify the recruitment agents they use and the names of the counterpart recruitment agents in the countries where they recruit.

- Substantially strengthen the enforcement of the Workers' Welfare Standards by carrying out independent monitoring and inspections of each World Cup project. Companies should be subject to penalties for breaching the standards, including terminating their contract to work on the project.

- Pending fundamental reform of the sponsorship system, make No Objection Certificates and Exit Permits to workers who wish to change jobs or leave Qatar a mandatory contractual requirement for employers delivering World Cup projects.

- Develop a framework to ensure that where a contract on a World Cup site is terminated because the contractor breached the Workers' Welfare Standards, the Supreme Committee also takes action to address the abuses faced by the workers. This action should include, but not be limited to:
  - informing the Qatari authorities and the National Human Rights Committee of breaches of the law;
  - providing workers with compensation for the harm suffered; and
  - assisting workers to leave the abusive situation for a new job or leave Qatar with any outstanding money paid to them.

- Work with the authorities to investigate the abuses experienced by migrant workers while working on Khalifa International Stadium and the Aspire Zone, and make available effective remedies and adequate reparation for them.

TO FIFA

- Establish a human rights due diligence process for the FIFA 2022 World Cup in Qatar. This programme should address all human rights abuses which are directly linked to, associated with or linked to the hosting of the World Cup, and include specific measures for how FIFA will mitigate and address these abuses.

- Carry out its own independent regular inspections of labour conditions in Qatar, making all inspections, their, findings and remedial actions public.

- Publicly ask the Qatari authorities to enact urgent reform of the sponsorship system, labour laws and improve enforcement of these laws with a concrete timetable for reform in anticipation of World Cup construction expected to peak in mid-2017.

TO FIFA'S SPONSORS AND PARTNERS

- Publicly and privately call on FIFA to disclose what procedures and concrete actions it will take to identify and prevent human rights abuse of workers involved in 2022 FIFA World Cup projects.

- Call on FIFA to work with the Supreme Committee and Qatari authorities to address the human rights abuses that took place on Khalifa Stadium.

TO EVERSENDAI

- Work with the Supreme Committee and the authorities to remediate the harms caused to migrant workers, employed through Seven Hill and Blue Bay, because of the abuses they suffered while working on Khalifa Stadium.

- Make a public commitment that no workers are paid more than one month in arrears from the date they begin work.

- Ensure all managers speak to and treat all of those who work for Eversendai with dignity and respect and put in place training if necessary.

- Make clear, in writing and through appropriate internal company process, that no manager should ever threaten any migrant worker or deny anyone the right to leave Qatar.

- Put in place a process to allow all migrant workers to report if they have been charged recruitment fees or faced deception in the recruitment process and follow up with all recruiters used by Eversendai.

- Undertake human rights due diligence before engaging any labour supply companies.

TO MIDMAC AND SIX CONSTRUCT

- Work with the Supreme Committee, the authorities and Eversendai to remediate the harms caused to migrant workers, employed through Seven Hill and Blue Bay, because of the abuses they suffered while working on Khalifa Stadium

- Ensure that all subcontractors notify the companies, in advance, if they are further sub-contracting work or using labour supply companies.

- Develop a framework to ensure that if abuses are discovered in the sub-contracting chain, Midmac and Six Construct will take remedial action on the harms suffered by the workers. See professional advice if necessary to ensure that the framework will not negatively impact migrant workers. This framework should apply to all of Midmac's and Six Construct's business operations in Qatar and not just those linked to the World Cup.

TO NAKHEEL LANDSCAPES

- Remediate the harms suffered by workers due to the human rights abuses they have experienced, including reimbursing migrant workers for any recruitment fees that they have paid to recruiters appointed by Nakheel

- Put in place a process to allow all migrant workers to report if they have been charged recruitment fees or faced deception in the recruitment process and follow up with all recruiters used by Nakheel.

- Ensure all managers speak to and treat all of those who work for Eversendai with dignity and respect and put in place training if necessary.

- Make clear, in writing and through appropriate internal company process, that no manager should ever threaten any migrant worker or deny anyone the right to leave Qatar.

TO CONSTRUCTION COMPANIES OPERATING IN QATAR

- Publicly commit to respecting human rights and put in place adequate, publically disclosed, systems to become aware of and prevent human rights abuses as a consequence of its operations;

- Review operational practices and policies to ensure the company does not commit, or materially assist in the commission of, acts that lead to human rights abuses;

- Comply fully with Qatari and international labour standards, including with regard to respecting the terms and conditions guaranteed to workers in their contracts, maximum working hours, the payment of workers on time, provision of decent accommodation, protection of workers' health and safety and forced labour;

- Respect workers' rights to freedom of movement, by complying with the legal requirement to allow workers' to hold their own passports, and not preventing them from leaving the country;

- Allow workers to move to other employers in Qatar on request;

TO THE GOVERNMENTS OF MIGRANT WORKERS' COUNTRIES OF ORIGIN

- Strengthen and enforce regulation of recruitment companies and laws to protect workers from predatory recruiters, ensuring that recruitment agencies who breach regulations face appropriate penalties.

- Monitor the enforcement of existing bilateral agreements with Qatar relating to migrant workers and work in partnership with the Qatari authorities to ensure that workers are protected.

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THE UGLY SIDE OF THE BEAUTIFUL GAME

EXPLOITATION OF MIGRANT WORKERS ON A QATAR 2022 WORLD CUP VENUE

Migrant workers on Khalifa International Stadium and the surrounding Aspire Zone, one of the main venues for the 2022 World Cup, have been subjected to a range of exploitative practices. This includes high recruitment fees for which many took out loans; false promises about the pay and type of work on offer; passport confiscation; dirty and cramped accommodation; and threats for complaining about their conditions. Some were subjected to forced labour.

The abuses documented in this report are the result of multiple failures: the businesses and organisations responsible for the venue failed to put in place adequate due diligence processes to identify human rights risks linked to their business activities. Several of the companies have improved the accommodation given to migrant workers but have done little to address other concerns such as exploitative recruitment and forced labour.

The Supreme Committee, the body responsible for delivering the tournament, has shown a commitment to workers' rights but its Workers' Welfare Standards failed to protect migrant workers on the Khalifa Stadium site. Labour reforms promised by the Qatari authorities have not delivered meaningful improvements, leaving migrant workers vulnerable to abuse. FIFA did not consider human rights before awarding Qatar the World Cup. After selecting Qatar it has done nothing concrete to address the risk of labour and other human rights abuse on World Cup sites.

Unless there is fundamental reform of Qatar's sponsorship system and respect for international human rights standards by all actors, the 2022 World Cup risks being built by an exploited workforce.

Index: MDE 22/3548/2016
Original language: English

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