

REFORM OF THE KAFALA (SPONSORSHIP) SYSTEM



BACKGROUND

The Kafala (Sponsorship) System emerged in the 1950's to regulate the relationship between employers and migrant workers in many countries in West Asia. It remains the routine practice in the Gulf Cooperation Council (GCC) countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE), and also in the Arab states of Jordan and Lebanon. The sponsorship system's economic objective was to provide temporary, rotating labour that could be rapidly brought into the country in economic boom and expelled during less affluent periods.

Under the Kafala system a migrant worker's immigration status is legally bound to an individual employer or sponsor (kafeel) for their contract period. The migrant worker cannot enter the country, transfer employment nor leave the country for any reason without first obtaining explicit written permission from the kafeel. The worker must be sponsored by a kafeel in order to enter the destination country and remains tied to this kafeel throughout their stay. The kafeel must report to the immigration authorities if the migrant worker leaves their employment and must ensure the worker leaves the country after the contract ends, including paying for the flight home. Often the kafeel exerts further control over the migrant worker by confiscating their passport and travel documents, despite legislation in some destination countries that declares this practice illegal.

This situates the migrant worker as completely dependent upon their kafeel for their livelihood and residency.

The power that the Kafala system delegates to the sponsor over the migrant worker, has been likened to a contemporary form of slavery. The kafeel meets their labour needs in the context of immense control and unchecked leverage over workers creating an environment ripe for human rights violations and erosion of labour standards.

Inherent in the Kafala system is the assumption that workers are considered temporary contract labour reflected in

in the GCC official use of 'guest workers' and 'expatriate manpower' to refer to migrant workers. The Kafala system serves a social purpose by emphasizing the temporary nature of a migrant workers presence in the country, so that even if the worker is present for a long time s/he doesn't acquire the rights of citizenship, with its alleged negative impact on social cohesiveness etc. The restrictive immigration policies of the Kafala system act in theory to limit the stay of overseas workers to the duration of their contract. Non-compliance by both employers and migrant workers in response to demand for labour has led to a significant minority of long-term or permanent residents, along with a significant number of second-generation migrants and development in irregular employment.

Thus in reality migrant workers may remain for years vulnerable in this situation living with the threat of unpaid wages, arrest, detention and ultimately deportation should they complain or leave. If the migrant worker decides to leave the workplace without the employer's written consent they may be charged with 'absconding', which is a criminal offense. Even if a worker leaves in response to abuse they remain at risk of being treated as a criminal rather than receiving appropriate victim support. The migrant worker is unable to leave the country given this would require the employer's consent and possession of their passport.

The migrant worker is constrained further by the structure of the Kafala system to make a complaint or seek protection.

In all the GCC countries and Lebanon the Ministry of Interior rather than the Ministry of Labour is responsible for managing their employment in addition to the sponsor. This structure contributes to the securitisation of migration and denies migrant workers the cover afforded by the protections of domestic labour law and the opportunity of entering a labour dispute process to address their complaints. The destination countries governments' focus is on the costly, bureaucratic flawed restrictive immigration regulations rather than the plight of the migrant workers tied to a sponsor.

Sending countries and recruiters contribute to the Kafala system by providing the workers despite the well-documented reports of abuse and exploitation of migrant workers. Criticism of their role has led to questions about their ability to provide decent employment opportunities domestically, to enable workers to choose not to work overseas under the Kafala system.

The dehumanising threat that the migrant worker can be ‘replaced by somebody else’ is heard from recruiters, kafeels, and destination countries’ officials. The fear that this claim might prove to be true is felt and expressed by civil society members and sending countries officials. This emanates from a labour market debate over whether migrant workers could be recruited from alternate countries, regions or whether GCC policies of nationalisation of the workforce (in response to the emergence of unemployment among young nationals) will lead to a decline in demand for migrant workers. For the migrant worker this becomes a means to secure their compliance with the oppressive nature of the Kafala system in managing their labour migration.

The number of migrant workers in the Middle East was estimated by ESCWA to be around 25 million in 2010, the highest proportion of migrant workers in the world. Foreigners form a majority of the population in all of the GCC states apart from Saudi Arabia and are above 90 percent in the UAE and Qatar. (Khan & Harroff-Tavel 2011:296). It is appalling to consider that such a large number of people are entering a labour migration system that carries such a significant detrimental risk to their long-term physical and psychological well being. Despite their size, migrant workers have limited options for protection or influence under the Sponsorship system.

Reform of the Kafala System

There has been overwhelming condemnation of the Kafala system from international organisations and civil society with subsequent calls for the system to be abolished and replaced with an alternate labour migration governance policy. Currently, this has shifted to advocacy for reform largely due to the assessment that the GCC countries lack political will to replace the Kafala system coupled with the perception that sending countries lack necessary bargaining power given their economic dependence on migrant workers’ remittances. The extent of the reform that should be sought remains under debate often underpinned by the fear that advocating for a comprehensive reform of the Kafala system will lead destination countries to seek workers from alternate countries. Typically the GCC countries are treated as a bloc with common problems and policies. However there exists:

- Destination countries have diversity in the Kafala system as to the type of restrictions and their application.
- In the countries of the GCC all workers are subject to the restrictions of the Kafala system, whilst in the Arab states of Lebanon and Jordan there exists differentiation in the control exercised over migrant workers.
- In Lebanon, the Kafala regulates low-skilled workers coming primarily from Asia and Africa but not those coming from Syria, as they enjoy greater cross-border movement with Lebanon.
- In Jordan, the Kafala is only relevant to migrant workers recruited by nationals and not to those working in the Qualified Industrial Zones. (Khan & Harroff-Tavel 2011:294) Saudi Arabia, Qatar and Kuwait stipulate that workers must obtain an ‘exit-visa’ from their employers’ in order to leave the country. Kuwait criminally charges migrant workers who leave their employment without the kafeel’s consent.

- UAE plans to financially compensate sponsors of ‘absconding’ domestic workers. The amount will be taken from the fine levied against the new ‘illegal’ sponsor who hires the worker, after both have been arrested.

Variation in the destination countries commitment to reform of the Kafala system is reflected in public statements that range from the intention to maintain the status quo (Qatar May 2011, Saudi Arabia June 2011) to plans to abolish the system. (Bahrain May 2009, Kuwait Sept 2010). Assessments of reforms to date of the Kafala system have also been varied with some welcoming any change as a positive sign to condemnation that in reality that promises of reform were not delivered.

Reform of the Kafala system began in 2009. The two states that have made the greatest attempt to reform the Kafala in their respective countries are Bahrain and Kuwait.

Other destination countries have made limited reforms but they do not represent a change to the structural constraints of the Kafala system on migrant workers:

- Jordan: Introduced a standard contract in 2003 and included domestic workers under its labour law in 2008. In 2009 Jordan also passed a law against people trafficking that criminalizes forced labor for exploitation.
- Lebanon: Introduced a unified standard contract in 2009
- Oman: Introduced a Law in 2003 making it illegal to loan workers to other employers

- United Arab Emirates (UAE): Introduced a wage protection system in 2009. Abu Dhabi Department of Justice plans to create a court specialised in looking into cases involving domestic workers.

There have been no significant reform proposals from destination countries for reform to address the situation of long term and second generation migrants, apart from in Saudi Arabia. In Saudi Arabia you are eligible for citizenship if fluent in written and oral Arabic, adhere to Islam, have been resident for a minimum 10 years and usually highly skilled, having attended university.

Bahrain's initiatives to reform the Kafala system

Bahrain announced that it would dismantle the Kafala system in August 2009. It established the public authority the Labour Market Regulatory Authority (LMRA) that would be responsible for sponsoring migrant workers rather than the private employers. However the LMRA currently regulates the work process and post recruitment and has not taken on the role of sponsor leaving the Kafala system intact with the following reduced restrictions:

- The migrant worker's dependence upon employers during entry and exit process has ended.
- Migrant workers are now afforded some degree of employment mobility as they can change employment without the written consent of the current employer. Initially the removal of one restriction of the Kafala system appeared a positive acknowledgement of a worker's basic right to freedom of movement, which would enhance their protection as they could leave abusive and exploitive workplaces. However in 2011 a law was introduced that undermined this reform by stipulating that the worker needs to wait one year before legally being able to change employer in response to recruitment agencies lobbying against the changes.
- Reform measures also weakened the interdependence in the Kafala system with the right to remain in the destination country with employment by allowing workers to seek new employment provided they give one months notice before their employment contract expires.

Kuwait's measures to reform the Sponsorship system

Kuwait announced that it would abolish the Kafala in February 2011, however instead changed one restriction of the system. It was made it easier for migrant workers to change sponsors with the exclusion of migrant domestic workers.

Some have assessed the states motivation for this change was to prevent employers trading in residence and work permits for profit. Kuwait also proposed a [discriminatory] system of self sponsorship where by those with university degrees maybe able to sponsor themselves; however those without would remain tied to a national for residency, though would be able to switch their employer. (Janardan 2011)

Saudi Arabia recent proposal to reform the Kafala system

Recent media reports state that the Ministry of Labor has drafted a new legislation that will end individual sponsorship in the Kingdom. The change would transfer sponsorship to newly created recruitment and placement agencies who will hire out employees temporarily thus the company becomes the migrant workers sponsor.

There will be 13 recruitment companies (with a minimum of five recruitment offices each.) who would be monitored by a newly created agency affiliated to the ministry likely to be called the "Foreign Workers' Affairs Agency" which will have branches around the country. A proposed insurance program would compensate employers for losses incurred because of workers' actions. It would also cover airfare in case of deportation and six months of a worker's wages if an employer has failed to pay wages on time. Whilst motivation to reform the Kafala is welcome it appears to leave the sponsorship system intact unless migrant workers are no longer required to have a sponsor's consent to change jobs or leave the country.

As recruitment agencies also carry the risk of abusive and exploitative practices it remains to be seen whether or not as sponsors being monitored they will offer an improvement in protection for migrant workers.

ANALYSIS

Migration to GCC countries presents the opportunity for workers to earn a livelihood and provide a crucial source of income for their families. However the Kafala (Sponsorship) system fails to provide for the protection of the rights and welfare of migrant workers as it favours the rights of employers.

There are significant detrimental consequences for the migrant worker due to the restrictive nature of the Kafala system:

The Kafala system fosters conditions for exploitation and abuse of migrant workers in the workplace

Under the Kafala system the migrant worker may be identified as a ‘guest worker’ but are often treated as a disposable economic commodity at the mercy of their sponsor. Central to the Kafala system is the imbalance in power relations between the kafeel and the migrant worker. The kafeel has the power to alter the terms of the employment contract and coerce the migrant worker into submitting to unfair working conditions. Contract substitution leaves migrant workers compelled to accept lower wages and poorer living and working conditions than originally promised. The Kafeel can exert further control by forced confinement, confiscating the workers passport, limiting channels of communication and withholding wages. There is no accountability in the relationship due to the imbalance of power that favours the sponsor. The migrant worker denied bargaining power in the relationship or means of redress is often forced to accept this situation.

The migrant worker’s primary motivation for agreeing to the terms of the Kafala system is often the potential financial benefits for them and their families. However exploitative practices such as non-payment, underpayment and delays in payment of wages and unlawful additional costs coupled with the debt of excessive recruitment charges undermine this goal.

There are substantial numbers of migrant workers who are victims of verbal, physical, sexual and psychological abuse under the Kafala system. Migrant domestic workers confined to the home of their sponsor are particularly vulnerable.

Migrant workers are often denied the right to justice for violation of their rights under the Kafala system.

Migrant workers are often faced with punishment should they report abuse, protest or question their terms and conditions of employment. Kafeels can retaliate in a plethora of ways including: lower wages, non renewal of the contract, abuse, accepting bribes in exchange for permission to leave, false accusations such as theft or having the worker deported.

Kafeels can evade legal responsibility of charges under the Kafala system, as they can petition the authorities to cancel the workers residency leading to forcible deportation before a case can be filed or heard. Some workers desperate to earn money fearing this retaliation remain and suffer in silence. Others that leave without securing the written consent of the sponsor, lose their residency and thus face the possible consequences of an irregular immigration status including possible criminal charges, detention and deportation. This leads to the criminalisation of worker related disputes in the absence of accessible and credible dispute resolution mechanisms.

The Kafala system provides little means of redress for the violation of migrant workers rights. Legal redress can be practically impossible if the worker cannot afford the legal fees for representation or locate a pro bono lawyer; or in the case of domestic workers are physically prevented from filing a complaint due to forced confinement in the home and confiscation of their mobile phone.

If the migrant worker manages to file a legal case against their employer there remains obstacles that impede criminal charges. For example in Oman: A major challenge is that sponsors often do not attend the court hearing when they are called. The local authorities do not demand that they come, and the Embassy cannot force them. A lengthy legal process can leave the migrant worker reliant on the charity of fellow nationals having lost both accommodation and income. In response to this difficult situation they may decide not to pursue the case. Overall the enormous number of reported abuses by sponsors is not reflected in the tiny number of criminal charges nor is there evidence that they are blacklisted from hiring future employees. (Hamill 2012)

This impunity for sponsors grants unchecked power over the migrant worker under the Kafala system.

The Kafala system denies the migrant worker the basic human right to freedom of movement.

The employer controls the mobility of the worker under the sponsorship system, through withholding their passport and legal control over their ability to change employment and exit from the country.

The kafeel has the power to transfer the sponsorship to another employer without the workers consent. Trading of the sponsorship or workers legal right to work can be lucrative. They can also repatriate the worker without prior notice and ban the worker from reentering the country.

Sponsors justify this practice because they have paid several costs up front and are concerned that should the migrant worker leave they will lose their investment. However they use this justification even though the Kafala system means one of control over the worker throughout s/he presence in the country, not just in the first few months when they claim they have costs to recover. Recruitment agencies are beneficiaries of the relationship.

The withheld passport can be used to blackmail the migrant worker not to exercise their right to complain and in some cases sponsors exchange the passport for a declaration that the worker has received all their wages that they are due, prior to change of employment or exiting the country.

Despite employers not having the right to retain passports, workers ability to complain is constrained by their dependence on their sponsor for their livelihood and accommodation, fear of retaliation and the ultimate sanction deportation. If a worker leaves without the Kafala's permission, even when responding to abuse they may face immigration charges with criminal penalties, indefinite detention and deportation.

The Kafala system often creates irregular situations in both employment and immigration status for migrant workers.

The employment relationship in the Kafala system is the only legal basis by which a worker can remain in the country as overseas nationals are largely ineligible for permanent residency status or citizenship. Under the Kafala system the destination country abdicates its responsibility to protect the rights of migrant workers by delegating to sponsors the subjective power to determine a workers immigration status despite the inherent potential for rights violations.

There are numerous scenarios created under the restrictions of the Kafala system that can lead to a migrant worker becoming undocumented:

- The worker resigns before the end of the contract or changes employer without written permission from the sponsor.
- A domestic worker becomes undocumented because they escape from an abusive employer. A worker leaves due to non-payment of wages. The contract expires, but the employer refuses to pay for the return ticket (as required by law) and the migrant worker could not afford one. The employer did not return their passport so they are unable to leave the country.
- The employer forced a change of employer because of financial difficulties and was unable to legalise the situation. The employer did not renew the contract (as required by law) for the worker to remain in regular employment.
- The employer did not renew the visa to ensure the migrant worker has residency status.

In order to avoid paying repatriation costs the employer chooses to allow the worker to remain after the contract expires. The sponsor leaves without notice forcing the migrant into irregular status.

Some migrant workers have responded to the constraint on job mobility by entering the informal economy as an undocumented worker by 'absconding' or entering the country with a tourist visa and then paying a 'fee' to their sponsor on arrival. In the case of Saudi Arabia 20,000 migrant domestic workers are estimated to "abscond" from their employers on an annual basis. (Nikolas 2012) This places them in an extremely vulnerable position given their irregular immigration status. They may end up homeless seeking to evade the authorities as they accept poor wages and working conditions for any job they can find.

Workers who do not seek assistance after becoming undocumented usually find work due to the high demand for labour that exists to help employers avoid the costs and strictures of the Kafala system. Undocumented workers are especially vulnerable to sexual and physical abuse and coercion to submit to poor living and working conditions as employers can threaten to report them to police. If a undocumented worker is caught they may be fined and returned to the kafala or charged, detained and deported. Additionally although not officially confirmed migrant workers can be black-listed by the authorities. It is increasingly difficult to go to another GCC country if you have been blacklisted in one country. (PNCC 2011) In order to circumvent the legal barriers, undocumented workers may resort to smuggler/traffickers to enable them to leave and return home and apply again.

Discrimination against low paid migrant workers exists under the Kafala system, evidenced by the difference in the application of the immigration restrictions.

Low paid workers are generally limited to moving into irregular immigration and worker status if they leave their employment without consent; and can become stranded in the host country without a passport.

Higher paid workers have the opportunity to respond with 'strategic transnationalism' to combat the vulnerabilities rendered by the Kafala system. (Gardner 2010) As non-citizens, migrant workers live by the whims of the state and citizens, [or sponsors] their stay always under threat of being revoked. The insecurity of this life pushes them into establishing and maintaining active transnational connections, (such as another home abroad) should they need to leave the host country. (Gardner 2010: 89-95)

The Kafala system thus often leads to the securitisation of migrants should they attempt to challenge its restrictions or escape from abuse and exploitation.

VISA TRADING

Resistance to reform of the Kafala is prevalent as GCC nationals can benefit substantially from the system due to visa trading. GCC nationals with business licences are given permission for work visas for a given number of immigrants. They may sell these visas to others, leaving the migrant worker undocumented. This is known as 'visa trading'. "Visa trading is a multimillion-dollar industry; there are high fees for the initial sponsorship, followed by two-year renewal fees. In the UAE, a two-year work visa for an Indian [worker] sells for around US\$ 2,000 and for an Iranian [worker] for US\$ 4,000. It remains extremely easy for GCC citizens to make a good income simply by visa trading; despite the fact that this is unlawful, there is no known prosecution of GCC nationals for these activities, and the migrants (and occasionally employers) are held to account."

Source: (Shah 2009:12-14)

Factors that Impact on Reform of the Kafala System

The response to International pressure over the widespread human rights violations and poor labour standards under the Kafala system. For destination countries the subsequent negative international image of their country creates some pressure towards reform of the Kafala system. Sending countries in response to civil society pressure have refused to send workers until some reforms have been agreed to protect their citizens abroad.

The international media has played an important role in highlighting the plight of migrant workers under the Kafala system. Could pressure for reform be achieved by different approaches to media sensitisation in sending and receiving countries?

Migrant workers make a substantial contribution to the development of the GCC countries. The recognition and acknowledgement of this contribution should contribute to the impetus for reform. However it is often overshadowed by a focus on: 1. Labour market debates about future labour demand and which sending countries will supply the workers. 2. Migrant workers that have an irregular migration status.

Economic interests of sending and receiving countries remain implicated in the status quo of the Kafala system. Destination countries potential to change their preference of sending country and /or recruit workers domestically into the private sector underpins bargaining around reform of the Kafala system. Advocating for reform of the Kafala system is based on the assumption that the labour demand for migrant workers will continue.

Determining the likelihood of these eventualities is complex with many variables. Although a comprehensive evaluation of the issues is beyond the scope of this policy brief, an introduction will follow:

GCC countries have segmented labour markets with nationals preferring to work in the public sector and migrant workers mostly employed in the private sector. There exists a significant disparity between employment in the sectors, with GCC nationals in the public sector enjoying multiple privileges including working shorter hours for higher pay. Migrant workers are preferred in the private sector as

they generally possess better skills than nationals, are paid lower wages and can be employed flexibly as temporary contractual workers.

GCC populations' demographic changes have led to a rise in youth unemployment with countries under political pressure to generate new jobs. As countries are unable to absorb these workers into the public sector (some due to the inability to afford it due to declining natural reserves) they have turned to the private sector for job creation. Since the mid 1990s, GCC countries have subsequently attempted to reduce the dependence on migrant workers and replace them with national labour power. For migrant workers this has led to increased restrictions. The nationalisation of GCC markets and its specific variants such as Omanisation, Saudisation has led to policies that have included: reducing the supply of regular migrant workers by reinforcing barriers at entry and stay; issuing mandatory employment quotas for nationals; closing certain sectors of the labour market to migrant workers and taxing employers who hire non-nationals.

Success of these policies is dependent in part on the number of unemployed, the willingness of nationals to take low profile jobs and the private sectors' willingness to employ nationals, which would mean forgoing the 'business advantage of cheap labour'. Baldwin's (2011) evaluation of the effectiveness of these policies concluded that overall only Saudi Arabia had any significant success in its nationalisation policy. Consequently the demand for migrant workers has continued.

Additionally, national variants are important when predicting future labour demands of the GCC and subsequent reliance on migrant workers. For example: Oman oil reserves are near completion thus financing public sector employment for future entrants to the labour market is not going to be an option. Also as it has the lowest education level of all GCC countries, its nationals are more likely to enter into low skilled employment replacing migrant labour. Bahrain also has limited oil and gas reserves that are expected to run out in the near future, however it has a small population size thus remains dependant on migrant workers. (Baldwin 2011:53)

Demand for domestic workers is likely to continue given that employing a domestic worker is socially embedded in the GCC nationals lifestyle expectations and provides associated status.

In summary the variables that will determine the ongoing demand for migrant workers in the destination country are: the number of unemployed, the effect of nationalisation on the labour market, the economic capacity to generate new jobs, the successful development of nationals skills sets to meet the requirements of the job market, the willingness of nationals to take low profile jobs and private sectors willingness to employ nationals, as well as political considerations. (Janardan 2011)

Sending countries economic interests may reduce their demand for a comprehensive reform of the Kafala system. The pressure to relieve domestic unemployment and gain remittances balanced with the responsibility to protect their nationals abroad has led some sending countries to pursue non-binding Memorandum of Understanding (MOU) with destination countries. The establishment of stronger protection by one country may lead to competition between sending countries, with the destination country, employers and recruiters turning instead to another country with less protection for workers. Sending countries should therefore act multilaterally to address reform of the system.

Discrimination against migrant workers in the societies of destination countries may contribute to the lack of aspiration to reform the Kafala system. Largely unchallenged prejudice in the region against migrant workers makes nationals less inclined to speak out for migrant workers whom they consider to be second-class citizens. (Khan & Harroff-Tavel 2011:303)

Migrant workers direct agency is minimal given their limited bargaining power under the Kafala system to demand reform whilst in destination countries. Asserting their rights with their kafeel may be met with an abusive response. Their attempts at protest are often met with immediate deportation (though it enhances visibility of the issue) as many countries in the region deny them the right to form trade unions.

Where they do exist such as in Bahrain, Kuwait and Oman, migrant workers are not included. Migrant workers' focus is thus largely on strategies to circumvent the Kafala system and survive rather than its reform.

Debate exists as to the impact from the 'Arab spring' or current dynamic political environment of the GCC region on possible reform of the sponsorship system. The ITUC has advocated expanding the social reforms planned in the wake of the protests to include an overhaul of conditions for blue-collar migrants.

Others more pessimistically have predicted either increased governmental restrictions in an attempt to exert control over societies or that political issues in the region will lead to neglect of the issue of reform.

The power enjoyed by the sponsor and recruitment agencies under the Kafala system and their ability to make lucrative profits out of it makes it likely they will resist attempts at reform. Powerful business lobbies appear to have already been successful in limiting reform in destination countries.

RECOMMENDATIONS

The Kafala system should be abolished and an alternate policy implemented or if it is to be retained should incorporate the following recommendations for reform to reflect a rights-based approach to labour migration.

- Countries in the Colombo Process, both members and observers, should engage in constructive dialogue in enhancing reform measures currently being undertaken by some receiving countries.
- All reforms to the Kafala (Sponsorship) system must be inclusive of migrant domestic workers.
- The private recruitment process must be reformed; formalised and monitored to ensure protection of the rights and welfare of migrant workers.
- To discontinue the individual sponsorship system and replace it with the National Employment Office or Ministry of Labour (MOL) in the destination country overseeing the recruitment process. A Government officer under the MOL would take full responsibility for entry, transfer and departure of migrant workers. Thus the migrant worker would make a contract with the department, as would the employer who would pay the wages to the department.
- An employment visa, rather than the sponsor should regulate the migrant workers' entry to the destination country. The employment based visa would allow workers the right to resign within one month notice
- The migrant worker must be in possession of her passport, travel documents and mobile phone at all times. A severe penalty should be introduced for an employer who does not abide by this regulation.
- Migrant workers basic human right to freedom of movement must be upheld, particularly for migrant domestic workers who should not be forcibly confined in the home.
- Workers must be able to change or terminate employment at will without losing valid immigration status and without having to obtain the employers permission. The employer should no longer be responsible for filing a case when they leave.

Recommendations continued...

- Policies on labour mobility should be developed with reference to the ILO Multilateral Framework on Labour Migration (2006) to ensure a rights-based approach.
 - MOUs with destination countries that have the Kafala system must reflect a strong human and labour rights normative framework; be transparent; involve all stakeholders and be publicly accessible.
 - Interim work permits should be issued for migrant workers involved in dispute settlement proceedings to ensure they can support themselves during the process.
 - Introduce a monitoring system to oversee the interim work permits and shelter allocations, and to supervise the progress of the dispute cases.
 - Allow migrant workers to stay for 2 months after the end of their employment and seek a new position. The changes to the visa would be the responsibility of the worker rather than the employer. I.e. The worker would notify the immigration authorities within 7 days of ending their employment.
 - To ensure the right to justice for migrant workers there must be accessible and credible dispute resolution mechanisms; and the opportunity for fair and impartial redress
- Strict enforcement measures should be introduced for recruitment agencies and employers that violate migrant workers rights. Incentives should also be introduced to enhance best practice in the recruitment process.
 - Countries of origin should provide appropriate health care as part of reintegration; including professionals specialised in treating Post Traumatic Stress Disorder to mitigate against the long term negative psychological consequences of abuse.
 - Sending countries should have national development programmes for creating sustainable and meaningful employment to ensure migration under the Kafala system is a choice not a necessity.
 - The applicability of the national labour law in destination countries should be extended to include domestic workers or specific legislation should be developed to protect the domestic workers as per the ILO Convention concerning Decent Work for Domestic Workers. (C189)
 - Countries of origin and destination should ratify and implement key ILO conventions: C97 on Migration for Employment and Recommendation (Revised), 1949; C143 Migrant Workers (Supplementary Provisions), 1975; C181 on Private Employment Agencies, 1997 ; C189 concerning Decent Work for Domestic Workers, 2011

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