

Forum: General Assembly Committee

Issue: Reducing workplace exploitation of foreign migrants in the U.A.E

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Introduction

The United Arab Emirates, even amidst its phenomenal economic growth and miracle-like urbanization for the last few decades, harbors a largely unseen societal inequality that forces its workforce, 90% of which are foreign migrants, into exploitation and abuse. Since the first oil flowed from the Umm Shaif oil field in 1962, the UAE, which is comprised of seven semi-autonomous emirates, has seen an unprecedented construction boom, making an Organization of the Petroleum Exporting Countries (OPEC) quota of 2.53 million barrels per day in May 2007. This makes the UAE the third largest producer of oil and gas in the world, with only Saudi Arabia and Iran preceding it. However, it is logical to draw a few doubts about the labor force that performs this tedious work that has made the prospering UAE, with its multitude of infrastructure and elites, what it is today.

Mistreatment comes in many forms, but most prominently in systemic exploitation, which ranges from non-payment of wages and passport confiscations to physical, sexual and emotional abuse. There is an abundance of evidence that suggests the government in charge of implementing laws to cease this corruption has had neither the ability nor the willingness to execute a change – although now the United Nations is taking strides to change this fact.

Millions flock there yearly believing the opportunities are one of hope and possibility, given the international coverage that is focused solely on the splendor of it all. Yet, the disparities of health, wage, and recognition may come as startling to them as it is to anyone else – and even today, this remains, as a blemish on the luxury of UAE.

Definition of Key Terms

Kafala Sponsorship System

Similarly to the other Gulf Cooperation Council member nations, the Kafala is a system where migrant workers are essentially ‘sponsored’ by private companies looking for laborers at a cheaper price – under the ruse of an ‘employer-worker’ relationship. The system seems relatively humane on paper, where

employees are granted basic human rights such as maternity leave, wage payments, and bans confiscation of passports or lengthy working hours. In reality, it is extremely far-fetched to believe that the working situations are as promised in physical contracts – for violations of the Emirati law governing the labor force are rarely investigated, further allowing for exploitation to run rampant. This careless regulation results in employers restricting financial independence, imposing taxes and fees, and requesting permission before a job change. These restrictions lead to a view of the Kafala system and the Emirati employment procedures as an example of “modern slavery.”

Gulf Cooperation Council

The Gulf Cooperation Council (GCC) is a political and economic alliance that consists of six Middle Eastern countries—Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Bahrain, and Oman. Established in Riyadh, Saudi Arabia, in May 1981, the GCC’s incentive is to promote unity among its members based on their shared objectives and their similar cultural identities, rooted firmly in Arab and Islamic cultures. Presidency of the council rotates annually.

Migrant Worker

A person who is part of a workforce located in a country that they are not a national of.

Ministry of Labour (and Social Affairs) / Ministry of Human Resources and Emiratization

The UAE government agenc(y/ies) in charge of proposing federal laws that regulate labor and labor affairs, supervise their implementation, manage the job market, propose labor policies suited to the UAE, and organize labor relationships. The former, the Ministry of Labor, had a focus on a wider scope of issues, such as social welfare policies – but labor responsibilities were later narrowed down in 2004 to form the MOHRE and social matters were handled by a different branch, namely the Ministry of Community Development. Thus, as of now, the Ministry of Labor is not an existent force in the UAE government.

History And Developments

Immigration to the UAE

Temporary labor migration

Of all the regions in the globe, the GCC—Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE—is the most sought-after location for temporary labor migrants and over the past thirty years, flows have only increased (see Figure 1). Researchers Nasra Shah and Philippe Fargues estimate that these migrants comprised over 43% of the region's overall population in 2010 and that this percentage would likely climb over the following ten years.

Although exact numbers are unavailable, Human Rights Watch estimates that 2.7 million workers, or 95% of the labor pool in the UAE, are foreigners. As a result, millions of South Asians, largely hailing from India, Pakistan, Bangladesh, Nepal, and Sri Lanka, live in the nation as migrant laborers. Two recent reports on the UAE from the Economist Intelligence Unit state that: "Historically, low-paid expatriate workers have enjoyed few, if any, rights in the UAE" and "Expatriate workers, and particularly low-skilled employees from Asia, have few rights."

Year	Number			Share		Annual Growth Rate	
	Total	Native Born	Foreign Born	Native Born	Foreign Born	Native Born	Foreign Born
1975	9,731,259	8,790,223	941,036	90.3%	9.7%	3.2%	14.5%
1990	22,522,620	14,201,239	8,241,381	63.4%	36.6%	3.3%	5.0%
2010	41,093,624	23,536,409	17,557,409	57.3%	42.7%		

Source: Shah, Nasra and Philippe Fargues. 2013. *The Socio-economic Impacts of GCC Migration*. Cambridge: Gulf Research Centre. [Available online](#).

Note: Estimates do not include unauthorized migrants, estimated in the tens of thousands to hundreds of thousands from the 1970s forward.

Figure #1: Number and Share of Native-Born and Foreign-Born Populations in GCC Countries, 1975-2010

Country origins

Since the 1990s, immigration has been the main factor driving population increase in the United Arab Emirates, where foreigners accounted for the majority of the country's overall population in 2013. Workers from the United Kingdom, the United States, Australia, Canada, and various Western European countries have become concentrated in the UAE's key high-skilled sectors: the oil and gas industry as well as banking and finance (see Figure 2). Meanwhile, the low and semi-skilled sectors have seen a dominance in immigrants from Asia and the Middle East and North Africa (MENA) region. As of 2020-2022, the UN estimated the country's total population to be at 10,082,000, where immigrants make up 88.1% of that aforementioned total.

At least 400,000 foreign-born domestic workers, mostly from Asian nations, are employed in the United Arab Emirates. Under the Kafala system, foreign-born workers fall under the authority of the Ministry of Labor, while the Ministry of Interior oversees domestic servants. Because of this, they are not covered by national labor laws, and complaints often become the responsibility of only local police. Official estimates place the current number of undocumented migrants in the UAE at about 65,000 (unofficial figures go up to 135,000). These include those who have entered the nation unlawfully, overstayed their visas, are working on tourist visas, and more. An unknown but presumably sizable portion of migrants lack any identity documents since they have "absconded" or left abusive employers who retain their passports—a prohibited but prevalent custom of the Kafala system.

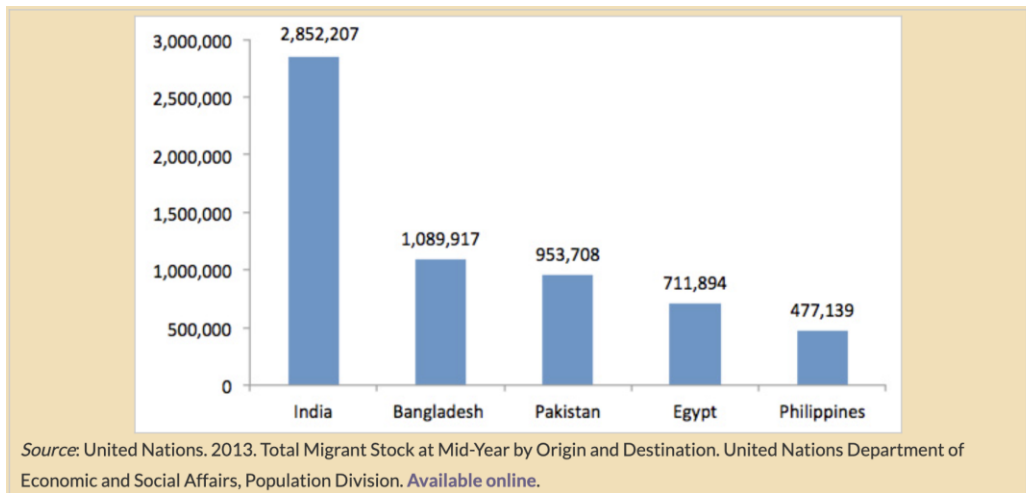


Figure #2: Top Five Origin Countries of the Foreign-Born Population in the United Arab Emirates

Human Rights Considerations

Prevalent forms of workplace abuse

The Kafala system exposes migrant workers to abuse in an extensive range of forms, including exploitative working conditions, poor living accommodations, restrictions of personal and collective freedom, and nonpayment of salaries despite an array of laws that go against it – yet are never reinforced and often turned a blind eye to. Due to regular reports of sexual abuse and violence, governments in countries like the Philippines have, on occasion, enforced temporary bans to prevent female workers from being deployed in certain countries – one of which is the UAE.

The mistreatment of these laborers, which can take many forms, from physical assault to nonpayment of wages, are not only commonplace or pervasive but rather more of systemic. The methods employed to enforce the labor laws in the United Arab Emirates are ineffective, let alone the fact that the laws themselves are blatantly in favor of employers. As a result, the UAE's legal adjudication system has encountered difficulties in handling the high amount of labor complaints that employers and migrants have been filing.

As the extensive public debate on this labor issue lives on as a global concern, external research has continued to be conducted to probe into the frequency and extent of the problem.

Major Parties Involved

United Arab Emirates

Similarly to other GCC countries, The United Arab Emirates (UAE) is home to a notable number of concerns on labor, particularly in the context of its large expatriate workforce.

Pakistan, India, Nepal, Sri Lanka

The majority of the UAE's migrant workforce hail from these countries.

Timeline of Events

Date	Event Name	Description
May 25, 1981	Founding of GCC	The GCC, Gulf Cooperation Council, is founded with six member state countries.

Previous Attempts to Solve the Issue

The UAE's labor laws and regulations have undergone many developments at both the federal and Emirate levels. One such development is the 2005 passage of the "mid-day break" rule, which aims to prevent heat-related injuries among outdoor workers in the construction industry. To facilitate labor dispute matters, the Ministry of Labor also established offices in the Dubai and Abu Dhabi courts.

One of the most notable plans of action to address these ongoing issues was The Wage Protection System (WPS), which was founded in 2009 with the intention of combating underpayment of salaries in the private sector (mostly in the construction, retail, and small company sectors). It has been one of the most noteworthy initiatives to solve labor difficulties; more than 600 employers have been fined since the WPS was introduced, and almost 2.9 million workers and 205,000 of the 250,000 registered enterprises in the UAE have enrolled for it. Following legal action, firms were further forced to pay 52 million diham, or approximately 14.2 million in dollars, in unpaid wages in 2007. Domestic workers are not covered under the terms of the WPS, but there have been a few other policies implemented in their favor. For example, 2012 saw the UAE Federal National Council approve legislation to address the protection of their rights and lower chances of human trafficking instances.

The government has also carried out measures to restructure the Kafala system, such as the creation of the "employment contract" system, wherein an employee and their employer sign a contract outlining the employee's rights and obligations, including pay, work schedule, and residency permit conditions. Furthermore, they have formed several bodies to oversee enforcement of such laws passed under this umbrella of working rights, such as the Ministry of Human Resources and Emiratization, the National Human Rights Committee, and the Federal Authority for Identity and Citizenship.

Yet, although these commendable efforts cannot be disregarded, there remain large berths in protection measures and enforcement that must be closed to fully guarantee these UAE workers their promised terms.

Relevant UN Treaties and Events

- HLCM-PN Statement on Combating Human Trafficking and Forced Labour in UN Supply Chains (Oct 2022) S/RES/2388
- International Labor Organization: Forced Labour Convention, (June 1930, No.29)

Possible Solutions

Eliminating the Kafala system: The Kafala system could be abolished to create a more accountable and equitable system that would guarantee employees' freedom to leave the nation and their jobs without permission from their employers. This would considerably enhance working conditions.

Strengthening enforcement: The government may step up its enforcement of labor laws and rules, especially in industries with large immigrant worker populations. This may entail hiring more labor inspectors and enhancing their education and experience to better detect and handle labor violations.

Empowering workers: Another one of the more primary reasons for mistreatment is due to the power gap between employers and workers. Filing a complaint is often difficult, for the laborer must submit a written work in either Arabic or English to the government and to their employer, facing language barriers and obstructive tendencies from people of higher status along the way. Providing workers with access to legal assistance and support services, information about their rights and how to file complaints would allow them to assert their humanity more freely.

Addressing discrimination: By implementing anti-discrimination laws and educating the public and businesses about migrant workers' rights, the UAE government could combat discrimination against migrant work. They could launch public awareness campaigns directed towards employers on the value of treating employees fairly and respectfully. It is imperative to shed light on this corrupt and unchecked sponsorship system.

Bibliography

Britannica, The Editors of Encyclopaedia. "Gulf Cooperation Council". Encyclopedia Britannica, 9 Sep. 2024, <https://www.britannica.com/topic/Gulf-Cooperation-Council>. Accessed 22 September 2024.

“Combating Human Trafficking and Forced Labour in UN Supply Chains.” CEB, <https://unsceb.org/combating-human-trafficking-and-forced-labour-un-supply-chains> Accessed 24 Sept. 2024.

Editorial, NYCFPA. “Migrant Workers’ Rights in the UAE: An Examination of Exploitation, Abuse, and the Government’s Responsibility.” New York Center For Foreign Policy Affairs, 7 Apr. 2023, <https://nycfpa.org/04/07/migrant-workers-rights-in-the-uae-an-examination-of-exploitation-abuse-and-the-governments-responsibility/>. Accessed 24 Sept. 2024.

Enforcing Migrant Workers' Rights in the United Arab..., www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session3/AE/Mafiwasta_ARE_UPR_S3_2008anx_EnforcingMigrantWorkersRightsinTheUnitedArabEmirates.pdf. Accessed 24 Sept. 2024.

Forced Labour Convention, 1930 (No. 29) | OHCHR, www.ohchr.org/en/instruments-mechanisms/instruments/forced-labour-convention-1930-no-29. Accessed 24 Sept. 2024.

Froilan T. Malit Jr. and Ali Al Youha. "Labor Migration in the United Arab Emirates: Challenges and Responses." Migrationpolicy.Org, 27 Aug. 2021, www.migrationpolicy.org/article/labor-migration-united-arab-emirates-challenges-and-responses/#:~:text=According%20to%20Human%20Rights%20Watch%20and%20other%20international,mandatory%20electronic%20payment%20system%20in%20place%20since%202009%29. Accessed 24 Sept. 2024.

Kadıoğlu, Uluç "Taken Hostage in the UAE." Harvard International Review, 29 July 2022, <https://hir.harvard.edu/taken-hostage-in-the-uae/>. Accessed 24 Sept. 2024.

"United Arab Emirates." Migrationpolicy.Org, 7 Nov. 2023, www.migrationpolicy.org/country-resource/united-arab-emirates