

**Towards a Special Circumstances Contextualisation of Qatar's Migrant Labour Policy
and Practice**

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by

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Abstract

This dissertation is a textual analysis of the sustainability under international law of the concerted criticisms of Qatar from a diverse range actors regarding its sponsorship system, particularly after award by FIFA in 2010 of the right to host the 2022 World Cup, and the consequent rapid acceleration of infrastructure programme to establish the facilities and amenities required for that event.

The dissertation contextualises the ‘decontextualized criticisms’ against Qatar’s migrant labour system, also known as kafala. It invokes relevant jurisprudence of international tribunals to justify Qatar’s eligibility for special circumstance exceptions to general rules of international that its critics have relied upon and shows that perhaps the kafala may not after all be inconsistent with Qatar’s obligations under international law. The hypothesis of the dissertation is that, if Qatar could successfully plead the special circumstances principle regarding complaints against its kafala system, then, the criticisms levelled against its sponsorship system, are probably unsustainable under international law.

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1 Chapter 1: Introduction

1.1 Background

Criticism of Qatar's Kafala migrant labour policy presumes a Universalist human rights approach that is extremely controversial in light of the strength of views among scholars that cultural relativism and not universalism offers greater scope for advancing human rights protection. Jack Donnelly's (207: 306) conversion from a career-long argumentation for universalism; to a retirement zone acceptance that cultural relativism is critical to implementation of human rights; and Lord Hoffman's (2009: 416) retirement lecture on whether Human Rights is at all universal – both point to an uncommon unity between academic and practitioner views on this otherwise thorny debate. Chigara (2007: 726) has shown that even the evolution of ILO standards for the protection of labour lacked universal appeal. They were designed by colonial States who declined their protections for 'natives' in their colonies.

This resulted in two developments. The first was an ingenious attempt by Albert Thomas, the ILO chief, to establish a native labour code specific to colonial labour so that while the European labour was protected by the 'universal' ILO code, colonial natives would be subject of the inferior native labour code, relative only to colonies of Western States. Still, this was better than nothing at all in the face of refusal by colonial powers to universalise the ILO code by applying its standards both in their colonies and at home.

The second development was the review of the entire ILO labour code in the last fifteen years, and the consequent setting aside of much of it to give it a new authorship and a previously missing authenticity because although developing States comprise the majority of ILO Members States Parties, they had while colonies, not participated at all in any meaningful sense in the production of the ILO code that they were now bound by as full

sovereigns themselves after decolonization. As colonies of Western States, they had lacked sovereign status required to participate in international law making. (2007: 726)

Thus, the review of the entire labour code by the ILO Working Party on Policy Regarding the Revision of Standards (1994-2002) involving all ILO Member States Parties resulted in a truly universal labour code as developing countries represented their views on a legal equal footing with their former colonial matters, regarding the values that they expected the ILO labour code to represent. Chigara writes that in the end, It shows that these latecomers to International Law-making, i.e. former colonies of the West, have appropriated the ILO dynamic and utilized the ILO's Working Party and Committee structures both to project matters of foremost concern to themselves onto the agenda of the ILO and to update the International Labour Code by evaluating, categorizing, and suspending some of the Conventions and Recommendations that they had deemed to be irrelevant. (2007: 725)

He argues that after the conclusion of the work of the Working Party on Policy Regarding the Revision of Standards, latecomers to the ILO have become equal co-authors and co-owners of the International Labour Code together with the other entire members. States parties of the ILO. (2007: 724) But such struggles, and 'victories' against International Law's enduring bias against developing States must be re-fought and won several times over if fairness is to be ever achieved and strengthened in international law and also in international relations. This is vital particularly for small and marginal states like Qatar that can, as criticism of its Kafala migrant labour policy that appears like easy pickings for foreign other States, non-governmental organizations, and inter-governmental organizations alike.

Kapiszewski (2017: 70) writes that migrant labour is the force behind Qatar's current and on-going phenomenal infrastructure development projects. The welfare of its migrant labour, which is almost seventy-five percent of the country's population, is worrying.

Workers from many engineering companies have often gone unpaid for months. Migrant labour sponsorship programs appear to be either incapable or, unwilling to manage complex labour issues in relation to implementation of migrant labour regulations. The International Labour Organization (ILO) has stepped into the foray with numerous requests/demands in order to better address workers' rights in Qatar, particularly migrant labour rights.

Problems include migrant workers being prevented from leaving the workplace or the country without permission of their employer. Migrant workers have no way of redeeming unpaid wages. Workers that leave the workplace without permission are arrested and face criminal charge, deportation or both.

Pyakurel (2018: 652) observed a shift in Qatar's regulatory framework for migrant labour that is inspired by reception of ILO standards and recent recommendations. Laws that prohibited change of employment have been repealed. Inspection teams have been established that attend to difficult situations between employers and their workforce.

Migrant labour has reported discrimination as an issue that affects them. Migrant workers often work long hours without rest. Some have reported abuse by management – both physical and mental abuse. This is exacerbated by lack of formal procedures to end such practices.

With a small population of fewer than half a million indigenous Qataris, the country is dependent heavily on migrant labour to fulfil its multi-faceted infrastructure development projects. Thus, efficient labour policies are required to sustain a conducive labour relation.

1.2 Statement of the problem

Particularly in the immediate aftermath of the award by FIFA in 2010 of the right to host the 2022 World Cup and commencement of preparatory work for infrastructure development began in Qatar, a host of unexpected consequences followed for Qatar. The

latest of these was the unilateral coercive measures imposed on 5 June 2017 by four nations, namely, Egypt, Saudi Arabia, United Arab Emirates, and Bahrain without justifying their action (Khatib, 2017:3). The blockade, as it has become known, is now subject matter of the International Court of Justice, in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates, 23 July 2018)* General List No. 172).

In its preliminary ruling, the ICJ ruled that the measures adopted by UAE targeted only Qataris and not any other non-citizens living in the UAE. Further, this decision was based on the measure taken by UAE on 5th of June 2017, which was applied to all Qataris irrespective of their situations. Based on the court notes and the evidence provided, it appears that the measures on which Qataris were complaining may form the basis of legal racial discrimination acts under the International Convention on the Elimination of All Forms of Racial Discrimination (1965).

The ICJ provisionally ordered *inter alia* that:

Based on the evidence, the measure adopted by UAE can lead to irrecoverable prejudice and in the view of the court; these measures can create an imminent risk to the rights of Qataris.

Further, the ICJ court also discussed that the measures adopted by UAE on 5th of June 2017, which separated the families having a Qatari in it should be reunited. The court basically reminded UAE of its duty to fulfil its obligations under CERD. Further, the court reminded that UAE must ensure that the Qatari students who were directly affected by the measure of UAE should be provided the opportunity to complete their education in UAE and if they want to study in any other region, they should be provided with their complete educational record. Furthermore, the Qataris who are affected by the 5th June measure and

are willing to use the tribunal or any other judicial system of UAE should be allowed easy access. But it is the earlier criticism of Qatar's Kafala system that forced some changes in Qatar's migrant labour policies and laws that this thesis focuses on.

This criticism was vociferously championed by among others the US Secretary of State Department, the United Nations, (UN) the International Labour Organisation, (ILO) the European Union, (EU), and various formations of Employees and Employers Trade Unions, and also by various formations of Non-governmental Organisations (NGOs).

The focus of this criticism was Qatar's sponsorship system – Kafala which was criticised and condemned at times in very strong language as being inconsistent with international human rights law and international labour law conventions and recommendations and therefore unacceptable. These criticisms also raised concerns about the safety and security of migrant workers in particular, that worked and lived in Qatar. Critics argued that Qatar's complicity in human rights abuses by both State and private corporations was unacceptable under international law and required an overhaul of the system to enhance or ensure the protection of rights of workers by providing remedies for all human rights violations. (Tsutsui and Wotipka, 2004:587).

Historically, international law focused on states as the 'sole subjects' and marginalised individuals and corporations. But it is the same marginalised entities as the current issues of human rights violations with Facebook, google, Instagram and others have overwhelmingly shown, that are capable of bearing both legal rights and duties in relation to protection on the rights of individuals. The changing global economy and establishment of a more elaborate regime of international human rights have transformed the individual's role in international law not only as a rights-bearer but also as a responsibility bearer particularly under the evolving regime for the international criminal justice (Stein, 2017:47).

From Jean Kambanda sentenced to life imprisonment for genocide and crimes against humanity at the International Criminal Trial for Rwanda – (ICTR-97-23), Dusko Tadic sentenced to life for gross human rights violations at the International Criminal Tribunal for the Former Yugoslavia (IT-94-1-AR72, Appeals Chamber, Decision, 2 October 1995); to Charles Taylor convicted on 26 April at the UN Special Court for Sierra Leone for crimes against humanity and war crimes; individuals now carry responsibilities for offences listed in Article 5 of the Rome Statute (1998), and in relevant *ad hoc* international criminal tribunals. The UN International Residual Mechanism for Criminal Tribunals ensures the perpetual pursuit of individuals that might have committed serious offences under international law.

Any organisations whose owners are religious were allowed by the closely divided Supreme Court decision to select whether they want to pay any insurance coverage of contraception or not. The decision of court ensured that such an organisation cannot be required by law to pay any insurance coverage. The case was brought before the Supreme Court by chain craft stores who were facing different reactions of constraining Obama care and expanding religious rights. Some individuals were criticising and others were praising chain craft stores.

The ruling not only affected political implications but also have an impact on economic condition. On the basis of this ruling, the rights of the organisation have increased. This can contribute to increasing economic inequality. It is mainly because this ruling regards organisations more like people. (Burwell, Secretary of Health and Human Services, et al. v Hobby Lobby Stores, Inc. October 2013 US Supreme Court).

Corporations are treated as individuals in that once incorporated, they have legal rights and obligations as legal persons that can both sue and be sued. International law views corporations as being capable of possessing certain human rights but fails to recognise

corporations as bearers of legal obligations under international criminal law (Jureidini, 2014). Corporations play a lead and crucial role in the development of trade everywhere. However, corporations are one of the main actors in the interference with the enjoyment of human rights. International human rights should focus on and develop corresponding obligations of corporations in relation to their conduct that impacts on human rights of individuals.

The UN Guidelines on Business and Human Rights (2011) popularised by Harvard University's Professor John Ruggie are a step in the right direction only if governments embrace them by their State practice towards their solidification into customary international law as provided for under Article 38(1)(b) of the Statute of the ICJ (1945).

The guiding principles are:

- Recognition of the State's current responsibility to protect the rights of human and to respect and fulfil fundamental freedom and human rights.
- Recognition of the role of the organisation as one of the important organs of the society who performs special roles and are required to respect human rights and to comply with every law which is applicable.
- Recognition of the responsibilities and the rights to comply with effective treatment if the rights and obligations are breached.

The above-mentioned principles should be applied to every state and organisation irrespective of their ownership, size, sector, structure, and location. (OHCHR - HR/PUB/11/04)

Access to justices for victims of human rights violations is limited since the state and the judicial systems are often reluctant to pursue cases due to unwillingness of the courts in recognizing rights of both workers and citizens (Smulovitz, 2013)

This dissertation examines the sustainability under international law of the concerted criticisms visited on Qatar from a diverse range of sources regarding its sponsorship system, particularly after award by FIFA in 2010 of the right to host the 2022 World Cup. This is achieved by examining applicability to Qatar's context of the international law doctrine of special circumstances that was considered in the *Fisheries Case United Kingdom v Norway* 1951 ICJ Reports p.116; and the *North Sea Continental Shelf Cases (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands)* 1969 ICJ Reports p.3. The hypothesis of the dissertation is that if Qatar could successfully plead the special circumstances doctrine regarding complaints about its sponsorship system, then:

The criticisms levelled against Qatar's sponsorship system particularly in the aftermath of award by FIFA of the right to host the 2022 World Cup are unsustainable under international law.

1. Qatar could, particularly if it chose the persistent objector status path, claim certain exemptions from any overriding international law positions on its sponsorship system.
2. If 1 and 2 above subsisted, then International Law would have to acknowledge Qatar's special exemptions from certain requirements on account of its special circumstances and persistent objection to any challenge to its position.
3. If 1 and 2 above do not subsist, then, Qatar would have to amend its policies and laws to comply with relevant ILO Conventions and Recommendations, and also with relevant human rights strictures under international law.

Necessarily, the discussion will compare the human rights protections of Qatar's citizens with that of foreign or migrant workers in relation to core ILO Convention rights on freedom of association, the prohibition against forced labour, the prohibition against human trafficking, as well as recognised protections of women's rights. In assessing the protection of these rights for Qatar's migrant labour, the dissertation focuses on the role, obligations,

duties, and liability of corporations that violate human rights under international law. Further, it examines challenges to access to justice for citizens and foreign nationals in Qatar. (Dobras, 2008:37). Qatar's human rights obligations arise also from its Islamic law tradition. Consequently, comparison with neighbouring Islamic State practice on the sponsorship system will occur at various points in the discussion in order to balance and illuminate various criticisms levelled against Qatar's sponsorship system.

Foregrounding the Application and potential effect of the Special Circumstances Doctrine when combined with the Persistent Objector Principle under International Law

In the *Fisheries Case (United Kingdom v Norway)* (General List No. 5 10 January 1951) the Court was asked to decide, amongst other things, the validity, under international law, of the methods used to delimit Norway's territorial sea fisheries zone. Most striking for the purpose of this dissertation is not the technical aspects of the judgment relating to the delimitation, but the Court's conclusions relating to customary international law. Specifically, the Court's anthropological considerations that led to premising the decision on Norway's special circumstances are critical to decontextualising criticism of Qatar's sponsorship policy and the laws that enforce it.

1.3 The Facts of the case

The UK asked whether Norway's delimitations of its territorial sea limit were valid under international law. The UK had a view that Norway had not used a legal method of drawing baseline. In support of its argument, the UK presented evidence of customary international laws which do not allow the length of baseline across the bay to be extended

over 10 miles. However, Norway argued that its action of fixing the boundary was in accordance with general principles of international law.

1.4 The Findings of the Court

After the confirmation of the rule provided by UK as evidence of customary international law, the court referred to the lack of contrary state practice and positive state practice. While evaluating the claims of both the parties, the court determined whether the disagreement by both the States related to the practice of fixing the boundary was harmful to the existence of the supposed rule of general international law. Further, the court never inquired about the contrary practice adopted by the state because both of the States were claiming an exception to the rule and also because the parties had argued that the rule does not have the character of customary law.

In the view of the court, although the 10 miles rule is applied by most of the arbitral decision and is adopted by most of the national and international treaties and also by most of the states, there are still many States which have used limit other than 10 miles. Further, the expansion of the boundary to 10 miles is not fixed by the general rule of international law.

Further, it was also argued that if in the above-mentioned case the Customary International Law might exist even then the rule might not be applied against Norway as it is always opposed by Norway to apply on its coast. It can be argued that in the current case the court was supporting the action of Norway on the basis of the idea that even if the customary international rule exists and the country objects to apply that customary rule to itself from the earliest stage then the rule is not applicable to them. Hence, it can be stated that the United Kingdom vs Norway case supported Peru vs Columbia case (Den Heijer, 2013) which means supporting the objector rule.

In order to further support the decision, the court mentioned the statement of Norwegian Minister of Foreign Affairs in the year 1870, which argued that although some of the treaties have adopted the distance of 10 miles in fixing the sea boundary, this distance does not mean anything to me as it is not enforced by international law, further the 10 mile rule does not appear to have any base in the reality (ICJ, 2019). From this statement, the court pointed out that such kind of language can only be interpreted as the decision of the government of Norway against this rule. Hence, the court stated that since 1870, Norway has refused to accept the rule and had followed the principles of action of fixing the boundary which according to them is the part of their system ever since 1869 till the date when a dispute arises.

In order to start the consistent practice, the court also stated that there is not a need to pay more attention and importance to the few uncertainties claimed by the UK government officials to be tracked down in practice adopted by the Norwegian government.

In the view of the court, as the objection was presented by Norway from the very early stage and because the rule of 10 sea miles has not become the part of general law, it could not bind Norway against their decision. After stating this court also investigated whether the action of fixing the boundary taken by the Norwegian system was regardless contrary to international law and to find this the court depended on the practice of state (Sonmez et al. 2011). The court stated that the reaction and tolerance of any other State with regards to the action of fixing the boundary by Norwegian practices an unchallenged fact, however, the reaction of the UK government was completely different. For more than 60 years the UK government did not contest its case and as with the passage of time, the reservations of UK government was to refrain although it should have been strengthened.

Norway in the current case has adopted a contrary practice which was related to legal action. Further, the official of Norway knew that they were not asking for an exception in the rule which means their set of actions were not against international law. Although their actions were different from general actions they were in relation to international law. In the view of Norway, the different rules of international law review diversity of facts and therefore agree that delimitation applied in the year 1935 does not violate the general law. The court stuck to the fact that the actions taken by the Norwegian government were consistent, sufficiently long enough and were not objected to by the other party until the dispute which shows that the actions were not against the international law. The court further argues that the facts, the position of Great Britain in the case, the tolerance of international community and the long silence of UK from the case authorized Norway's enforcement of delimitation against the UK.

The court hence concluded that the straight line method formed in the system of Norway was imposed by the unusual geography on Norway coast. In this case, the court suggested the link between the national and international law of action of fixing the boundary of maritime. In such cases, States must be allowed the range which is necessary to adopt in the action of fixing the boundaries, to the local requirement and also to the practical needs. The court also considers the different economic interest which is unusual to the region which is clearly visible by long usage. But the court also ensured that although the action of fixing the boundary depended on the State, its validity still relies on international law.

As the action of fixing the maritime boundaries are always internationally concerned, it cannot rely only on the will of the coastal state which is explained in the municipal law (Guillaume, 2011:22). Besides the fact that the action of fixing the maritime boundary is a unilateral act which means the country where the coastal strip is located will be the only competent one to undertake delimitation, but its validity can still be ensured only by

international law. In both Peru vs Columbia and Norway vs UK case, the international court supported the objector rule because the new rule itself was in doubt. Hence the states who were the objectors found it easy to maintain their status. There is no case recorded where the objector maintained its status effectively even after the new rule is well established. Such a study cannot be maintained in the light of realities if the new rule is established (Smith, 2010:214).

The case of Norway vs the UK also known as Fisheries case pitted the UK against Norway. The case was filed against Norway of whether it had used acceptable method delimitation and whether it is legal in terms of international law. It was argued by the UK officials that CIL does not allow Norway to form a baseline across its bay to be more than 10 miles. It was similar to the case of Asylum where the main argument was that the supposed CIL rule did not exist. However, the court presented the decision which satisfied the argument of UK. The court claimed that even if the rule existed, it would not have affected the case because of the opposed attitude which Norway had adopted from the very beginning. Norway from early 60s opposed to applying the rule to its coast.

It was also explained by the court that the objection language is always cited in favor of case, but it is not merely the language but also the default view of CIL. This argument did not resolve the uncertainty as the UK appears to support modern persistent objective doctrine, Norway appears to support default view of CIL. The decision of both the cases of Norway vs UK and Peru vs Columbia provided arguable support for the doctrine. As in both cases, the state Practice has not shown any violation of doctrine, the decision is relatively unhelpful. Further, in the view of Stein (1985), he had failed to review any case except for the Asylum and Fisheries case where the author had displayed only one instance of the state applying for an exemption from a rule on the basis of consistent objection principle.

1.5 Hypothesis

The hypothesis of the dissertation is that if Qatar could successfully plead the special circumstances doctrine regarding complaints about its sponsorship system, then:

1. The criticisms levelled against Qatar's sponsorship system particularly in the aftermath of award by FIFA of the right to host the 2022 World Cup are unsustainable under international law.
2. Qatar could, particularly if it chose the persistent objector status path, claim certain exemptions from any overriding international law positions on its sponsorship system.
3. If 1 and 2 above subsisted, then International Law would have to acknowledge Qatar's special exemptions from certain requirements on account of its special circumstances and persistent objection to any challenge to its position.
4. If 1 and 2 above do not subsist, then, Qatar would have to amend its policies and laws to comply with relevant ILO Conventions and Recommendations, and also with relevant human rights strictures under international law.

1.6 Core-research question

Are the criticisms levelled against Qatar's sponsorship system from various sources, including the United Nations, the International Labour Organisation, the European Union, etc. sustainable under international law, particularly under the light of the doctrine of special circumstances; and under the persistent objector status principle? To examine this question fully, the following sub-research questions are examined in the dissertation:

1. What facts might contribute to legal special circumstances that might give rise to Qatar's possible claim of *sui generis* condition in relation to the validity of its sponsorship system that has been so vigorously complained about by others?

2. What rights do recognised special circumstances create for a State under international law?
3. What is Qatar's status in relation to challenges to its sponsorship policy and law?

1.7 Methodology

This thesis is a library – based research that examines various relevant texts, including case law, UN and ILO treaties and conventions, documents, texts and ancillary documents including relevant websites, journal articles and monographs. The discussion is based on the textual analytical method, focusing on doctrinal approach on special circumstances and persistent objector status. If Qatar can show special circumstances requiring its sponsorship system that others have complained about; and if Qatar can demonstrate persistent objection to ILO and HRC claims of breaches of International law, what is the new and acceptable position under International Law?

1.8 Structure

1. Chapter two posits demographic and historical circumstances that qualify it for the ICJ anthropological case for recognised special circumstances that permit exceptions to general principles of law particularly, if Qatar has objected to such rules at the outset and maintained its objections consistently throughout.
2. Chapter 3 problematizes the ILO's approach to promoting and protecting workers' rights by its 1998 Declaration on Fundamental Rights Principles and Rights at work
3. Chapter 4 examines Qatar's practice regarding 'Freedom of association and the effective recognition of the right to collective bargaining (Convention No. 87 & No. 98)'. This is evaluated in 2 sections. One section examines Qatar State practice regarding its own nationals and the other, Qatar State practice regarding migrants.

4. Chapter 5 examines Qatar's practice regarding 'The elimination of all forms of forced and compulsory labour (Convention No. 29 & No. 105)'. This is evaluated in 2 sections. One section examines Qatar State practice regarding its own nationals and the other, Qatar State practice regarding migrants.
5. Chapter 6 examines Qatar's practice regarding 'The effective abolition of child labour (Convention No. 138 & No. 182)'. This is be evaluated in 2 sections. One examines Qatar State practice regarding its own nationals and the other, Qatar State practice regarding migrants.
6. Chapter 7 examines Qatar's practice regarding 'The elimination of discrimination in respect of employment and occupation (Convention No. 100 & No. 111)'. This is evaluated in 2 sections. One section examines Qatar State practice regarding its own nationals and the other, Qatar State practice regarding migrants.

1.9 Conclusion

This chapter has established the core research question and sub research questions that will be examined in an effort to answer it. In light of continuing and mounting criticism of its sponsorship policy and laws on migrant labour, the dissertation will examine whether Qatar's kafala system is consistent or, inconsistent with applicable international laws.

The main focus of the study is to evaluate migrant laws and working practices in Qatar. Because of FIFA 2020 various opportunities have been developed for migrant workers. In spite of whether or not Qatar's sponsorship system might be justified under the special circumstances principle, the dissertation will not shy away from examining spaces where the sponsorship laws, like all regulatory provisions, could be amended in order to still enhance Qatar's human rights standing, and in the process, the human rights protection of over two

million migrant workers involved annually because special circumstances exceptions to international law do not authorise abuse of human rights of individuals. Complaints abound in Qatar, particularly since the blockade, that income is sometimes deferred for successive months in some cases, leaving migrant workers exposed to extreme personal and emotional hardship, particularly for their families back home in the countries of origin. The law should prohibit such practices and provide a sufficient remedy to victims.

Reports also abound of confiscation of passports by management in some cases at the workplace. Concerns have been raised also about unsafe working conditions that have resulted in the deaths of migrant workers. Exceptional circumstances exceptions under international law could not possibly justify breach of the ILO's core international labour standards, namely Freedom from forced labour; Freedom from child labour; Freedom from discrimination at work; Freedom to form and join a union, and to bargain collectively. These four fundamental rights are enshrined in eight ILO conventions. They are the minimum workers' rights for the protection of the inherent dignity of Qatar's migrant workers qua human beings.

2 Chapter 2: Qatar's anthropological special circumstances – a case for judicial special circumstances in the *Fisheries case* (United Kingdom v Norway sense?)

2.1 Demographic Composition of Qatar

Qatar is located between the Persian Gulf and Saudi Arabia. It is a very small country reaching its highest point at just over 300 feet above sea-level. The demographic composition relative to the other regions of the Middle East is spatial because most of its land is barren desert. Approximately 80% of its population lives in Doha, the capital. According to some sources; the population of Qatar in 2017 was estimated at around 2,415,588 people.

The birth rate is reported to have risen in recent years to approximately 9.6% from the last census estimations. The population growth rate is reportedly around 2.27 in this small state of the Middle Eastern region. The death rate is reportedly around 1.5%. Life expectancy is reportedly around 78.9 years. Seshan (2012:159) opines that the demographic structures of Qatar have created many issues, including establishing and growing an economy sustained chiefly by migrant labour.

2.2 Qatari population

The population in Qatar before the discovery of oil reserves was very low because most of the locals migrated to other Arab countries. By 1908, the population of Qatar was estimated to be around 27, 000. After discovery of oil reserves in the country, there was a large influx of foreign immigrants into the country in the succeeding years. The average annual population growth rate in the 1960s was estimated to be around 8.9 percent which further increased to 12.7 percent between 1970-1975.

The population of Qatar quintupled in a relatively short period of 27 years from 1986-2013 and it is expected to grow even further with the influx of workers looking for

employment in the project of readying the country to host the 2022 World Cup (Bel-Air, 2014:8). The highest average annual growth rate was calculated to be around 17.3 percent in 2008. By 2010, 85.7 percent of the population within Qatar was foreign and 90 percent of the people employed were represented as foreign nationals. It rose to 94.1 percent in 2013 which was the highest in any other country which is part of the GCC. The policy within Qatar is looking for skilled labour for its workforce which is the National Vision of Qatar.

2.3 Qatari culture and religion

The culture within Qatar is very diverse because of the influx of foreign immigrants from the other Arab countries and the sub-continent countries. The official language of Qatar is Arabic but English, Farsi, Urdu, and Hindi are also spoken within the country. The dialect of Qatar of Arabic is very similar to the dialects of Arabic spoken in the other Gulf countries. The capital of the country, Doha is well known for its beautiful architecture containing parks and promenades among various attractions. Most of the infrastructure within the country is a fusion of traditional styles and designs mixed with modern materials being used to show the technological and economic development within the country from what it used to be (Every Culture, 2018). The influx of foreign immigrants has greatly increased the diversity of the cuisine range within the country.

The cuisine had close links with the cuisine of Iran, India and the Arab countries before the influence of the immigrants. Pork and alcohol are not served publicly within the country as Muslims refrain from it. The different cultures of all the locals are tolerant of each other even though there is biasness in jobs and salary based on origin and practices of the employees. Religious tolerance is practiced, and the main religions are recognized and practiced within the country and religious activities and services are supported under the

sponsorship system. The majority of the population and the family that is responsible for ruling the country are Sunni Muslims. However, there is a significant minority of Shi'a Muslims living within the country too. These divisions between the beliefs are never discussed openly and have caused sectarian tensions due to the events happening outside the country like the Iranian Revolution and alleged discrimination of the Shi'a Muslims.

2.4 Challenges emanating from Qatar's demographical identity

Though there is a need for the growth in population in Qatar to support all the infrastructure projects within the country and to sustain the path of economic and technological development they are treading on; Qatar has faced many challenges with the increasing rate of population growth. Having its focus on the economic development within the country has been difficult due to the social and environmental problems being faced by the country as a result of growth in population.

There are social problems within the country as there are no adequate infrastructures within the country namely schools; hospital and housing to completely cater for the needs of the locals and the fear of being crowded out by the immigrants as foreigners represent a huge majority of the total population of Qatar. There are cultural problems in the country too as the foreign immigrants will cause the loss of the local culture of Qatar for instance the Arab traditions and Islamic identity of the country will be diluted and lost with the increase of immigrants in the country.

Economic challenges will also be faced by Qatar's demographical identity if a large number of immigrants suddenly leave the country, the economy will crash due to huge loss in productivity and loss in the spending of the people within Qatar. The country is also faced with environmental issues due to the population growth for instance; it has caused all the

urban land to be used by the government to cater for these immigrants. There has been increase in pollution within the country due to traffic congestions and the increase in population too. The country has faced safety problems too and the justice system has got more criminal cases and the congestion in traffic has also led to more accidents occurring on the road.

2.5 Reasons to preserve Qatar's national identity

Qatar is experiencing a boom in its country with rapid economic and development advancement which is attracting immigrants from all over and causing the increasing rate of population growth within the country. According to the vision made by the authorities of Qatar, it hopes to sustain the development which will benefit the government in decreasing the gap between the present and the future generations. This strategy will be fulfilled in a number of ways, one of them will be the increase of cultural institutions within the area to protect and preserve the local culture and identity of the people within the country.

The increasing rate of foreign immigrants settling in the country has caused the local culture and the identity of the Qatari people to get eroded, diluted and mixed with other cultures and loss of its uniqueness (Ibala, *et al*, 2014:165). Preserving the culture of Qatar is important for the country and its government as the cultures of a country are unique and the identity of the people living in that country. To lose the culture of a country is almost equivalent to losing the uniqueness of their community and country. It is important to preserve culture as it is about the past of a nation and provides an insight into the lives of the previous people living within the area and the history of the land and its population. The future generations which will grow up in Qatar should know about the culture and history of the area they are living in so they will feel a sense of belonging to the country and keep it

sustainable for their future generations. The culture of Qatar is laden with Islamic identity, thus it should be preserved so that the people living in the country do not forget the values and teachings of the religion they are following.

2.6 Challenges of Migration for Qatari people

The increase of immigrants settling in the country of Qatar is bound to have adverse effects on the local population of Qatar, even though this increase in population growth is important for the country to fulfil the demand for labour in building the infrastructure projects and to sustain the economic and technological development within the country. Due to the increasing amount of workforce that is available within the country, it has caused a depression of wages in the jobs as there are always people willing to work for lower wages in the market.

The workers that are willing to work for low wages are hired by employers' with the increased profit margin in mind but more often than not, there is a loss in productivity and innovation within the organisation as the low wage workers are not technically skilled or capable enough to fulfil the requirements of the job completely. There is an increasing amount of people competing for the services of the public sector which will cause the locals to be crowded out as there are not enough infrastructures within the country to completely cater for the demands of the locals as well as the foreign immigrants both within the country (Al Muftah, 2016:274).

There are integration difficulties with the locals who feel that the immigrants are taking jobs which are their right and they should be preferred for those jobs. There is friction between locals and the immigrants as they are of diverse cultures and lifestyles. The Qatari

cultures are being diluted and identity, lost, with the influence of foreign cultures within the country.

2.7 Some Human Rights concerns

Only a small percentage of the population in Qatar participates in voting and can hold positions within the government (Freedom House, 2014). The media is restricted from producing any material that may present the government of Qatar and its allies in bad light. The labour law of the country has at least given protection to labour in some cases but it restricts their right to establish unions and their ability to take industrial action. For several reasons, migrant workers that experience economic abuses and exploitation, for example, where their salaries are go unpaid or, their contracts are manipulated have difficulty securing legal remedies against their employers/ abusers. They are forced to operate under poor living conditions and in some cases, end up working excessive hours. Human Rights Watch opines that such situations are promoted by a fear of deportation or, losing employment (Human Rights Watch, 2017).

The female workers within the country are usually victims of exploitation and abuse. Even though the government is clear on the law against discrimination due to nationality, they themselves are have been associated with discriminating against migrant workers by offering public services and goods to the locals first. Even though Qatar has a codified family law which provides some protection to women, migrant workers and their families often have no proper legal authorities they can report their concerns to. The law against domestic violence has not been set yet and it is still very common occurrence within the country. Qatar has been associated with trafficking of men and women for prostitution and forced labour.

2.8 Involvement of Foreigners in Running Qatar as a Separate State

Qatar has been a sovereign Arab country. About 20% of its population is Qatari working in different sectors of the economy and the remaining 80% are foreigners from different regions working in this country. Its legitimacy has continued from the successions of the historical dynasties and empires. At independence, its population was very low and could not sustain its economy successfully. Therefore, foreigners from different countries including Islamic as well as from the western world have settled and reside in Qatar to work and contribute in the development of the economy. This led the government to introduce the reforms and policies for acquiring the external workforces to be hired in the organisations of Qatar business world.

Moreover, the main cornerstones of raising GDP, earning per capita and GNP of the country are its rich reserves of petroleum and natural gas. They have accounted to growth of the government's revenue by more than 70% which ultimately raised the GDP, average income per capita, and export earnings by exporting natural gas and numerous petroleum products to the world. The extraction of these reserves by the foreigners in this regard helped the Qataris in providing FDIs and its neighbouring countries including Saudi Arabia and UAE to recess out their economies on the developmental phase.

Furthermore, Shah (2012:142) said that the foreign involvement in running the state as an independent country served the country to become the third largest state with natural gas reserves and the second largest exporter of this natural mineral in the world. One of the Heads of Asset Management namely Talal F. Samhoury once said in his interviews that the policy and decision by the government in the early times of the independence for permitting the foreigners under the state regulations of different countries to reside and settled their homes and earn their livelihood in the state was no doubt a smart decision that pushed out the country from the recession allegations to the boom roads of development.

2.9 Policies and Regulations to Survive as an Islamic State

Government has recognised primarily the Islamic religion and its rules based on the teachings of Quran and Sunnah. Its laws are premised on Sharia'h. Approximately the whole Middle Eastern region and numerous other countries in the world have been practicing their business, commercial, trade, and many other practices according to the teachings of Islamic Sharia'h and have been rewarded with success and sustainability in the world. Qatar is also one of the countries with a high proportion of Muslims and has declared Islam as a state religion. Nonetheless, the government of Qatar has also reformed the policies and regulations for the Non-Muslims as well as for the foreigners who have been residing in the region for a longer period of time.

In addition to this, in the recent reports and news, it is been said that Qatar faced a crisis in the differences of the doctrine of the religious practices as well as not fulfilling the primary responsibilities of the Qatari people. This, in turn, held the government to change its policies which were stoking the inter-communal fear and hatred among the member states of the Gulf Peninsula. The crisis in the Gulf Cooperation Council (GCC) led many of its countries to enforce the survival of the independent states based on their Sharia'h laws and regulations but the external forces that were reacting from the western environment increase the gaps and crucially among the members of the council. It has also been said that Bahrain was only country that supported Qatar during the crisis with the Egyptians, Saudis and Emiratis.

Further, Scurry *et al.* (2013:23) added that Qatar possesses an authoritarian monarchy from its sharing borders with that of UAE. The monarchy is called an emirate. The Emiratis from the neighbouring region has settled in the region with their cultural and religious practices. UAE is also an Islamic state but the belief system and residents have been divided into many groups such as Sunni, Shia, etc. Similarly happened in Qatar also, the residents and

nationals have been divided into groups that are Sunni, Shia, Non-Muslims, Abd, Hadar and Bedouin. Apart from these views, the Qatari government believes in the peaceful freedom of the laws and regulations of the religion to run the state.

However, many other governments and countries consider the Non Islamic regulations to be practiced as per their point of views; Muslims are terrorists and support Al Qaeda for indulging in the false allegations across the countries of the world. This has made difficult for the state to implement the regulations of Sharia'h in all the aspects of running a country. In the view of Gardner (2012), Qatar government after its independence passed a constitution to register themselves in the list of independent Islamic countries where there will be a freedom of practicing all the religions and their festivities with respect to the residents, foreigners, and Qatari people to promote harmony and unity among the nation. Under the Islamic policies, laws and regulations, all the groups including Sunni, Shia, Abd, Christians, Buddhists, Hadar, etc. practiced their norms and cultures freely and eliminated the gaps among themselves for the survival of the region with the Islamic ideology in the world.

2.10 Contribution of Foreign Labour in Qatar's Development

Qatar is also one of the states in the Middle Eastern region that is rich in oil and natural gas reserves. After independence in 1971, the state flourished tremendously and developed by acquiring national and international workforce. This step has been appreciated by one of the Heads of Asset Management that is Talal F. Samhouri. Foreigners not only served as a helping tool in the form of FDI but also sent their labour forces in the extraction of the natural resources so that they could have a command over effective management of the business and operational activities. The foreign labour force has been allotted shelter and other basic needs in the initial phases but once, they started earning their livelihood, they were asked to manage

their expenses out of their incomes and also enrooted them to send the remaining to their families living in the hosted regions.

Roberts (2014:87) writes that countries that are rich in natural resources and minerals take less time to develop their economies of scale but in the case of Qatar, the United Nations appeared concerned with regulatory framework for its development. However, when foreign labour started working in the region, drastic changes have been recorded in its history. As an Islamic state, Qatar does not provide freedom to its people in adhering to the business and corporate practices; however, this brought the depression in the economic cycle of the country. Similarly, the behaviour and several codes of conduct left negative impressions on the foreign workforce at the lowest level of employment resulting in the rigidity of narrow scrutiny of the working conditions in the international world.

In addition to this, the construction industry requires a large number of skilled labour forces to build and brick the huge constructions. After the negative behaviours and practices of some of the employers, the Head of International Labour Organisation (ILO) settled its office in Qatar, launched a memorandum named Kafala with the government of Qatar that provided the security to all the foreign labour forces resided in Qatar. After the depression phase, when the economy started progression, the foreign labours worked with enthusiasm and peace with that of the Qatari nationals.

Later on, the labour forces from the other countries also joined the nationals to contribute their hard work and skills for the development of the economy. Hence, apart from the number of difficulties and rigidity in the functionality of the government of Qatar, the contributions of skills and hard work from the foreign countries in the form of labour forces, investments, officials and professionals in different fields and sectors of the economy.

2.11 Sense of Using Nuclear Weapons Advisory Case

Nuclear weapons are missiles, bombs and other tools that use nuclear energy for causing the explosion. It can be used in both ways that is for benefitting the humanity or for destroying the humanity. They are been considered as the most hazardous and dangerous weapons on earth. They are used in several experimentations that create nuclear fission, nuclear fusion or combinations of numerous other kinds of experimentations (Borrie, 2013:35). The countries that possess the nuclear powers and weapons are considered as the strong ones because in case of any negative consequences, they would call for a war and hence can destroy the whole cities of region in just a couple of seconds. In this regard, an advisory council has been formed to resolve the issues between the countries if any and decontaminate both the parties to undergo for wars.

In addition to this, after the World War II, the two major cities of Japan were completely wiped off from the map of the world due to being attacked by the nuclear bomb, not only this, the after effects of that destructive energy held the humanity in fear and anxiety for years and years. However, this case was filed by the constituents of United Nations namely World Health Organisation (WHO), UN General Assembly, etc. in the International Court of Justice to a penned decision or policy so that in future, no country could use these weapons to harm humanity and opt for war in case of any mistreatment on the non-proliferation of nuclear weapons. Moreover, the International Court of Justice formed an advisory council and suggested them to study the whole case and then provide their opinion to the front desk so that the legality and illegality of using nuclear weapons related to charter the applied forces for all the countries of the world.

Furthermore, many countries in the Middle Eastern region showed active participation in the nuclear weapon advisory case to save the world from devastating destruction. In this regard, Qatar implied its international relationship policies with that of the Nuclear Non-

Proliferation Treaty (NPT) to acquire the tangibility of assets under the panned decision of the International Court of Justice after World War II.

Qatar also implemented and directed its research and development division to address the changes and up gradations in the scientific field to acquire the experimentations securing nuclear energy and its utilisation for the benefit of the humanity. In addition to this, the delegations of Qatar also participated in the formation of the committee with a statement in the same voice of the Arab group to promote sense of using nuclear power and energy positively and discouraged to be used in causing destruction to the world.

2.12 Perseverance of Qatar's Cultural Values and Sovereignty from Demise and Risks

Qatar has ranked on the 16th position being the safest and culturally rich countries of the world. It has based its sovereignty on the Islamic principles and regulations. It has occupied a small deserted land of the Gulf Peninsula with a small number of populations. The perseverance of the cultural values has been rooted from the Ottoman Empire and the monarchies of ancient Emiratis that settled the core of traditional sovereignty among the Arab people. The Qataris continued their inhabitants from demise by the latter of the relationship policies and employing strategies in the international world (Fromherz, 2013:7).

In the late of 19th and early of 20th century, the government had to undergo changes in the foreign policies and the challenging declamations which were creating the barriers and hurdles for the country to enrich the trade and commercial activities with the other countries, in the western world due to the prevailing negativity of initiating terrorism by the Muslim countries. Hence, the abode of the hurdles and barriers of trade in the international world, Qatari government took constructive steps to change the mind-sets and destroyed reputation

and amended the practices to preserve the sovereignty and cultural values of the nation from the arising risks and demise in the world.

Culture relativism creates understanding of peoples' beliefs, practices, and values therefore, it should not be judged on any criteria. The people are likely to practice their own religion and culture and this is their right. However, issues are being raised in some states and authorities are facing challenges because of their culture. In the view of Chigara (2019:422), human rights are fundamental at a universal level but, a region like Africa is weak consequently, citizens of Africa are not getting their rights completely. It has been highlighted that there is more human rights violation in Africa and the crime rate is high, therefore, it is to implement human rights. Further, it has been mentioned by Kenneth Roth Watch Director that some of the problems have occurred because of the failure on the part of ICC (International Criminal Court). It is not issuing arrest warrants against people who are violating the rights of others. When it attempts to commence arrest warrant actions, the cases are dismissed for lack of evidence.

Similarly, concerns relating to human rights are being raised at the global level consequently; human rights are being incorporated in to domestic law. Rights have inspired the creation of more than 80 international conventions and treaties; it has influenced the domestic laws of the country. It has been observed that to improve human right protection for each individual including person with disabilities, women, children or men. The authorities are working to make human right universal and bills are designed for it.

Conclusion

This chapter reflected on Qatar's path to development under the light of specific challenges. Qatar is a small country but full of natural resources and minerals, because of the lack of resources the government was not able to extract fields. However, to overcome the

problem and development of economy management adopted a strategy of accepting foreign direct investment and welcoming migrants to work for the growth of Qatar.

But, issues have been raised as Qatar culture and values got impacted by migrants and diverse culture become part of the economy. Further, it has been concluded in the above chapter that demographic issues have been raised as country population growth is slow and around a quarter of the population are Qatar national and remaining are migrants. The government faced another challenge if they impose Arab culture, the economy might crash as there are chances that migrants leave Qatar. On the other hand, the government of Qatar also want to create awareness of the culture and values for the future generation. One more issue which has been highlighted in the above chapter is that companies of Qatar were giving preference to Qatar nationals in jobs rather than taking fair decisions.

3 Chapter 3: International Law and Qatar

3.1 Introduction

In the previous chapter, it has been explained in a nutshell regarding the ILO's investigations, conducted on the immigrant policy for labour. The general human rights pondered some exceptional conditions of the minority which later raise the voices of critiques to be analysed globally. However, in the following chapter, the unique fates and its standards of the laws and regulations of Qatar labour policy in accordance with the standard requirements have been discussed in detail so that the differences of the several treatments under laws of human rights and generalised criticisms can be assessed in Qatar. The legal system of the Qatar is dependent on Sharia and Adlia court. Hence, in this chapter, the practices and the scrutiny for explaining the critiques have been reviewed based on the generalisation of human rights and regulations for labour policies of Qatar's immigrants.

As mentioned in the previous chapter, Qatar gained independence in 1971. Since 1995, it has been ruled by the Emir, His Highness Sheikh Hamad Bin Khalifa Al-Thani (OPEC Review, 1976:4). The earlier constitutions of Qatar were legislatively cumbersome. In 2005, with the mutual consent of the authorities, the constitution was reformed, and the state functions divided into three divisions namely, executive, legislative and judiciary (OPEC Review, 1976:4). These three divisions were further to be legalised under Qatar's reformed constitution. Before the reformations of constitution in 2005, there was no court in Qatar that could practice the rules and laws for civil and commercial disagreements but when the legislation imposed certain regulations in the constitution, the courts, as well as the controlled bodies, ensured that all the negligence in the unconditional practices of judiciary would not be practiced further in Qatar.

In addition to this, the Supreme Councils and the amendments in the constitution held the assurance of the independent code of conduct by the judiciary in all the divisions and sectors of Qatar (Thirlway, 2014:67). It has also been stated in the constitution for safeguarding the rights of judiciary power as well as the protection of legislative statements that are:

“The assurity of the freedom for practicing the cultures, different backgrounds irrespective of the differences of age, gender, or religion will be provided by the constitution reformation in Qatar. The constitution will also ensure the prohibitions in operating any illegal practice through media or any other means and leading all the residents of Qatar to follow the amendments under law.”

Besides this, the appointment of judges and other bodies was regulated by Emir Decrees, including the appointment of the Supreme Council fair judicial practice. In this regard, the Qatar Financial Centre (QFC) subjected the obligations of civil and commercial courts to function on the basis of Sharia'h principles. This has become the basis of interpreting Islamic laws and regulations so that the ruling understanding of the centralised structures in Qatar can be served in the insolvency of the illegal business and general practices in the country.

3.2 Corporations in International Law

From business to the political structures of the economy, corporations have always been the focal points of the legal practices and procedures that involve critical investigations and controversial perspectives to be studied under the law. Qatari corporate law is enshrined

in the 2005 regulations and laws that have been imposed and amended by the constitution itself.

The OHCHR (2019:1) states that informal reporting of corporate activity has been designed by the UN to overcome challenges relating to human rights. However, informal reporting is based on principles emanating from the Universal Declaration of Human Rights (1948), the 1966 International Conventions on Economic Social and Cultural Rights, and Civil and Political Rights.

Ebadi (2009) writes that sixty years ago, decisions were taken relating to living standards and governments committed and agreed to provide human rights and freedom at the national level. But issues and arguments have arisen as regarding the universality of human rights. Muslim societies insist on prioritising Sharia law and Islamic traditions. This has fed into allegations of discrimination on the basis of gender, freedom of expression and freedom of religion. For example, Islamic countries Malaysia, Algeria, Jordan, Yemen and many more, appear reluctant to adopt the entire body of human rights standards on the basis of potential clashes with their religion.

Apart from this, the distinctions from the accumulated authorisation of the legislation in the terminologies of the corporation have been structured on the basis of terms and conditions by the professional institutions and highly qualified administrative bodies, local government acts or royal chartered legal authorities. Under this context, Qatar falls in the unprecedented systems of legal procedures and practices in the Middle Eastern region. Qatar shaped its elementary exclusiveness in the followed manner as:

1. Firstly, people and residents of Qatar addressed the issues of individualities under the principles of an Islamic constitution in the Sharia'h Courts. The societies and communities of Muslims residing in Qatar also concerned their matters and problems

of differences by following the laws and principles of Islamic teachings so that it can deliver the decisions and judgments according to the underlined statements of Sharia'h or Islamic Court.

2. Secondly, the differentiation in the judiciary binding forces with that of the British regulations of conducting any protection through the jurisdiction. However, the differences have been stated and amended in structuring the laws of the country after it got independence in 1971.

In spite of this, the civil court condemnations and the Sharia'h court condemnations subjected Qatar to stand out differently in the whole Middle Eastern region. In light of the above elementary, the Adlia court or the court of civilians eliminated the influential power of Emir and rejected the continuation of the British jurisdiction and shaped Qatar as a non-dominating region for practicing both kinds of laws and regulatory bodies that is Adlia and Sharia'h courts under the reframed constitution.

3.3 The Adlia Court

An independent structure that has been formed for resolving the issues and matters of the civilians or the residents of Qatar irrespective of the differences is called the Adlia court in Qatar. It is a body which is not operating its legal procedures and operations under the influence of Emir or his ministers of the time but operating with a strict proceeding under the laws and regulations of the state.

Contrary to this, the other superior ministers and controlled bodies of the Gulf countries include Bahrain, Saudi Arabia, UAE and Kuwait have not been in line with what Qatar was practicing, however, the immunity of the sovereignty of Qatar and these countries profane to pass the laws under the Adlia jurisdiction. In addition to this, these sacred and consistent

codes of conducts served a platform to identify the key understanding of the conceptualisations between the Sharia'h and modern legal frameworks under the clause of Adlia court system.

3.4 Sharia Law

The Sharia is Islamic law which has been implemented in Qatar because it is an Islamic country. The legal principles are derived from the Holy book, The Quran and statement of Prophet Muhammad. General Law and regulations have been designed by the government under Sharia to ensure compliance and decision making easy. The basic Islamic laws are being followed in most of the GCC countries including, Saudi Arabia and Bahrain. It has been highlighted that 46 countries are allowed to enter Qatar visa-free. The customs regulations are highlighted for foreigners as alcohol is strictly forbidden in the country.

Further, Sharia compliance is part of the political system and considered by the government when criminal activities are being observed in the country. It is necessary for the foreigners that they understand Sharia law if they visit Qatar, because the legal system is quite different in comparison with the foreign juridical system. Sharia law legally binds the citizen to perform specific practices and some practices are forbidden because they are against the teaching of Islam.

3.5 Legal Personality of a Corporation under Qatari Law

The arising questions based on the legal perception for corporations either being a legal body or not held many debates and arguments to be raised depending on their membership of

the legal entity in the related industry. Several laws have been presented in the respected parliaments of numerous countries regarding the corporation's existence.

However, Roman law supported the arguments that corporations are a legal body that incorporates many divisions under a single roof following shared goals and objectives. As Qatari law is concerned, the terminology 'corporation' has been subjected to an individual body that is standing identically from its constituent members but practicing under the laws and regulations of the state.

Apart from this, the celebrations of the penned jurisdictions of the case that is Salomon versus Salomon and Co. Ltd. The details of the case include that the claimant itself registered to buy the shares of its own entity and to establish a corporation so that it could invest the dues remaining in the old business set up. On the other hand, the family members of the claimant that is his wife and children claimed to own apportioned stock of the company and ultimately became the nominees of the owners when the company fell into losses and was threatened with closure, but survived the depressed phase of the business, it forced the stakeholders of the stocks, bonds, and debentures to terminate the liquidation of the company by closing all business operations (Mehmood et al. (2018; 29). The Lord of Halsbury LC closed the case with the penned statements that:

“The owner of the corporation or the existence of the entity may be or may not be considered as a legal and separate entity; secondly if it belongs to Salomon, then it is of no worth to link the agent with all the solidarity of the corporate entity and can be said that both the statement could be right at the same time.”

Likewise, this decision enacted the corporation under two of the aspects of the corporation under Qatari laws that either it could be subjected to limited liability or may be the evading opportunity for the owners of the entity. In addition to this, this pertinent debate

can also be responded to in some cases of the amalgamation and can act in accordance with that of the regulations and laws prevailing in the region of Qatar and other countries of the world.

The legal framework of Qatar does not allow the company ownership to be more than 51% outside the country. A company must be legally present within the country to be able to conduct business within the country. This may be achieved by the company in the form of setting up offices within the country or maintaining a relationship with the agencies present within Qatar. Setting up the company is usually more beneficial for foreign investors if they are planning for a long-term market share within the country.

The type of company they set up in Qatar usually depends on the kinds of commercial activities and functions they plan to carry out with the company. With very few exceptions, all companies must have at least a 51% local ownership. If special permission is taken from the Ministry of Economy and Commerce (MEC), companies may be allowed to have up to 100% foreign ownership of the company. Law No. 20 of 2014 has introduced a system that is more effective in dealing with the acceptance and rejection of the applications of companies and for the appeals against the decisions. The law also states that a company cannot carry out any alternative processes than the ones mentioned within the framework of the company and the functions they have already mentioned within the application of setting up of the company.

Also, the branch of the company cannot have a separate legal personality from its parent company that is already established outside of Qatar. The company structures available under the Commercial Companies Law No. 5 of 2002 are a Limited Liability Company (LLC) which can be a single ownership company, a joint stock company and as well as a holding company. Most companies in Qatar are LLCs. An LLC is allowed to have

from 2-50 shareholders and can usually carry out a broad range of commercial functions and procedures within its framework (WIPO, 2002).

The liability of the shareholders within an LLC is limited according to the value of the shares owned by the company. Most of the activities carried out by a company operating in the country of Qatar also require licenses to be purchased and registered like the processes related to engineering within the country. Some foreign investors also enter into agreements with agencies to sell the goods of their organisation within Qatar. This is the only way that foreign products can be traded within the country without the establishment of the organisation within the country. The commercial agent in Qatar is also protected under the Commercial Agency Law No. 8 of 2002 by exclusivity and a fixed commission of sales as well as for the compensation in case of sudden termination of the agreement (Fouad El Haddad and Clyde, 2018).

There are also regulations and policies for the tax under Law No. 21 of 2009 of the businesses that are operating in Qatar. The Public Revenue and Taxes Department (PRTD) are also responsible for explaining their interpretation of the tax law and the practical application of the law for the corporations within Qatar. A local source of income from permanently established business within Qatar is subject to tax whether it is generated by the locals of Qatar or from foreign ownership. The local source income refers to the functions of the organisations that generate gross income or from contracts and agreements which are carried out in any way within the country.

The expenses will only be deducted from income that will be taxed if they have already occurred and are noticeable in the evidence provided. Depreciation will also be allowed to be adjusted as they are mentioned in the Income Tax Law of the country (Oxford Business Group, 2018). The net profit that is generated will also be taxed with a fixed percentage of 10%. All taxpayers should be registered with the PRTD and PRTD has also

required the tax returns to be filed online along with the filing of the hard copy of the tax returns. The laws regarding employment and immigration are mentioned in the Labour Law No. 14 of 2004 and a series of amendments in the later years.

These laws are also linked with the immigration and sponsorship laws which are mentioned in Law No. 4 of 2009 which are about the entry, exit, housing and the sponsorship of foreign labour. The labour law applies to almost all organisations and the exceptions include some companies in the public sector, government jobs, and the armed forces. The QFC have their own laws for the labour and do not follow the labour law of 2004 and its amendments (Emma Higham, 2016). All the employment contracts must primarily be in Arabic and they should be approved first by the Ministry of Labour and Social Affairs before making them binding for the employer and the workers. It also sets some mandatory restrictions and regulations on the company regarding the minimum standards of the relationship between the employees and the employers.

These regulations include the minimum notice period for indefinite contracts, minimum wage to be set for the employees and the maximum working time of the employee. They also include the minimum amount of the end of service benefits and the duration of the paid leaves given to employees after they have worked a certain period like 3 weeks in a year. It also restricts the company to hire migrant labour when capable locals are present for the job within Qatar.

3.6 Judges who are non-nationals of Qatar

In the view of Human Right Council (2015: 12), to make the judicial system of Qatar diverse, decision has been made by authorities that some of the judges are recruited from other countries on a temporary basis. The government wants to improve the legal structure

and to overcome problems; the hiring process of judges has commenced. The government considers interested candidates from countries which include Jordan, Egypt, Morocco, and Sudan. It is also fulfilling the requirement of the legal structure as judges in Qatar are not qualified enough to take critical decisions. The national judges are not experienced as well and there has been an increase in violation of rights of citizens and migrants. To improve the judicial system for long term, these initiatives have been taken by the Qatar government.

Another problematic area has been the indecision on what information should be provided to or accessed by the non-Qatari judges. However, decision has been made by management that limited access of information will be provided to them. The Special Reporter said that they can design the legal system on the hierarchy basis to overcome the problem. Currently, temporary contracts are being offered and are renewed annually as the government as appropriate according to the needs. Non-Qatari judges can be dismissed any time and limitations are being set by management. The main reason for hiring the non-Qatari judges is that the government of Qatar want to implement all laws of human right successfully in the country to meet international standards (Human Right Council, 2015: 12).

3.7 The Rights of Companies

In the previous centuries, it was very difficult to incorporate the entities together under a single roof where operations and businesses could join together to achieve the set of objectives and goals. The main focus in the previous times was not the rights and responsibilities been provided to the companies, however, the main focal point of that time was fundamentally on the unimportant aspects across the world's legislatures and legal frameworks. If the US constitution can be taken to develop an understanding of the rights of

the companies, it would be established that some causes emphasised upon the provisions of benefits to the companies as well to the societies.

Further, the US legislation required that:

“The rights of the company must be confined to its members that are either directly or indirectly associated with the company could be latter where companies would establish their writings and publish their letters of officials to provide the assurity of the ideas being presented in the market and provide the rights of speech freely among the indispensable listeners of the market.”

Besides this, in the US legislation, the continuation of the amendments enlightens the need to understanding the rights of the companies that could be provided to the authorities of the federal and legal bodies of the state. Hence a law has been imposed by the Supreme Court of New York that no company would be acquiring the services of any worker beyond sixty hours per week, therefore, the federal and union legislation regarding the rights of the companies to be provided under some amendments in the corporate constitutions of the country.

The rights of a company in Qatar in relation to the labour that serves within its premises recognize:

- The right to termination within the probationary period, the Qatari law provides the company to be in power to terminate an employee if it deems it appropriate in the greater good of the company and its deterring performance if the employee fails to serve at the demanded level (Gulf-Times, 2018).
- The right to prevent the employee from leaving Qatar as it is considered the right of the company to issue the No Objection Certificate which prohibits the leaving of the

employee. In case the employee fails to obtain the NOC the Qatar Law can bar the employee from entering Qatar for two years (IBID).

- Companies can hold employees for extensive work hours and have the ability to exercise the right to overtime in case they can prove the overtime to be justified in relation to the company suffering a loss in the opposite scenario (IBID).
- During the terms of service the company has the right to maintain the documents and required documentation of the employee under its own supervisions, yet they shall have to be returned in case the employment ends or in case of the contractual agreement the contract has been expired.
- The company shall exercise its right to document any potential contractual details or specifications that are maintained with the consent of the employee or with mutual agreement between the company and the employee during the course of starting the employment.
- The company under the Qatari law has the right to suspend an employee for 5 days without pay, delay promotions for one year and also dismiss from work without payment of gratuity. The limitation to this right of the company is however to only one of the penalties being imposed by the company (IBID).

The relative powers of the company or its rights as against the employees expand over to the imposition of disciplinary measures that can be considered by the company and can be enforced in case it deems necessary for its workforce to work in accordance with a particular policy or regulation. The details can further be expanded over to the multiple aspects of the company and its authority and rights over the employees.

Companies in Qatar are further considered to have the right to hire foreigners or non-Qataris and have the right to hire any person hailing from the GCC only with the permission of the government despite the permission for hiring being provided by the law (Hukoomi,

2018). This is in wake of the fact that the government is in a profound knowledge of the individuals being hired. The provided rights, however, do not let the company or in another case, any general employer discriminates or disregards the basic human rights or the labour rights which have been provided to the employees. However, the exercise of the provided rights within the provided limits is the authority of the company which permissible under Qatari law.

3.8 Regulations and Policies for Migrant Labour

The labour law of Qatar underlines the standard of rights and the treatment of workers that should be maintained in every organisation by the employers for their employees. It includes the rights and benefits that the labourer in Qatar is entitled to from their employers and the obligations of the workers employed in an organisation. The relationships between the employers and the workers are underlined in the Qatar Labour Law which makes the language of Arabic to be used in the contracts of employment as written in the Labour Law No. 14 of 2004 (Qatar Labour Law, 2018).

A secondary language may be used for the ease of foreign workers who are not familiar with Arabic. The Labour Law also gives the restrictions and guidelines for the working hours of an employee. A worker can work a maximum of six days with not more than eight hours a day. These hours are further decreased to six in the month of Ramadan. The contracts of employment can range from any period to a maximum period of 5 years. If any controversy arises in the points of the contract that are contradicting the policies and regulations mentioned in the Qatar Labour Law, the contract is deemed void unless the point is beneficial for the employee (Elloise Neale 2018). Employee committees and unions are allowed under

the Qatar Labour Law if the workers are more than a hundred in number within the union or committee.

There have been amendments to the much-criticised law of Kafala system too in the Labour Law No. 21 in 2015 which has replaced the Kafala system with a contract based system which will define the relationship between the employers and the workers (Scharfenort (2012; 215). The amended regulations have eased the restrictions placed on the migrant labour to switch jobs and leave the country. The two-year ban which was placed on the migrant labour for leaving the country after their jobs have been lifted so that the migrant labour can return to Qatar and take up new jobs.

The exit permit which was required earlier for employees to leave the country will no longer be required; the employers just have to be informed if their worker is leaving the country (Pette Pattisson, 2013). The migrant labour can change jobs without the approval of their employer if their contract has been completed. According to the Labour Law No. 14 of 2004, the migrant labour is entitled to receiving an end of service (EOS) benefit which will be received by the workers after the termination of their contracts.

The employee will be owed the EOS benefit from the employer if he has worked in the same organisation for more than a year and his contract has not been terminated for his actions of misconduct like fraud or the leaking of confidential information (Al Tamimi, 2018). It also underlines the termination of the contract from the worker if he has a valid reason for the termination of his contract with his employer like his employer's misconduct, he will still be owed the EOS benefit from the organisation.

3.9 The legal structure of Qatar

Qatar is home to a very unique form of legal system. There are two types of legal systems that prevail in the country. First is the traditional Islamic “Shari’a” law which has its own court to deal with all the cases connected to the family matters and the laws relating to it. The other type of legal system was established after the British withdrawal from the country and it consists of the civil and criminal courts (David Mednicoff, 2018). The civil courts in the country have exclusivity in all the cases related to banking, commercial, insurance, and civil cases. The criminal courts in Qatar have jurisdiction over all the crimes mentioned under the constitution and their policies.

The language of the court is Arabic and interpreters are provided for the clients who are not familiar with the language. The criminal court consists of the Lower and Higher Criminal Court. The civil court includes the Lower and Higher Civil Court as well as the Civil Department and the Administrative Department. There is also the Court of Appeal which makes the decisions on the appeals filed against the decisions of the other courts of justice (Youd (2014; 167). The Court of Cassation is the highest level of court in the legal system of Qatar and its function is to decide on the appeals filed in the Court of Appeals.

3.10 Corporate Law in relation to migrant labour

There is a clear law given in the Labour Law No. 14 in 2004 for the role of corporations and the regulations and restrictions placed on them that the organisations have to keep in mind in their behaviour with the migrant labour. The following categories of types of corporations are exempted from the regulations and policies with regard to their behaviour with their employees as mentioned in the law; employees of public institutions, armed forces, domestic employees, workers of Qatar Petroleum and workers of the QFC which has its own

set of regulations and policies to keep in mind (Charbel Maakaron and Arnaud Montouché, 2018).

The Labour Law contains some policies and regulations for the corporations that are mandatory to follow with regard to the worker's annual leave, maximum working time, maternity leave and the EOS benefits. These regulations must be present in the contract of every employee regardless of the type of contract they sign. Priority is given to the locals of Qatar rather than the migrant labour for the employment in organisations as the government objective is to increase the quantity of the locals in both the private sector and public sectors (PWC, 2018). The contracts of employment with the workers have to be in Arabic or English or the language of the employee.

They cannot be written and formed in any other language. The length of the temporary contracts that are signed between the employer and employees cannot be of more than 5 years. According to the Labour Law, the Emir decides the minimum wage of the employees that the corporations have to make sure that the salary they pay to their employees is more than the amount of the minimum wage. The wages of the workers must be paid in the local currency from the local account of the organisation to the local account of the workers (NATLEX, 2018). The organisations must also keep in mind the maximum working hours defined for the labour under the labour law which is 48 hours a week in regular times and 36 hours a week in the month of Ramadan.

The employers can agree with the employees to work overtime, but they will have to be paid at least 25% more than the standard rate. The probation time for the employees must not exist for more than six months according to the law (Dito, 2008; 24). The employees are also entitled to sick leave and vacation leave if they have worked for the organisation for a specific number of time or more which is mentioned in the Labour Law. A migrant labour working for the employer who has sponsored him is now, after the rule amendment in 2016,

allowed to switch jobs after the time period of his contract is fulfilled. The employers used to have the power to permit the migrant labour to leave the country or not but after the rule change; they do not have the right to restrict their labour from leaving the country. They just have to be informed 72 hours before their employee is about to leave the country (HSBC and Grant Thornton, 2016).

3.11 Constitutional Law in relation to the Migrant Labour

The Labour Law of Qatar is a set of regulations and laws which cover all the legal restrictions, obligations and rights of the employees and the employers operating in the country of Qatar. All the above-mentioned parties should follow all the policies and regulations of the Labour Law as it is mandatory (Hukoomi, 2018). The local citizens of Qatar are given priority over the foreign labour that has to be employed. The Ministry of Administrative Development, Labour and Social Affairs are responsible for allocating the capable and skilled labour to suitable employers for their job openings.

Permission has to be taken from the government for the hiring of foreign labour if the employers want to (Maysa Zahra, 2018). The migrant labour is not allowed to work for different employers during their contract whether it is paid or not. They can only change their employees after the time period of their contract is completed. The maximum time period of the contract is defined to be 5 years in the Labour Law. The Labour Law of 2004 was introduced to proportionally balance the rights of the employers and their employees while giving priority to the local citizens and outlining the regulations and restrictions for the companies regarding their employees (Zahra Babar, 2013).

Even the details of the contract of employment are mentioned under the Labour Law; the contract should be in writing and should clearly contain the details about the end of

service benefits as well as the restrictions of the maximum working hours among many details. The probationary period can be a maximum of six months under one employer and the employers have the right to terminate the contract if they feel that the employee is not capable of the job but it is necessary to give 3 days' notice in advance if they are being let go of (Clyde & Co LLP, 2018).

3.12 Liabilities and Accountability for Migrant Labour Human Rights

The Migrant Labour in Qatar has been found to be quite stranded when it comes to the abidance with laws and regulations of human rights for labour within the country. The country has been found to exhibit significant deterrence for Human Rights in case of migrant labour. Accountability has been quite minimal for local companies when it comes to providing the migrant human capital with the basic rights of labour.

The months on months of being unpaid for the migrant labour has resulted in the country showing lack of liability towards the unfair treatment of the labour with cases emerging in wake of the hefty construction and development being carried out in wake of the 2022 World Cup (David Conn, 2018). Human Rights Laws and the International Labour Organisation (ILO) have been considered by Qatar in this regard. The country has been now found in wake of its increased migrant workforce which has been helping build its infrastructure for the 2022 World Cup. The apt suitability of the human rights for migrant workers has already been opted for by neighbouring countries of Kuwait and Bahrain.

The Qatari government has come into two human rights treaties which are considered to ratify the flaws which the prevailing policies for providing human rights to migrant labour have imposed. In relation to the treaties, Qatar has now been expected to be in fulfilment of complete human rights without discrimination which now provides greater accountability for

the insufficient responsibility that employers within Qatar take for migrant workers and their well-being (Amnesty.org, 2018).

As a measure of accountability and liability for protecting the human rights of the migrant workers, Qatar has been put to account for the shallow treatment of its migrant workforce. The country has reformed its migrant labour treatment in wake of the recent criticism that has been made over this fact. Protecting wage discrimination and payables and a specific minimum wage being assigned to the migrant workers, contracts for employment, providing health and safety obligations are some of the important aspects that came from the Qatari Government to pursue deployment of equal or the closing the discriminatory gap in human rights for migrant and local labour (Business-humanrights.org, 2018). The development of human rights and policies to safeguard the wellbeing of the migrant workforce has been quite recently developed and thus has highlighted Qatar as more inclined towards ensuring accountability in relation to its migrant workforce.

3.13 Complaints about the Qatari Migrant Labour Policy and Regulations

Qatar and its ability to treat fairly the migrant workforce with a comparison to the local labour has been under severe complaints at the international labour with the ILO being the body to be consulted has held multiple hearings in its session. Complaints in relation to Qatar have been with respect to various areas of its treatment of the migrant labour with cases of migrant labours being withheld without their dues being paid with months over months and of passport confiscation. Measures and programmes have further been raised in light of helping Qatar being presentable enough with respect to the Human Rights (Ilo.org, 2018).

“The programme will support the implementation of numerous measures to address passport confiscation, contract substitution, as well as restrictions on migrant

workers' ability to change employer and exit the country. Restrictions on migrant workers' ability to exit the country subsequent to a reasonable notice period will be removed. The Wage Protection System (WPS) will continue to be improved to ensure that workers' wages are paid on time and those wage arrears are systematically settled (IBID)."

The cases for Qatar with discriminatory treatment to its large migrant labour have been extensive with prominent newspapers finding evidence of the country and its employment laws being blown to winds when the rights of migrant workers come into play. The complaints of unfair treatment which the migrant worker's witness, have been quite extensive, ranging from excessively low wages to extensive shift hours with no or negligible compensation to them.

"Have you ever stood for 12 hours straight?" says one security guard. "[At first] I couldn't walk properly because I felt like my joint was dislocated. But I had to do it anyway because I have to recover the money that I paid to the agent to come here ... It feels like you've been punched in the head a thousand times"(Pete Pattisson, 2018)

Such cases have been on the rise as the international forums for Human rights such as the ILO work to bring about the country and its biased treatment to the migrant workers to the international labour bodies and authorities. There are Cases where the migrant workers have been exploited to work for very low monthly salaries of just 600 Riyals, which falls quite under the minimum wage limit of the much boasted 750 Riyals, by the Qatari Government (**IBID**).

Treaties and international agreement have been quite similarly agreed upon by the Qatari Government to ensure that the country is in line with the portrayal of it human right championship with respect to the World Cup 2022 just around the corner. The recent

clearance of the United Nations has been in relation to the arrival of Qatar at the treaties for protecting the migrant workforce against various human rights atrocities that they face. Bodies like ILO have however urged a keen eye on Qatar with potential complaints being in place for still ongoing atrocities and the migrant workforce being vulnerable even as Qatar enters the human rights treaties (Aljazeera.com, 2018).

Qatar has been under severe complaints and the international forums have had a keen insight into the cases with large international and locally established businesses being found in misconduct with the migrant workforce employed at their premises. A prominent case of the international hotel chain of Mercury MENA where they were in serious misconduct because employees hailing from countries like Philippines and India were underpaid or salaries delayed for several months and had resident permit cards withdrawn, making them vulnerable to the fines by the government (Amnesty.org, 2018).

“.....the Company failed to provide him with his residency permit card, despite it being a legal obligation for the company to do so within 30 days of a migrant worker’s arrival, and despite the fact that workers can face fines for not having correct papers. In the following months, he said his salary payments also began to be delayed, as it became apparent that the company was experiencing financial problems” (IBID)

3.14 Justification of the Qatari Policies

The Qatari Law has been designed in a manner to exempt the domestic workers from the jurisdiction of the labour law that has been implemented within the country and the authorities when challenged to ensure control over the abuse which the vulnerable migrants witness at the hands of the employer can easily dump out with the justification of not being

under the legal jurisdiction. This in turn leads to salary reductions and the variation of the contract which was originally proposed for acceptance in the home country. Exploitation is also quite frequent within the region and Qatar to be specific.

However, authorities highlight the fact that the exploitation which domestic migrant workers witness can be justified with it being a household behaviour which does not come under the Labour Law (*Ohchr.org*, 2018). The justification of such stature when presented in relation to the detrimental conditions where the migrant workers are made to live have been recently considered by the Labour Organisations at a global scale with positive urging from the Human Rights Organisations.

The complaints, however, can be justified with respect to several documents of domestic workers being treated in manners that are unfair and the majority comprising of the migrants that form a majority of the working populous that has been working to improve the infrastructure of the country as it braces to host the 2022 World Cup. Migrants face abuse and lack of rest during work with unhealthy living conditions which help foreign agencies and bodies of internal labour protection to consider the country as “modern-day slavery” for workers.

Qatar has been in the UN watch-list for the hosting of the world cup which has been causing detrimental working conditions for the migrant workforce. Irrespective of the improvement which the country brings to the infrastructure it is still subjected to eminent critique with justified cases that highlight the Domestic Workers Law to be quite “helpless” in safeguarding the human rights and basic necessities which the migrants require (*Human Rights Watch*, 2018).

3.15 Conclusion

The literature review has evidently reflected upon the greater and more structured literature which has been provided in relation to the various aspects Qatari Law and Legal system including the Corporate Law and Constitutional Law which has been in relation to the fact that the migrants face severe resistance and irregularity when it comes to transparency in relation to the employment status. The literature has pondered over specific details of the fact that the employees witness severe discrimination in relation to local workers in light of the wage delays, low salaries, changed employment contracts and excessively low wages which provide for severe discrimination for them.

Further aspects of the literature provide for the backdrop of the research and its proceedings when it comes to the scarcity of the human rights to the migrant workers when the position of the employees is considered in relation to the Qatari law, the rights of the companies and the increased exploitation of the workforce that prevails within the country especially for the migrant labour. The country and its critique of the labour treatment have been discussed in the course of the chapter that provides the foundation of the progress of the research and its findings. The secondary data that has been collected during the course of the chapter provides for the fact that Qatar and its practices in relation to the fact that it does not consider equal rights for the migrant workers and the abysmal conditions which are provided to them in order to work with serious lack of human rights and privileges including lack of proper residence and sanitation in major cases with elongated work hours.

The workers are made to work without proper compensation is regarded as quite an alarming situation which has raised severe emergency amongst the international bodies such as the ILO which presses upon the United Nations to keep a strict watch over the country and its current reforms to improve the character that it delivers to the migrant workforce with

increasing pressure to develop the infrastructure which is considered to increase the deprivation and deterring working conditions for the labour in Qatar. The literature review sheds light over the major aspects which cover the deterring human rights and violating civil rights for the migrant workforce within Qatar.

The literature has not just provided for the issues and areas of non-compliance as considered by the international bodies but highlighted eminent cases where the country has been found short of the basic human rights which need to be provided for when dealing with labour and employees. Further, supportive evidence can be obtained when determining the research findings and providing for the conclusions of the research.

4 Chapter 4: Sharia

4.1 Where does Sharia law come from?

The word Sharia is mainly used when referring about the legal system of the Islamic countries but at the same time the word and meaning are often misinterpreted by many people and who failed to understand the proper meaning of it. Basically, Sharia law is comprised of two sources that include the language which is taken from the Holy book and the supplementing interpretations of the gathered texts. Two of the most prominent sources from where the religious text is gathered are Quran and Sunnah which is basically the teachings of the Prophet Muhammad. Sharia is an Arabic word which means path and is a set of rules and regulations that is revealed by Allah with the help of sacred texts of Islam.

In the case of Muslims, they consider abiding by these rules and regulations related to the legal and ethical principles as an important religious duty (Elrifai, 2016:1035). The religious texts are also used for authorizing the rules and regulations that are developed and governed for the legal aspects of the country as well as for designing a comprehensive way of the Muslim life. The Sunnah of the Holy Prophet is comprised of Sunnah Qawliyyah his specific words, Sunnah al Fiiliyyah referred to the habits and practices and Sunnah Taqririyyah that referred to the silent approvals.

Muslims all around the world have a strong belief that the Holy Prophet Muhammad is the best exemplar for Muslims (Richardson, 2011). The practices of Muhammad are used for achieving the divine injunctions, performing the religious rights and developing their life according to the will of God. The religious texts of these scriptures are mainly considered as the major sources that are used for citing when referring to the Sharia law (Foster, 2010:12). Around 6,236 verses that are present in the Quran deal with actual legal issues, for example, criminal or family law.

Basically, the scriptures of the Quran required every Muslim to follow three core principles within the political system that stated that it is necessary that political system should follow the teachings of Islam, the functions of the political system should focus on the basis of mutual consultation of all the participants and finally it is necessary that the masses should be obedient within the political authority of the rules (Lemons, 2018:613).

4.2 Sharia law in Qatar

Sharia law is based on the perception of Islam, the laws are provided for different sectors which include politics, economics and crime. It is formulated by the religious precept and in accordance with the guidance of Quran and Hadith. Muslim countries are following the Sharia law as a country law that binds the people legally to perform certain practices according to the teaching of Islam. Islam has a law which is based on the Sharia no other religion have their own law system. In some of the Muslim countries, all laws have been developed in the light of Sharia. Information regarding every crime is mention in Sharia Law and also other information has been mentioned that how the country operation can be performed. Qatar follows Sharia Law strictly and all its laws are based on it. Punishment follows breach of its strictures.

For illicit sexual relations and alcohol consumption, the punishment in Qatar is flogging. Because of flogging some people face death because they cannot resist the pain. Further, the government of Qatar practices the rights for migrant workers, freedom of media, gender identity, sexual orientation, women rights, but the marital rape is not considered as the crime in the Qatar law. There are only two women who are part of Central Municipal council where there were no women participated in Qatar Shura Council.

Some human rights legislation is tailored to suit women. In sexual activity for unmarried person punishment is flogging and for married person death sentence is given by

the government of Qatar. In addition to this, there was a law of abortion in Qatar that imprisons the women on abortion of the illegitimate child. Sharia provisions are applied in various crimes such as theft, apostasy, and defamation. Qatar provides the death penalty for the crimes that can threaten the security of the nation. Even non-Qataris have to follow the laws which are implemented in Qatar. Such as in Sharia alcohol consumption is prohibited, opposite gender cannot live in one room if they are not married (Santos, 2017). Foreign journalists and migrant worker can present their opinion at media but some limitations are provided to them within Sharia Law (Human Right Organisation, 2015).

4.3 Sharia law and human rights in Qatar

The Sharia Law is part of the Qatar's overall system and all issues are accommodated under the light of that law. Some of the acts and regulations of Sharia Law did not fulfill the requirement of international law standards because of which they are not fully implemented and punishment is given to the person that breaks Sharia law. Further, it is mentioned in news report that when foreign comes to visit Qatar, they break the law by consuming alcohol or by engaging in activities which are not permitted in Islam.

Because of this, 27 people faced the death penalty, which is against the Human Right. The basic right is provided by the government, which is discussed in the report, and these rights are not meeting international standards. In the case mentioned above, male and female cannot live in one apartment together because Qatar is a Muslim country and under the law, they are breaking it. However, under the light of human right freedom to live their life by own choice is provided to the people therefore Qatar is not following all human rights, as declared by the United Nation. The police have a right that they can arrest a person if they are living with the opposite gender in Qatar (Amnesty International, 2018).

Human rights are implemented but some of them are not followed because of their conflict with the religion. The government gave first priority to their religion and after that, human rights are considered, the government also considers some sensitive issues when they developed human right laws in Qatar (GOV.UK, 2018). In Qatar, migrant workers are not being paid according to their work. However, the migrant workers are facing the violation of human rights, as they have to pay a certain amount of fees for the recruitment and the employer take the control on the passports of the migrants (HRG.org, 2015). Moreover, they do not get their wages on time. They could not leave the country without the permission of their employer. Thus, Qatar has made some amendments in the law where a committee is made for the sponsors if they refuse to permit for the exit visa. The changes in the labour law have been approved and the wages system has been protected as the employees are given salary directly at the right time (HRG.org, 2017).

4.4 Why certain variations of Sharia have drawn opposition by the International Human Rights Community

The area which is most commonly used in the Sharia law is marriage and divorce, the way women are treated in Muslim countries have also attracted the attention of media internationally. Contradictory, to this the majority of the Muslim dominant countries pays very little or in some cases, no focus on implementing the Sharia law , in fact, the majority of the Muslim dominant countries have a criminal penal system that has operations similar to the Western countries. At the same time, there are some Muslim countries like Saudi Arabia that works on the rules and regulations that are prescribed by the Sharia law and have a penal system which is very contradictory to many of the international country (McGoldrick, 2009:623).

Such Muslim countries and their penal system have attracted media attention from the international community. Mainly the international criticism does not focus on the use of the system but the problem is with the human rights supporters that highlighted that the sternness and austerity of the punishments which are given for many crimes and does not align with the standards that are prescribed by the international community. Much of the criticisms by the human right supporters are because of the videos that show grisly beheadings and the news which shows people are executed for minor infractions (Namli, 2013:147).

Scholars and the leaders who have raised their voice for the support of the Sharia law have stated the argument that similar to many of the legal system worldwide, systems that are based on Sharia law are inherent protection for human life, dignity, and respect for justice (Richardson, 2011).

In the majority of the Muslim countries criminal law system has been developed that construe Sharia law in such a way that fulfills the international standards as well or in some countries this is done by eliminating completely roles and regulations of Sharia from their criminal systems. Moreover, in some countries who emphasise and implement the stricter version of the Sharia law the punishments under the light of Sharia law have been criticised by many, as they believe that this is completely opposite to the idea of protection for human life, dignity, and respect for justice (Pegram, 2015:615).

4.5 Sharia law's perspective on the principles of human rights

4.5.1 Stance on inhumane treatment

Addis (2009:129) writes that Islamic beliefs on inhumane treatment are not similar to the values promoted under modern international human rights instruments. After the United Nations, the Organisation of Islamic Cooperation is recognised as the 2nd largest inter-

governmental organisation. The organisation was formed to create a platform for the Muslim community in the world and with the objective of safeguarding and protecting the core interests and values of the Muslim world along with promoting international peace and harmony within the world.

Sharia law relating to criminal law insists on following the type of offenses and sanctions of the Quran - the hadd punishments, ta'zir crimes. There are five types of hadd crimes that include adultery, false accusation of adultery, drinking alcohol, stealing and highway robbery.

Muslim countries that rely on sharia law insist that according to the Quran, the punishment for hadd offenses includes amputation, execution, flogging, exile, stoning and immutable. All these types of punishments appear to be contrary to current international human rights standards.

4.6 Examples

Both the sharia law as well as the international law believes in fair trial but the implementation of this law cannot be seen in many Arab countries including Qatar especially when it comes to employment. The organizations practice discrimination towards migrant employees on the basis of pay, working hours and incentives. Organizations even treat domestic and international employees differently, which has caused many issues for migrants. They are unable to even feed their families (humanists international, 2013). The example of Mena workers is the most prominent one which shows injustice of organisations of Qatar.

4.7 Right to free trial

4.7.1 Right to a fair trial

The changes have been observed in Qatar overall environment due to the FIFA 2022 world cup. It is one of the major reasons for promotion and observation of migrants human has not been provided to the migrant and citizens in Qatar because Kafala management and authorities discriminate. On the other hand, it has been highlighted by the Qatar government that allegations are not true and they are fulfilling all requirements of human rights (Heerdt, 2018: 182).

In some cases, issues have been raised by men and women individually but, fair trial right has not been provided. Activists are working for the rights of women in Qatar, as women face problem and challenges (Welchman, 2010: 6). The migrants in Qatar are not getting a fair trial right on the basis of their ethnicity, social status, and gender. The government of Qatar is trying to create a diverse environment, but they are not able to implement all laws effectively as monitoring bodies also play a role in the discrimination. The labour face the problem of high recruitment fees and they try to raise their voice but, due to poor management of courts and Kafala system, the fair right has not been provided to them (Mohammad and Sidaway, 2016: 1399).

It has been observed that the Qatari judicial system as well as the ILO system is deciding in some cases. Also, it has been highlighted that ILO and Qatar authorities are taking initiatives to develop policies and promote standards of labour and programs to provide a decent working environment to both male and female workers (Marmara, 2016: 1403). It has been observed that the Qatar government provides citizenship to spouses and children of men but not women, as the narrow view is that women cannot acquire nationality for their husbands.

On the other hand, discrimination against women practiced is through marriage, divorce, inheritance and child custody. The Qatar government reject to provide the rights of women and are not willing to protect their rights. Further, it has been highlighted Qatar government follow Sharia law which do not bestow divorce right to women (Welchman, 2010:7). On the other hand, it has been highlighted women remain underrepresented at the workplace and they do not get equal opportunities. However, it has been accepted by firms in Qatar that women are more literate than men. But, at the time of choosing profession women face legal and social restrictions. Further, it has been established that women have limited access to fair trial as the law discriminates against them. On the other hand, in the light of Article 36 marriage contract is only valid if there is a woman guardian and two men witnesses present at the time of contract.

However, it has been highlighted in Article 58, that it is the responsibility of women to look after the household and obey their husband. The right which is provided to women is limited under Article 57, the in-laws and husband cannot hurt wife morally or physically or assault her. Further, the law is available but, the penal code does not consider domestic violence or marital rape as a crime which violates the right of women.

From the analysis above, it can be stated that women in Qatar have been denied their human rights and they have to obey their husbands after marriage. (Başkan, 2016: 43). Equal employment opportunity law is also violated as women in Qatar are not promoted at leadership and management level because of stereotyping. The females are not treated equally because of some laws and men dominating society of Qatar (Connolly, Connolly and Feinstein, 2018: 16).

Further, if Qatar women get married to non-Qatari men their children and husbands will not be afforded Qatar nationality this is part of Qatar law. On the other hand a man who

gets married to a non-Qatari woman will acquire nationality for both his children and wife. It has been highlighted through a media report of 2016, that a Dutch woman was arrested by authorities as she was raped. Instead of taking action against the man, the court took the decision against a woman. She was convicted to suspended sentence of one-year imprisonment in jail for engaging in extramarital sex and authorities to deport her. Around 45 rape cases have been highlighted in Qatar from 2009 to 2011.

It is being highlighted in the study that young women are not safe in Qatar because of the lack of protection and the unfair decision of the court (Mohammad and Sidaway, 2016: 1405). On the other hand, Qatar government is committed to implement vision 2030 designed by authorities.

The government authorities conclude that there is a relation between laws and sustainable development. For sustainable growth, the government needs to provide equal rights to women as they play a key role in the economic, human, environmental, social development. The laws are being reviewed and the government wants to develop to protect the right of women, children, and youth (Scharfenort, 2012: 17).

On the other hand, Qatar legal system has come under immense pressure and initiatives are being taken by the government of Qatar. Such as decisions are being taken by authorities for the safety and protection of citizens in Qatar. In future, complete power will be provided to authorities and decisions will be taken by them with transparency rather than discriminating people on ethnicity, social status or gender.

However, issues which are impacting legal environment of Qatar include human trafficking, trafficking of weapons, money laundering and security. For sustainable development, the government has decided to implement the laws effectively and awareness has been created to respect the law (Stork, and McGeehan, 2013: 2).

4.7.2 Challenges for Qatar's Migrant Labour Population

The enhancement of migrant labourers in Qatar has always been under the spotlight as employees around the globe tend to come to Qatar to work in an environment that could help them to have access to better career opportunities and at the same time have a stable earning (Babar et al., 2018, 5). Around 90% of the total workforce of Qatar is based on foreign employees (Babar, 2017, 201). Identical to other Gulf countries, Qatar is immensely dependent on foreign labour in search of earnings and higher and safer standard of living. Majority of the labours coming in Qatar to work are from the region of Asia and Africa (Ramadan, 2015, 2). Qatar has emphasised significantly on reforming its national laws to incorporate international laws and regulations. This could provide easy and quick justice to the citizens. Similarly, special attention is given to the international law.

The law enforcing agencies within Qatar have emphasised on the fact that it is essential and prominent to strengthen the base and authority of international law as it could provide the source of stability, safeguard, safety and security for the citizens around the globe. However, the policies and reforms as regards the right to a fair trial have risen in relation to the authorities of Qatar (Naufal et al., 2016, 80). As per the law of Qatar, it is evident that every citizen either resident or not have the right to a fair and public trial and hearing if they had been charged, accused or convicted of any criminal activity

The implementation of fair trial enables the country to injustice (Sillitoe, 2018, 40). However, there are certain policies in the right to a fair trial of Qatar that could eventually develop a lot of challenges for immigrants' labour population that are in Qatar to explore for better and enhanced earning the opportunity. As for instance: one of the policies that could be highlighted in this regard is the elimination of women's evidence to a value of only 50% of

that of men (Salama et al., 2017, 5). The execution of this policy within the right to fair trial tends to develop various challenges for women migrant labour because in case if they are involved in a trial they will have less probability to prove their case as their worth of evidence which is given less weight compared to that adduced by men. This strategy will eventually discourage and de-motivate women migrant labour to visit Qatar for better earning opportunities and enhancing their living standards (Mednicoff, 2016, 119).

However, Qatar tends to develop its policies and rules as per the teaching of Islam that believes in equal opportunities and rights for both men and women, the culture of Qatar is based on male dominant society because they consider that men are the earning force and decision makers and relief should be given to them with regards to the development of laws and policies (Kapiszewski, 2017, 67). In this regard, this policy in Qatar right to a fair trial was introduced that have eventually developed problems and challenges for the migrant labours and especially women. Many women migrant seeking to attain justice through the court face difficulties are not able to attain justice due to this policy.

As per the statistics presented in the research of Dixit (2015, 115), hundreds of thousands of migrant labours in Qatar are being abused mentally and physically by being forced to work for more than 12 hours shift. Pregnant women are no exception this has led to abnormal deliveries of children and miscarriage. The women working in the companies are then charged for breaching the contract and not working as per the procedures. Once they submit an application in the right to a fair trial, the legal system is not able to serve them with justice as their evidence is hindered to 50% as compared to the evidence provided by the opposing party. Qatar tends to follow the Sharia'h law as well as the non-Sharia'h law (Buckley et al., 2017, 155). Under the implementation of Sharia'h law relieve is given to Muslim migrants in certain aspects as the company owners as per the law of Qatar cannot

forcefully keep the employees and physically harass them for work. Further, the age limit of the migrant labour at least by 18 which saves the country from child abuse.

Under the non-Sharia'h law for non-Muslims and also known as civil law, migrants are facing the challenges of physical abuse and harassment on a regular basis (Millward, 2017, 758). In this regard, another legal policy that has been introduced by the government of Qatar for the migrant's labour which states that it is essential for the employee to earn more than \$1920 a month in order to gain a visa (permit) for their family members (Ewers and Shockley, 2018, 22). Majority of the migrants that are employees in Qatar are based on low salary earning due to limited educational qualification and experience. Further, it is also evident that the companies in Qatar tend to give high executive positions to local employees only. Hence, it is evident that migrant labours are working in job positions that do not give them the opportunity to earn around \$1920 and because of this the migrant labour population tends to spend their time in the country without their family members (Millward, 2017, 764).

On the other hand, authorities and law enforcement agencies that are viewing the matter of migrants' labour population have not implemented any specific laws that direct the companies in Qatar to give leaves to the migrant labour so that they could visit their families on regular basis. On the other hand, when the migrant labours tend to apply for paperwork and visa on their own expense to meet their family members and visit their home town there is a high probability that their application would be rejected (Goethals et al., 2017, p. 359). In the year 2017, 42% of the applications were rejected of the migrant labours working who applied for a visa to their hometown. Hence, they are not able to meet their family members for a long period of time (Adhikary et al., 2017, 7)

4.7.3 Challenges from the jurisprudence of Employment Courts

Employment courts are devised and formulated with the primary aim or objective to ensure that the conflicts between the employers and employees are solved by keeping in view the legal system and regulatory reforms of the state (Malin, 2013, 23). In this regard, employment courts tend to ensure that justice is served in case employees consider that they are being forced to follow commands against their contractual obligations activities that could lead to illegal or unethical practises. However, due to complications in the legal system, the employment courts tend to face various challenges to serve justice (Danaya, 2016, 599). As for instance, laws of Qatar for the migrants prohibits the immigrant labour to apply for the application of family visa until they are earning a certain amount of money per month. In this regards, when the immigrant goes to the employment court in order to seek justice and demand to see their family members as a part of their human right, employment courts decided against the immigrant despite knowing the fact that they should be given an opportunity to meet their family members on a regular basis (Fay Ramirez, 2015, 209). The inflexibility and strict labour laws by the enforcing agencies do not give the opportunity for employment to make a decision in favour of the immigrant as they are obliged to follow the rules and regulations of the state.

There is a difference of opinion when it comes to the human rights international laws and the states labour laws that make it challenges for the employment courts to bring more transparency and stability in their decisions (Malveaux, 2017, 123) In this regard, the majority of the employees and specifically migrants consider that these courts are not able to provide them with justice. In the year 2015, Qatar government announced that the migrants' employees by the international and local companies operating in the country should be limited and the majority of the local employees should be given the opportunity to work in

the companies to polish their competencies and skills and further attain relevant working experience (Buckley et al., 2015, 158).

This rule was implemented keeping in view the increasing demand of the international employees and less preference was given to local employees in Qatar that contributed to unemployment and illegal activities. With the execution of this law, many migrant employees lost their job without any prior notice and their contracts were also breached. Many migrants in this regard decided to attain justice from the employment courts but the courts were not able to provide them justice despite of having official contracts as it was a legal policy which was backed by the legal legislation approved by the concerned authorities.

Another challenge that has been encountered by the employment court system while dealing with the case of migrant employees is the demands of employees to be provided justice without implementing the legal system of the country (Wylonis et al., 2017, 181). As for instance, a female migrant labour working in Qatar for the last 3 years was accused by the employers for not fulfilling the contract of five years and seeking to leave the factory. The victim in this case emphasised on the fact that she was not in her mental and physical fitness state and encountered a recent miscarriage due to immense stress and significant work load and extensive working hours (Rockwood, 2019, p. 30).

The employment court in Qatar decided against the victim and she was ordered to either comply with her contract or will be given permission to leave the country only after she and the employer mutually agreed to the fact that she could leave and complete her remaining time span after she is physically and mentally fit to continue her job. This judgement was based on the jurisprudence that states that women's evidence is hindered to a value of 50% that of a man. This is in violation of the human rights Act 2010 which highlights that fact

migrant employees due to specific and valid reasons can leave the country and job and then come back to complete their contract time (Fahy, 2018, 22). In this regard, it can be said that jurisprudence tends to present various challenges for employment courts.

It can also be highlighted that employment courts making the decision of the employers makes the migrants consider that they these courts are showing biasness towards their states. As per the statistics, it is evident that until 2016, 80% of the cases that have been filled in by the employees in the employment court of Qatar have been in the favour of the employer and only 20% of employees case application has been accepted and decision have been made in favour of them (Jureidni, 2019, 340). If the employment courts needs to perform effectively it is essential that the rules that are imposed by the states for the employees and specifically migrants needs to be balanced and aligns with the employment rights act as it would help the employment courts to ensure that that they are able to protect and safeguard the rights of migrants and make their decision that also aligns the legal system of the state.

Keeping in view the current status of employment court in Qatar it is evident that the decisions are made to protect and respect the legal system and jurisprudence rather keeping in consideration the right of the migrants working in the state.

Another challenge that could be discussed in this regard is the lack of legal knowledge the migrants have within the state (Rockwood, 2019, 30). The migrants before signing their employment contracts are not keen to review the legal reforms and employment rights of the state in which they are coming to work. Hence, when they file the case in the court majority of the legal aspects in the contract are not been informed by the companies to them through which employment courts find it very complicated and challenging to ensure that the migrants are understanding the legal procedure of the court (Wylonis et al., 2017,

181). Furthermore, it is also challenging for the courts to comprehend if the migrants made the right decision keeping in mind the legal system and the contract that was signed by the migrants before coming into the employment.

Paragraph 4 of the Human Rights Committee's General Comment No. 32 is clear that: Article 14 contains guarantees that States parties must respect, regardless of their legal traditions and their domestic law. While States should report on how these guarantees are interpreted in relation to their respective legal systems, the Committee notes that it cannot be left to the sole discretion of domestic law to determine the essential content of Covenant guarantees.

And while reservations to particular clauses of Article 14 may be acceptable, a general reservation to the right to a fair trial would be incompatible with the object and purpose of the Covenant – (Paragraph 5, HRC GC 32)

Qatar joined two human right treaties, which were linked with the sharia law being implemented in the region, and these treaties are Qatar's accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. However, the jurisdiction system of the country still reserves conflict opinion on the idea of gender equality. Because of this, the government is unable to actually implement the laws signed in treaties (amnesty.org, 2018).

4.7.4 Examples of human rights treaty provisions and its challenges

In the view of Milanovic (2011:202), the bodies of human rights treaties monitor the implementations of the human right issues by following the international law of human rights. It has different provisions that deal with the complaints of the individuals. It considers the issues regarding the human right to prevent the punishments, inhumanity, cruel and

degrading treatment of human beings. There are various independent treaty bodies that are supporting the international human right treaties to protect and promote human rights. There is a legal obligation to report to these bodies so that they could implement the treaty provisions effectively. These treaties help the individuals to complain regarding the violation of the treaties and the treaty bodies will communicate to them in order to protect the rights effectively and efficiently. The study conducted by Mehmood, *et al.* (2018:29), has stated that there number of human rights issues that have been found in Qatar. However, they have various human rights reforms as well that deals with the migrant labour community. The migrant labours of Qatar faced a number of issues as Qatar still follows the Kafala system. There are number of cases of migrant labour community where they also face different issues.

For instance, Qatar has taken a major step to join the human rights treaty that follows the law of international human rights. Qatar has become obliged legally to protect human rights and avoid its violation in the territory. Qatar was following the Sharia'h law and they follow the principles of Islam. However, the people of Qatar did not focus on the labour migrants as they were traditionally following the Kafala system which has affected the labour migrant community of Qatar. It has been mentioned in the study of Millward (2017:757) that Qatar did not allow the workers to get justice as the migration system was in control of the government but not justice. This could be another example of the treaty for migrant labour. However, Qatar has joined the treaty provision to support human rights in the country. Therefore, the migrant workers were provided employment for the FIFA world cup infrastructure that will be hosted by Qatar in 2022. But Qatar had refused to provide equal rights to the women as the country follows Sharia'h law. Women were not considered equal to the man and the coral punishment and the death penalty will be the same for them if they indulge in any criminal activities. In addition to this, the exploitation of migrant workers has

ended for both the genders by implementing the human rights law. According to Erfani, (2015:623), in FIFA world cup infrastructure Qatar has provided an opportunity for the migrant workers and the employees are also not forced to do the job that indicates that Qatar is following the international human right law. Moreover, the convention on the elimination of all form of discrimination from women has protected the rights of the women that were inconsistent in the law of Islamic Sharia'h in Qatar as there was no freedom and equality for men and women.

In addition to this; Grant (2011:52) has highlighted in his study that one of the treaty bodies is the committee on the protection of rights of migrant workers which does not only protects the right of migrant labours but also the rights of their families. It has the major goal to monitor whether the rights of the migrant workers are protected or not. For instance, Qatar is facing the issue of the Kafala system where the employee's basic rights are violated. However, there will be a substantial gap between international migration and the practices in migration that violates human rights.

This could affect the children of migrant workers. It has been discussed in the study of Babar (2014:411) that the children will have to face the same issues that have been faced by migrant workers. Thus, the treaty body does not allow the children and family of the migrant workers to face those challenges by migrating from one country to the country where labours are forced to do the work. However, the treaty has contributed to eliminating the Kafala system from the country and protecting the rights of the migrant worker and their families as well. Thus, they can leave the country on their own and there is no restriction in changing the job as they are now protected from labour exploitation.

According to the research conducted by Gardner *et al.*, (2013:15), another challenge that migrant workers encounter in Qatar they are in adequately remunerated for the work they

do. They work for around twenty hours a day and sometimes they do not receive any wages for their work which also affect their families. There are many immigrants that travel from their homes to Qatar for their families, but they face the challenges to support their families because they are provided low wages in a construction project. Moreover, some of the employees had paid fees for their employment of more than \$3,000 by paying a high rate of interest. Some of them have mortgaged their family property for their journey.

As per the study of Kern and Müller-Böker (2015:160), the labour complain department allow the migrant workers to complain about their issues, but their information was not published on the complaint resolution outcome. Their individual case should be published which was not done. It represents that the migrant workers are facing the challenge of getting fair and clear remedies for their rights. As a result, they do not get compensation because of not having information. In addition to this, in the view of Scharfenort (2012:210), the National human right committee has the limitation that they could not make any decision regarding the migrant labour community, but they are responsible to transfer the complaints to the ministry of labour. The employees can file the case in the family court if the employer does not agree to the complaint of the migrant labour. The mediating role of the committee makes the migrant worker confused. Therefore, Qatar should eliminate the optional protocol and rectify the system to facilitate the migrant employees so that their rights could be protected. There are other challenges as well that do not allow them to access their right case law because they do not have a resident permit. The companies for which the migrant workers are working deny exiting their organization. Added to this, the court cases took a lengthy period of time that are detained and delayed and do not get the desired outcome on time.

Sharia premised sanctions have received significant media attention from the international community. The forfeits related to hadd offenses are adopted or implemented

universally as the law in Muslim countries. In fact, many of the countries in the Middle East including Syria, Jordan, Lebanon, and Egypt no longer follow the had offenses within their state laws. The majority of Islamic countries worldwide appear to be moving away from traditional classical Islamic punishments, even in some countries (Chotalia, 2013:64)

4.7.5 Barriers behind Fair Trials

The numbers of cases are increasing in Qatar day-by-day and trial delays, backlog creates problems for authorities of Qatar. The reason behind this is that the volume of cases have been increasing every day and it is observed that if a witness does not show up at the last minute a request to adjourn the case is made. The barrier which has been faced by a migrant is that the witness is less likely to take a stand because of fear of authorities. The verdicts of cases take one or two years which is quite a long period of time for one case.

Thousands of requests have been submitted by victims, but their cases have not been heard because of the large numbers of cases pending before the courts awaiting trial. On the other hand, some cases are on trial but hearings have been delayed because the victim is unable to pay charges which are also a barrier. Also, migrants are not able to take initiatives for themselves as they do not have power which is barrier for them

The issues are being raised in Qatar trial and hearing sessions because management is unable to develop a diverse portfolio. The changes are needed in migration policies and overall infrastructure of the country but, government authorities are lacking in taking initiatives. However, cases are also registered by migrant's workers in Qatar and there are thousands of victim's there but, the issue has been raised because of a weak judicial system. The decisions have also been pending as government of Qatar faces challenges and criticism globally.

The information is being manipulated by authorities of Qatar and foreign embassies of Qatar forced to keep quiet as numbers of migrants have died at the workplace due to bad working conditions and poor monitoring from authorities. Further, cases are not accepted by court and Kafala management is preventing migrants from raising their voices and hence, cannot get the right of a fair trial in an attempt to hide the negative image of Qatar globally. The abuse has been observed but initiatives are not taken, and this is also a barrier (ITUC, 2014, 4). On the other hand, Qatar migrants have a lack of resources and knowledge to take stands for themselves which have been considered as a barrier.

Issues have been faced by authorities during trial and hearings. There is no compliance system that defines labour policies effectively. This is one of the major reasons that the management of companies are treating migrants and labour force badly (ITUC, 2014, 4). On the other hand, legal actions might be taken at an international scale and Qatar authorities are trying to overcome these issues. The significant action which has been highlighted in the report is that FIFA management demands Qatar to eliminate Kafala laws and implement international human rights. Through this, many victims in Qatar will get justice and their rights (ITUC, 2014, 5).

It has been highlighted in the study that because of volume of cases trials and hearing are pending and judges are facing difficulties to decide. The issue can be resolved if the labour court and department of labour relation work together to resolve the problems. The monitoring program can be promoted in Qatar to provide rights to their citizens and migrants. Also, the communication barrier has been observed because migrants use around 20 languages. The Qatar authorities need to make changes in their legal system as it is quite weak. The challenges which migrants face is that, they are less likely to take legal actions against the management because of lack of income (Gardner, Pessoa, and Harkness, 2014, 9).

Kafala system was developed for three main purposes which include sponsored migrant, housing, employment condition, and other migrant related issues. Also, the Kafala system deals with the entry and exit of migrants but the body does not take initiatives with time have increased. On the other hand, where cases are presented in court and labour does not get free and raise their voice for justice. Lack of knowledge is also a barrier because some of migrants do not have information regarding their rights. Moreover, some of them were frightened by the outcome of a hearing or final decision of court going against them, that they will be deported from the country and they cannot apply for employment in Qatar for up to two years. Also, they might have to pay a fine which has been considered as a barrier (Gardner, Pessoa, and Harkness, 2014, 10).

Freedom of living is one of the issues which have been faced by migrants in Qatar. Due to a large number of migrant, the labour authorities are unable to make decisions and handle situations. The barrier faced by the migrants for the fair trial is the management's failure to implement the laws in an appropriate manner. When they try to raise their voice or take action for themselves, upper hierarchy does not listen to them or legal bodies do not take any action for them to provide them with safety or protection. Laws have been developed and changes are being observed in existing law to improve the infrastructure of Qatar and provide a better environment to the citizen but, they have not succeeded. And, the reason behind this is that authorities are not willing to provide rights of migrants and are more likely to promote citizens (Pessoa, Harkness and Gardner, 2014: 208)

On the other hand, migrants were attracted to Qatar because of the free visa but, they have faced human trafficking and forced labour. The barrier which has been highlighted by some of the migrants is that they live in Qatar illegally and if they raise their voice, they can face consequences. The violence has been promoted in the structure of the Qatar and authorities are not able to take strict decisions which are another barrier.

There are fewer channels from which migrants can be connected to the authorities so they can get justice. Even complain has been highlighted by an international labour organization insert they are trying to save people. To overcome these barriers the government can design communities which help in monitoring the activities of companies and also evaluate the management is meeting the labour standards or not.

However, if rules are violated by any authority decision can be taken by the management of community through this; barriers of a fair trial will be eliminated. Also, the Qatar government must provide power to these communities so management of companies follow all laws effectively and migrants can raise their voice without any fair (Pessoa, Harkness and Gardner, 2014: 212)

On the other hand, one of the barriers which have been highlighted by migrants is that their passport has been taken by companies because of which they cannot file a case as proper documentation is a requirement. However, they cannot leave Qatar as well because of passport issue. Also, their health is affected badly and some of them lost their lives because of a bad working environment. Migrants are less likely to take initiatives because they are afraid to take action against powerful people.

4.8 Stance on the death penalty

All the Islamic and Muslim countries have death penalties within their domestic legal systems. In fact, Muslim countries worldwide have made up on the list of top 20 executing countries according to the statistics recorded in 2014 and in total have executed 551 people. Within Saudi Arabia, only around 151 people were executed in 2016. Although the practices related to the punishment differs from one another. The table on the next page shows the countries that grant execution for particular crimes (Haász, 2013: 172).

Apostasy	Afghanistan, Iran, Iraq, Mauritania, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, United Arab Emirates, Yemen ⁵
Drug Trafficking	Afghanistan, Bangladesh, Brunei, Egypt, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Laos, Malaysia, Morocco, Oman, Qatar, Pakistan, Saudi Arabia, Somalia, Syria, Sudan, United Arab Emirates, Yemen, Zimbabwe
Adultery	Brunei, Saudi Arabia, Somalia, Yemen
Homosexuality	Afghanistan, Brunei, Iran, Iraq, Mauritania, Libya, Nigeria, Saudi Arabia, Somalia, Sudan, United Arab Emirates, Yemen

In some cases, Muslim judges and scholars agreed that the Quran does not refer to executions for particular offenses or by certain methods. For example, regarding adultery, the text explicitly instructs believers in Chapter 24 of the Quran that people found guilty should be whipped but not be executed. Moreover, some of the scholars also agree that Quran does not permit execution through stoning either.

Although some of the extremist groups like the Islamic State in Iraq and Syria (ISIS) has become disreputable for using principles of Sharia law for conducting executions through crucifixion and stoning along with other hadd punishments (Cumper, 2014:40). Currently, Saudi Arabia is the only country in the Muslim world which carries the majority of its executions by violent methods such as beheading publically which is endorsed in the Quran.

Moreover, Saudi Arabia is also the only country that continues to impose death sentences on and execution for the juveniles who are below the age of 18 in defilement of the country's obligations under international customary law and the Convention on the Rights of the Child.

4.9 International human rights and punishment according to Sharia law

It is quite clear that some aspects of the Sharia law in relation to the criminal law systems are basically contradictory to the standards of the international community which focuses on promoting human rights. Though, it should be kept in mind that there are very few countries in the world that actually follow the Sharia law within the criminal law systems. Therefore, it is necessary that their actions and processes should be analysed individually and not as the Muslim dominant countries.

When defining if the Muslim dominant countries are complying with the Sharia law it is necessary to keep in consideration the category under which the actions fall and initiating by evaluating to what level the Sharia law is followed in the legal system (Quraishi 2011:173). Additionally, the European Court of Human rights suggested that democratic ideals that include free expression, human rights, and democracy cannot be housed with the Sharia law (Samuel-Azran, 2013; 1300).

Although, the majority of the Muslim leading countries which are recognised as completely secular category find their laws completely according to these principles. Such as, Turkey which has a Muslim population of more than 95% works as a secular parliamentary and works as a democratic republic does not implement any aspects of the Sharia law. However, the criminal justice system which is implemented by replacing the Islamic justice system is basically derived from the Italian Penal code and the Swiss model is followed in the civil law.

Moreover, it is not far that the dual legal system in achieving the legal systems that fulfill the international standards of human rights. For pushing these countries closer to the standards of human rights it is necessary that focus should be shifted more towards making sure that Constitutional guarantees afforded in most of these countries should be applied within the areas of jurisdiction over which the Sharia law has the control (Mavronicola, 2015).

4.10 Promotion and Protection of Human rights relating to Qatar's Migrant Labour

The Qatar law follows the article 14 of the labour law that prevents hiring of minorities and women for the jobs, which can be result in harming them. The Qatar law follows the article 27 of the human right convention as well. Most of the laws which have been made in Qatar are based on sharia law and the implementation of human rights is also practised by using the sharia law as well. Even the punishment in Qatar is being given as per the sharia law but human right laws and acts have been followed to make sure that no one uses sharia law negatively.

Qatar appears keen to improve its labour regulations generally. Specifically, Qatar appears sensitive to the need to ensure respect for the inherent dignity of its migrant labour force. For instance, Qatar has sought advice from the International Labour Organisation (ILO) for the improvement of its labour laws, particularly, following unwarranted decontextualised criticism of the welfare in Qatar of its migrant workers after 2010.

The new law which has been implemented and adopted by the government, population as well as organizations of the country is mostly working to protect human rights. For example, articles 14 of the labour law of Qatar prevent hiring minors and women for the jobs which are hazardous and dangerous. The Qatari government strictly prohibits employers

from confiscating the passports of employees. The government has also removed the 2 year requirement for the employees to work with same company. This was one law, which had given too much power to the employers over employees.

Qatar appears keen to protect the rights of workers by protecting their rights regarding exit from the State itself. Before the amendment of the law, the workers did not easily get permission to exit the State and they had to pay recruitment fees. However, the new labour law also seeks to protect their rights by allowing reimbursement of those recruitment charges.

Regarding remuneration, a wage protection system applies which ensures fair treatment in wages paid for work done.

The article 15 of the labour law of Qatar provides for fair payment of wages. All employees need to be paid in Qatari currency on monthly basis without discrimination between expatriates and national employees. This is provided in the relevant legislation. Qatar has decided to improve its immigrant worker policies by 2022 to give protection to the migrants. The government of Qatar reformed its migrant labour law by adding the entitlement of the monthly wage and other promised compensations to the migrant workers in case they are forced to quit the jobs before time without any reason or fault.

The article 15 of the labour law of Qatar provides for fair payment of wages. The employee needs to be paid in Qatari currency and the wages paid on monthly basis without the discrimination between expatriates and national employees. Qatar has decided to improve its immigrant worker policies by 2022 to give protection to the immigrants

The government of Qatar reformed its migrant labour law by adding the entitlement of the monthly wage and other promised compensations to the migrant workers in case their contracts are terminated prematurely before the end of their contracts without any reason or justification. The purpose of the reform of the labour law is to provide employees with

security of tenure, benefits at the end of contract and flexibility to seek employment elsewhere within and outside Qatar.

The hefty fines which were imposed by Kafala system and forced immigrants who were paid minimum wages to continue working for the same employer regardless of bad treatment by employer have been repealed. The change in the law gave somewhat relaxation to the employees. However, there are many immigrant migrants who are not satisfied with the changes because they not guaranteed that the changes will actually improve their positions as employees or not. There are still cases where employees do not know whether they will be able to leave their current jobs or not. Some employees are worried about the payments of the extra hours they have given to their employers and have not been paid

Many employees still complain about late payments. There are many factors which made the government of Qatar consider changes in its labour laws but the main factor which actually promoted the labour protection was the international criticism of human rights violation well as the upcoming event of FIFA 2022 which is expected to improve the economy of the country to a large extent. Qatar won the bid of hosting FIFA in year 2010 which required construction and improvement of infrastructure on a very large scale. This called for extra labour force. The country also needed to improve its reputation in the country. Qatar needed to build 9 state of the art stadiums with the cooling facilities to reduce the impact of summers and airports of the country needed to be improved.

This brought an influx of immigrant labour force in the country with the total number of at least 1.2 million which is comparatively higher than its resident population. The growth in the migrant force in country increased the responsibilities of the government towards protection of labour force and to prevent organizations in trapping the workers for forced labour in low wages. The government understands that they need to work control the issue of

exploitation of the workers if they want to build strong reputation in front of immigrants because a large part of the vision of hosting FIFA is dependent on migrant employees.

The purpose of change of the regulatory framework was to adopt an adequate legal system to protect migrants. There are many recruitment agencies who are charging high fees to get people employed in Qatar. Many employees complained that the recruitment agencies take some amount from their pays as a recruitment fee. The new legal system prohibited all such happening. The main complaints of the workers were the low wage. They were being paid only \$8 to \$11 for nine to eleven hours and the work the immigrants do cannot be considered easy in any way. The labour undertakes physical jobs which are unhealthy and dangerous as well.

The worst thing was these workers were being paid less than \$6.5. Labours also complained about illegal deduction of their payments for no good reason. The legal labour system of the country prohibited companies to put more than 4 employees in one room and it made requirement for comfortable bedding for employees with air conditioning systems and other basic requirements. However many organizations were placing 6 to 8 employees in one room without proper conditioning and high room temperatures. These were the reasons which forced the implementation of reformed labour law.

The organizations were told to form new employee contracts with the additional changes to make sure that the new legal system has been implemented. In the new system, there is no fixed job and employees can change the employer in the end of their contract without getting consent from their current employer. The new system gave more control to employees on their legal documents which were being taken from them in the past. The new system did not take all the rights from the employer. As per article 15 of the labour law those employees who have been hired for training will have to work for the current employer till the end of their contract before switching the job.

The new system of Qatar labour law removed the inequality of women and men wages. The organizations have been told to pay same amount to women whom they are paying to men. Women are being told to offer same promotional opportunities and incentives as are being given to men. The government of Qatar took many actions to protect employees but the most prominent act other than reforming the laws was the formation of the worker welfare forum. The main purpose of this forum was to protect the rights of the workers. In addition to this; the employees are encouraged to take part in the Worker Welfare Forum (WWF) that elects representatives for the protection of the worker's interest.

From the very beginning, the Supreme Committee for Delivery & Legacy (SC) has understood the importance of workers having a voice. Workers' Welfare team regularly visits and interacts with workers. The committee formed workers' welfare forum as a mechanism for raising concerns directly to employers via elected representatives (sc.qa, 2019). The purpose of the welfare forum was to introduce a dedicated grievance hotline to deal with issues that are not resolved elsewhere. The Supreme Committee for Delivery & Legacy (SC)'s vision is the successful delivery of a historic FIFA World Cup in alignment with national plans and with a lasting impact on the country and the world. The SC firmly believes that all workers engaged on its projects, and those of the other infrastructure developers in Qatar, have a right to be treated in a manner that ensures at all times their wellbeing, health, safety, and security. The SC affirms that all contractors and subcontractors engaged in the delivery of its projects will comply with the principles set out in this Charter as well as all relevant Qatari laws (sc.qa, 2018).

These principles will be enshrined in SC's contracts and will be robustly and effectively monitored and enforced by SC for the benefit of all workers. Compliance with this Charter and all relevant Qatari laws will be a prerequisite to the selection and retention by the SC of its contractors and sub-contractors. The aim of the committee is to focus and actively

encourage a world class health and safety culture, comply with SC's required employment standards and all relevant Qatari laws, treat all workers equally and fairly. It also deals with irrespective of their origin, nationality, ethnicity, gender, or religion, to ensure that workers' dignity is protected and preserved throughout their employment and repatriation and to prohibit child labour, forced labour, and human trafficking practices.

The contract between the SC and the Contractor is the part of WW Standards. As per the WW Standards, the purpose of employment contract Contractor and a Worker for the performance of work in the State of Qatar as may be amended from time to time in accordance with the Law. The independent external monitor appointed by the SC under chapter 19 is also a standard approach of WW. The standards of WW prohibits any payment or provision of any gift or hospitality from the Recruitment Agent to any employee or agent of the Contractor; (g) stipulate that only medical clearance certificates provided by Gulf Approved Medical Centres Association (GAMCA) approved medical providers will be accepted (where relevant); and (h) prohibit the use of any unlicensed brokers or sub-agents.

If the Contractor becomes aware that a Recruitment Agent is in breach of any of the terms set out above, the Contractor shall: immediately report the Recruitment Agent to the MOADLSA, CEM and local consulate or embassy accordingly; and if the payment of any Recruitment or Processing Fees by a Worker is discovered by a Contractor, the Contractor shall demand the refund of such money from the Recruitment Agent and reimburse the affected Workers; and terminate its contract with that Recruitment Agent. The SC reserves the right to prohibit the use or continued use of or to direct the Contractor to prohibit the use of any particular Recruitment Agent.

The Contractor shall reimburse a Worker upon receiving substantiating proof of any Recruitment or Processing Fees paid by that Worker to a Recruitment Agent. Substantiating proof may include evidence of a bank transfer by Worker to a Recruitment Agent, a written

receipt for moneys received or loan documentation, which relates to the payment of such moneys being treated as a loan. The WWF will meet at least once per month at the relevant Accommodation Site as determined by the WWO. The WWO shall give prior notice of a meeting to all WWF members referred to in the article and the CEM. The CEM shall be entitled to attend WWF meetings at the CEM's discretion.

The WWO shall take the meeting minutes and shall provide a copy of the minutes to the CEM within seven (7) days from the date of the meeting along with a signed attendance register. Audits by the SC, the Independent Monitor, or the MOADLSA may include inspection of the Contractor's

Construction Site(s), Accommodation Site(s), review of Workers employment records and interviews with Managerial Staff and Workers. If an audit by the SC under article 19.1(b) reveals an actual or suspected breach of Law by a Contractor the SC may, in addition to any contractual remedy it may have against that Contractor, report any such breach of Law to the relevant authority. The Contractor shall cooperate with the SC designated personnel, the Independent Monitor and the MOADLSA and ensure that all places of work, Accommodation Sites, documents, employment records, Managerial Staff and Workers are available as necessary, and expeditiously provide any further information requested. Our standards evolve over time as working practices change.

The committee produced an updated set of standards in 2016, strengthening the requirements based on our experience over the previous two years. This was done in consultation with the business community and numerous civil society groups, including Human Rights Watch, Amnesty International, Building and Wood Workers' International (BWI), Engineers against Poverty, Humanity United and the International Labour Organisation. Towards the end of 2017, the workers for all of our stadiums began the process of voting for their new representatives. A selection of hopeful candidates put their names

forward for the honour of a place on the forum. Whether emboldened by previous experiences or inspired by their colleagues standing for election, workers on all of our projects participated in this democratic process, ensuring that they are heard. When matters are not resolved by our workers' welfare forums, they are escalated to the programme welfare forum. It is also, where matters of particular concern relating to existing or potential employee relations issues can be discussed.

This forum also offers and identifies possible solutions and strategies on unresolved matters relating to non-compliance with our Workers' Welfare Standards, either on construction sites or at accommodation sites. Openness and honesty is the main agenda of WW. They make sure that employees are being treated with fairness and In October 2017, the SC oversaw workers' welfare forum elections at worker accommodation sites in Al Shahaniya and Labour City, and at the Challenger Trading & Contracting accommodation site. Ramu Dishahani, a 49-year-old pipe fitter from Nepal, spoke about his pride at being elected and representing his colleagues currently working on Al Wakrah Stadium.

Beside him was Firdos Islam from India, a 40-year-old also working on Al Wakrah Stadium. From 8:00 AM until 3:00 PM, the workers cast their votes for the men to represent them in the Workers' Welfare Forum. Almost 1,000 people gathered for the results. "I'm very proud," said Ramu when the result came in. "It's important that the committee can talk about any issues it understand them important. I have never experienced this kind of opportunity at previous jobs." The success of this democratic process demonstrated that workers believe colleagues who care will deal with the issues they face. It also highlights their trust that the workers' welfare forums elevate issues of importance that are ultimately dealt with by the contractor and the SC.

The Supreme Committee for Delivery and Legacy (SC) has made great achievements in the area of workers' welfare as almost 17,000 workers are currently engaged on project

sites of the 2022 FIFA World Cup. The workers are all helping to bring the World Cup to life and it is the duty of SC and its Workers' Welfare Department (WWD) to ensure their health, safety and general wellbeing are all protected during their time on the programme. The past 12 months have seen a huge focus on outreach and innovation to contribute to achieving this goal. The first half of the year also demonstrated SC's commitment to transparency, as it continued to work with Building and Wood Workers' International (BWI) and the external monitor Impact Ltd. The work with BWI saw six inspections take place during 2017 at Al Wakrah Stadium, Al Bayt Stadium-Al Khor City, Al Rayyan Stadium, Qatar Foundation Stadium, and multiple accommodation sites.

The developing partnership with BWI, through the joint working group made up of both SC and BWI representatives identified a series of health and safety issues that SC was able to address and enhance. Throughout the process, BWI's team of experts offered feedback in a number of areas, including suggestions to strengthen grievance mechanisms and to enhance occupational health and safety. All suggestions will be addressed, and training of worker representatives will take place as the cooperation agreement with BWI continues for a second year in 2018.

SC released its own progress report in June, which gave its perspective on the successes and challenges of the previous year. 2018 will see the publication of these reports again, in addition to an annual report by the BWI joint working group. In terms of outreach, one of the key initiatives launched by SC in 2017 was the nutrition program with Weill Cornell Medicine-Qatar.

Qatar has also signed a contract with the UN and the charitable firms, which are working for the benefit of the workers. The country provided financial aid to many UN organisations and the total amount of the aid was \$500 million. The main purpose of the partnership is to deal with the refugees of Yemen and give them the required support. Being a

partner of the UN, it has become important for Qatar to take action on complaints of workers. to enforce the country's legal protection for the migrants. These labours laws are protecting the rights of the migrants. However, the rights of the Qatar nationals should also be considered by Qatar. The labour law is given below in detail with other human rights law for human trafficking, women and children.

Qatar also signed a contract with UN agency to enforce the country's legal protection for the migrants. Qatar charity signed a deal with IOM worth Qatar Riyal 3million cooperation agreement. The purpose of the deal was to provide the protection to the immigrant employees working in Bosnia and Herzegovina. Both charities selected mutual fund to protect the immigrant workers and to be used to take protection precautions for employees. The main focus of this agreement was to work on the accommodations for immigrants which are their basic needs. For start this agreement will work to protect 1500 immigrants from Asia and Africa and they will enhance their borders with time. Qatar signed a technical cooperation agreement with ILO for the protection of its employees.

The main purpose of this agreement is to evaluate whether the reformed laws have been implemented or not. The government of Qatar has decided minimum wages for workers with fairness for immigrant as well as domestic workers and have set workers support funds and insurance funds. The purpose of the agreement was to determine whether employees are benefiting from these facilities or not. These labour laws are protecting the rights of the migrants. In the agreement, ILO and Qatari government have mutually agreed on 5 areas which need to be worked upon to ensure the protection of employees. These are wage protection, labour inspection and occupational health and safety, employment contracts, forced labour and worker voice.

There are many organisations of UN with which the Qatari government has signed the partnerships. The total value of these partnerships was 28 Million USD. This partnership was signed with different organizations 7 of which were UN agencies and the agreements which were signed were United Nations High Commissioner for Refugees (UNHCR), World Food Program (WFP), International Organization for Migration (IOM), Food and Agriculture Organization (FAO), United Nations Children's Fund (UNICEF), United Nations Office for the coordination of Humanitarian Affairs (OCHA), United Nations Development Program (UNDP), United Nations Relief and Work Agency (URWA). There are also the fields of cooperation agreements signed to focus on the relief and the rehabilitation of migrants. The purpose of this agreement was to provide basic facilities to immigrants. A deal was signed between QC and United Nations for actions Relief and Work Agency (UNRWA).

Two agreements were signed with the total value of 2 million USD. The country provided financial aid to many UN organizations and total amount of the aid was \$500 million. The main purpose of the partnership is to deal with the refugees of Yemen and give them the required support. Being partner of UN, it has become important for Qatar to take action on complaints of workers. However, the rights of the Qatar nationals should also be considered. The labour law is given below in detail with other human rights law for human trafficking, women and children.

The complexity of THB (trafficking in human being) which is influenced by a variety of factors ranging from migration opportunities and needs to labour market dynamics, poverty, and cultural diversity, requires a coordinated and integrated approach to address it effectively. The combating of THB is included in many international conventions; both those specifically set up for this aim total 13 as well as in the more general human rights conventions.

Human rights which have been implemented worldwide but all are not followed by the Qatar government because some of them are not accepted in Islam. Such as, freedom of speech is not completely provided because Qataris cannot say anything about religion. Some of the practices are common in the world but, banned in Qatar because they are not permitted in Islam. On the other hand, the Qatar laws are developed under the light of Islam therefore they are facing criticism from the world. Media cannot raise any point regarding the government and political system otherwise they can face consequences.

The government of Qatar is as much responsible for following the human right laws because of being a member state of the United Nations. But there are some very specific human right laws which are being followed by the government of Qatar. Laws relating to equality of gender have not been implemented in Qatar. The tourists who visit Qatar are subjected to all the human right laws (how, 2018). Even when foreigners travel to Qatar, they are prohibited from consuming alcohol as it is part of the Law. Consequently, the government has come under severe condemnation sometimes. For migrants in Qatar, Kafala body has been developed and manages the rights of migrants and ensuring that all their rights have been fulfilled.

When cases have been raised relating to human rights by migrants it has been managed by Kafala management and justice provided to them (Kumar, 2018).

4.11 Qatari National Human Rights Committee

The formation of the Qatari National Human Rights Committee is necessary to be considered in light of the reform policy that is comprised of constitutional, social, economic, cultural, political and educational reforms (Pegram, 2015:611). The comprehensive reforms gave huge importance to the protection and promotion of the

human rights, therefore the establishment of Qatari National Human Rights Committee in 2002 has been an important part of the national comprehensive reforms policy.

Moreover, the establishment of Qatari National Human Rights Committee has engraved new ways for more development at the institutional and legislative levels; it will also be helpful in strengthening the infrastructure of human rights within the country (Haász, 2013: 170). The National Human Rights Committee stated that the state of Qatar is facing unjust treatment and this is harming the peace and security of the nation of Qatar. The Qatari nation is unable to enjoy their rights of being part of the GCC council. The unjust treatment of Qatar is also a violation of the human right instruments (Gulf Times, 2018).

The National Human Rights Committee deals with all the governmental and non-governmental bodies of the state to make sure that the nation is able to enjoy their basic rights. The article 11 of the National Human Rights Committee states that it is important for all the government bodies, ministries, authorities, and public organisations to cooperate with NHRC and provide appropriate information based on facts so that the committee can perform and fulfil its responsibilities (Gulf Times, 2017).

The National Human Rights Committee also handles the Security Council and makes appropriate steps to make the legislation as per international law. The National Human Rights Committee is working very strongly to remove the blockade from the citizens of the country. The National Human Rights Committee also deal with cases in which media has done inappropriate reporting.

4.12 The law establishing Qatar National Human Rights Committee

The Qatari National Human Rights Committee was established in 2002 with reference to Amiri Decree Law No. 38 which was helpful in providing the objectives and role of the

committee. In relation to the Paris Principles, the Qatari National Human Rights Committee was established as a permanent body with a distinct legal personality and also with a specific budget. The Qatari National Human Rights Committee under Article 2 Law No. 38 has various objectives that include the following:

- To work for achieving the objective related to international conventions and treaties on the human rights
- Provide guidance to the concerned bodies which are associated with human rights and freedoms
- Investigate any sort of defilement of human rights and freedom and in case there is any violation then provide suitable means for dealing with the identified violation
- Analyse and monitor the reports generated by NGOs and international organisations related to the human rights situations within the country
- Collaborate with the regional and international organisations and committees that are working for human rights and freedoms.

4.13 Human trafficking

This section of the chapter examines the risk of human trafficking and Qatar's reliance on migrant labour for its economic and developmental sustenance. Human trafficking includes transferring, transporting, smuggling or recruiting persons through threats, abduction, fraud, and coercion or through abuse of power.

There are three constituent elements in human trafficking named as the act which includes receiving of individuals, transportations, and transfer of persons, the means includes how it is done. And the last element is the purpose, which includes, prostitution, sexual exploitation, for slavery and for other kinds of exploitations (Unodc.org, 2019). There are many migrants both male and female who move to the country to seek better employment.

Which is not bad to some extent, but it increases the rate of human trafficking. There are number of men, women, and children who are being kidnapped or purchased from their home countries and are being transported to Qatar to be used for commercial sexual exploitation, forced labour or domestic work (Ryan, 2017).

There were many people who were forced to sign contracts which were not as per the law. Many employers were withholding the pays of the migrants so that they cannot leave the job or go back to their home countries. There were many unfavorable things happening to the humans who were transported illegally to Qatar including arbitrary detention, physical, mental, sexual abuse (State.gov, 2018). For this, Qatar is the second highest ratio of human trafficking. The personnel that are employed as domestic servants in Qatar are specifically susceptible to trafficking because of the fact that they are not covered under the labour law provisions.

The government of Qatar appears daunted by the challenge to meet the minimum standards of reducing human trafficking. However, the government has taken many measures to address this major issue. The government has been successful in dealing with the issue of human trafficking. There are anti-human trafficking laws, which were implemented in 2011. The anti-human trafficking laws prevent all form of sex and labour trafficking.

There are several steps, which the government of Qatar has not investigated like labour violations, passport retention and also complaints of abuse (U.S. Department of State, 2017). In the year 2017, the agencies of Qatar reported more than 1200 violation reports and more than 3500 warnings which show that's the condition of law and order in Qatar with migrants has not been its best. In the view of Calandruccio (2005: 270), human trafficking issue has been considered by the government of Qatar. Any person who will be involved in human trafficking will face 15 years in prison and fine of Qatar Riyals (QR) 300,000 (\$

82,368) which is part of new anti-human trafficking law. The law is also implemented on following issues that include forced labour, sexual exploitation, forcing women into prostitution, child abuse (using children for pornographic or forcing them to beg), kidnapping and taking someone to Qatar for slaving.

If the management of a company is involved in any kind of trafficking or exploitation of human right, they will face five years in jail and will pay a fine of \$ 54,912 (QR 200,000). Further, licenses of the firm will be cancelled for two years or more than that depending on the nature of business. The property, car or cash from any source which is part of human trafficking, employer will be accountable and will be treated as confiscated under the law. The legislation is also implemented on the people who take out the organs of others forcefully. However, if a husband is abusing his wife physically and exploiting her, he will face consequences. The government is also coordinating with foreign affairs ministry if any Qatari national is involved in human trafficking issues (Gardner et al, 2013: 4

Further, it has been mentioned by World Health Organization (2016: 11), the legal framework has been developed and also laws are available on human trafficking but, the issue has been raised that ministries are not taking any strict decision to implement laws. The other nations are taking initiatives to overcome modern slavery, child labour, and human trafficking crime. Recently, two days conference has been organized by INTERPOL in Qatar in collaboration with the National Committee and Ministry of Interior for Combating issues of human trafficking. Moreover, the ministry of Qatar is a supporter and donor to the United Nations Trust Fund for Victims of Human Trafficking. The Qatar vision 2030 is based on the strategy and aim to design infrastructure that is human trafficking free and protect human rights. Also, the draft has been designed by the Al Henzab to combat human trafficking till 2022.

On the other hand, it has been highlighted by Gardner *et al* (2013: 7), Qatar team visited the U.S to learn ways to resolve the issue of human trafficking, they attended 10-day international visitor leadership program (IVLP). The activities were designed to end human trafficking and information has been shared with participants. However, human trafficking can be eliminated through activism, engagement, public awareness promotion and prosecution. The participants also got awareness regarding the programs and law enforcement who work on human trafficking cases, and civil societies that work to create awareness among citizens. The Qatar ministry also understand how to manage database, identify and protect victims from trafficking and empower citizen so they can inform authorities and raise voice against the incidents which they observe.

As per World Health Organization (2016: 73), the migrants are also facing violation and their rights are not secure because the Kafala system is weak. Migrants are not secure in Qatar because they are facing abuse at work premises. However, forced labour is also part of human trafficking as per Article. 322, a person working without salary forcefully is part of slavery. Trafficking has been considered as criminal activity and for that, law no 15 have been implemented. It is designed to combat human trafficking. The law concluded that a person who is responsible for human trafficking face maximum of 7 years jail and is liable to pay a fine of around 250,000 Qatar Riyals and in aggravating circumstances resultant into 15-year imprisonment and around 300,000 Qatar Riyals fine. The person can face 15-year prison in the following situations which include.

- The victim is a female, child, or disable.
- The victim faces a permanent disability because of human trafficking or die.
- The victim gets a threat of death and abused physically. Also, the act includes mental torture or a person carries a weapon.

- The criminal activity has been organized by a criminal group.

In the view of Rutledge *et al* (2011: 185), to overcome the situation of human trafficking Article 99 has been designed which relates to the obligations on employers. The article includes workplace health, work-related hazard, and safety of employees. Also, management has obligations to provide complete information to employees regarding workplace hazards, accidents, and diseases which they can face. Moreover, management needs to take necessary measurements and ensure that they have medical assistance and security measure has been taken. If the employer does not follow Article 99 they can face consequences of Article 144 and 145. Article 144 concludes a person violates Article 99 shall be accountable and have to pay fine of 2000 to 5000 Qatari Riyals.

Article 105 contributes that employer is responsible for periodic medical check-up of worker and provide them vaccination facility if they are working in an environment from which they are likely to get infections. Article 104, first aid box must be available at the workplace for every 25 people. Article 103, employer should make sure proper ventilation at the workplace, proper lights, and drinking water are available for employees. If article 105, 104 and 103 are not implemented, the employer will face consequences of article 145 which include imprisonment for up to one month and a fine between 2000 and 6000 QR.

All these articles and law has been designing by the Qatar government and ministries to overcome human trafficking issues. It is mostly faced by people who are performing labour activities or migrants. Article 65, secure wage right of employees, the wage of the worker must be mention in the contract and if it is not specified the person get wage equivalent to a similar type of work. It has been developed as there is a law that if a person is working without his own will and with no pay considers as a crime and it is part of human trafficking.

In the view of Ghosheh (2013, 28), articles are available regarding a working hour. The article 73 and 74 concludes that if a person is working fulltime he is required to work 48 hours per week for 6 days. In Ramadan, labour will work 36 hours, 6 hours per day. The labour can work maximum 10 hours a day and extra two hours will be considered as overtime and for that, he gets extra pay. If a violation has been done by the employer, the person is legally responsible to pay fine around 2000 to 5000 QR. However, working allegations are different for the construction sector.

As per Article 10, the right has been provided to the employees that they can file labour suit and get exempted from judicial fees. The obstacles which labour face are lack of knowledge of their rights and also they are afraid to file a case against the employer. However, it has been highlighted in Amnesty International report 2013 employees are not filling case because of 600-riyal fees as they do not have knowledge about article 10.

Human trafficking is also known as modern slavery in the current era and it is part of the crime and it has impacted around 25 million victims globally. Combating human trafficking becomes a global trend and various countries are taking initiatives for it. Qatar expanded protection for the domestic workers and enacted laws for minimum wage. On the other hand, to combat human trafficking campaign-related awareness also took place and voices have been raised against abusive recruitment fees. In the past few years, there has been seriousness from the side of authorities regarding human trafficking and challenges decisions have been taken. The US and Qatar both are working together on project US-Qatar Anti-Trafficking both signed Memorandum of Understanding (MOU). Numerous workshops have been conducted by the government to drive innovative solutions and method to resolve the human trafficking. Training has been provided to the member and authorities think collaborative action might help them to defeat the crime of human trafficking.

Initiatives have been taken by the government of Qatar at the national level; reports have been collected by authorities from primary sources. Also, TIP (Trafficking in Persons Report) highlights the importance of the safety of locals. On the other hand, location is being highlighted as hot spots where human trafficking activities have occurred and may be repeated and issues have been mentioned by the government to key partners which include Msheirib Museums, National Human Rights Committee, local charities and Qatar Foundation for Social Work. The awareness has been created among NGOs and multiple labour unions regarding their rights

Qatari authorities are also taking actions to improve the working condition in the construction sector. If a person's life is at risks working in the construction sector, then it is considered as human trafficking and effectively a crime. Experts of the industry are working on construction sites and taking initiatives for safety measures. It has been established from past investigations that a number of employees died at the workplace because of unsafe working conditions.

It is a fact that the country is trying very hard to reduce the issue of human trafficking. There were at least 100 cases of forced labour, which was reported in the year 2017 which made the country to make new legislation to protect humans from forced labour, especially domestic labour. Substantial progress was made towards implementing the electronic contracting system and new labour dispute panels designed to greatly accelerate the resolution of labour dispute cases. The human right law against human trafficking in Qatar is divided into three parts; prosecution, protection, and prevention.

4.14 Women

Human rights of women in Qatar have not been considered on very much, although it is now being observed by the government of Qatar that it is a high time to protect the rights of women as per the international and regional obligations. The main aspect on which the human right departments of Qatar are focused on is removing the discrimination of gender. It is a fact that most of the activities are according to the sharia law but still many acts have changed. Women still lack the equal rights to inheritance or men have the right on their children even if the custody has been given to women, but men are not allowed to physically hurt their women in any way. The article 57 of family law states that no person has the power to hurt women no matter what the relationship between the men and women.

Women have equal rights in public duties. Qatar also promotes the education of girls. In fact, it was the first country to promote education for girls in all gulf countries. Qatar's Law No. 36 remains the same, which stated that women need a male guardian to sign for a valid marriage contract. Qatar was also the first Gulf country, which gave women the right to vote.

Qatar laws on human rights and migrants have made specific legislations to give protection to the women migrants who are working in Qatar. It can be said that unlike some labouring countries women in Qatar have almost equal rights as men. It cannot be said that there is no gender discrimination in Qatar, but it is marginally less than other Gulf countries.

In Qatar, women of all level of socialites are being educated and have the right to work professionally in Qatar (Garcell and Ramirez, 2014; 73). Even the non-Qatari women are not being forced to wear abaya in the country or cover their faces when they are outside of their houses.

Qatari women have become more and more successful in every part of life and they are getting higher education and specializing in many fields. Qatari women got position in politics as well in 1997 and after that, other Gulf countries followed them as well. The Qatari Businesswomen Forum was established. Within the Qatar Chamber of Commerce, it is a body that aims to create a favourable environment for women to contribute effectively in the development of projects and enhance their role in economic decision-making for the betterment of the Qatari economy and its society. Departments who are working for the human rights globally are now concerned about the human rights of the individuals with disabilities

A movement has been started to protect the human rights of the disabled and one of the fundamental elements of this movement is to make sure to give disable humans the right to call for help whenever they need it. The movement also focused to provide disable humans with the right to be part of their families, Societies, and activities. The convention of Rights of Persons with Disabilities was made by the united nation in 2006 to support the movement and Qatar became the signatory of this convention in 2007.

The purpose of this convention was to ensure the protection of dignity of persons with disabilities. It is not easy for any persons with disabilities integrate in the society. To move but it's even more challenging for women to do the same. Even disable women deal with discrimination from disabled men. Women with disabilities are referred to as sick, helpless, childlike, dependent, incompetent and asexual. These women also face discrimination and disadvantage in their educational and professional lives. In many countries, disabled women are even prevented from gaining their reproductive rights. The state of Qatar has given special attention and care to disabled women, but these women are still facing difficulties (Araújo Dawson 2009:101).

There are only 8% of women with the disabilities who are getting employment opportunities as compare to the 24% of disabling men. The disable girls do not enjoy their right to education. Qatar is a few of those countries, which are working to provide healthcare services and education to the disable students. Qatari law prevents any kind of discrimination between disabled men and women.

The law has fixed 2% of the government jobs for both men and women (Avilés, *et al*, 2017: 9). As per the law of Qatar, disable women has the right to give birth to children if they want to and no one can force otherwise (Ohchr, 2015: 15). Doctors are prohibited from performing any consensual abortion if pregnancy is not life-threatening for the women. The disable women in Qatar even get extra maternity leaves. There is a living allowance fixed for disabling men and women as well (Stein, 2017:33). The Qatar state give the right to the disable women to get married but in case of mental disability, consent of a family member is required. Hamad Medical Centre provides free medical services to disabled women and girls.

4.15 Children and migrant labour force

There are many issues which children are facing in Qatar especially those who are migrants. Most of the children population of Qatar is from Southern Asia and the Middle East so they are being targeted for racism and such violence. Child marriage is one more issue which is being faced by children in Qatar. Even the sharia law does not promote racism and as per the sharia law, every human being is equal and has equal rights.

Qatar prohibits hurting children physically in schools and the legal age of marriage for girls is 16 and for men, it is 18 (Humanism, 2018). In addition to this, Qatar has a major goal for the protection of rights as Qatar national vision 2030 supports to upgrade the child's protection. Qatar is contributing to secure the rights of the children by providing the social awareness program because it requires the contribution of all the sectors of the society.

Children's rights are being protected by the Qatar Foundation for social work (QFSW) as they protect the children from the right of physical integrity, education, and identity without facing any discrimination. It also includes the right of those children who are orphans or disabled. Qatar is showing concern on the children's rights that includes child labour, abuse, child marriages, and encourages their rights by supporting the right to education and justice for them.

Together these institutions have successfully solved many collective and individual labour disputes, human rights abuses and trafficking in persons. In addition, in 2005 the government opened a shelter for trafficking victims to serve the needs of abused domestic workers, other labourers, and children. Although these initiatives demonstrate Qatar's interest in addressing migrant labour issues, both the Qatar Labour Law and government programs and institutions need more development to fully protect the rights of these workers.

Amnesty alleges that at least 78 employees from Nepal, India and the Philippines had not been paid since February 2016 and were owed an average of \$2,000 (1,700 euros) -- for some the equivalent of several months' wages (Pattisson, 2016). In some cases this had "ruined lives", said Amnesty, which urged the Doha government to pay the workers, some of whom took out huge loans to secure a job in the super-wealthy Gulf state. One worker, Ernesto, a piping foreman from the Philippines, told Amnesty he was in greater debt after working in Qatar for two years than before he arrived in the country.

Other labourers from Nepal said they had to take their children out of school or sell land to cover debts incurred by working in Qatar. "By ensuring they get the wages which they are owed, Qatar can help these migrant workers to rebuild their lives," said Steve Cockburn, Amnesty's director of global issues. It claimed Mercury MENA "took advantage" of Qatar's "Kafala" system, which prevents workers from changing jobs or leaving the country without

the permission of bosses. Unpaid workers eventually allowed to leave Qatar only did so at their own cost, said Amnesty.

The violation of the rights of migrants is impacting their children as well. The children of migrants of Qatar are unable to get an education because of bad financial conditions and that is because the guardians working in Qatar are not being paid. Even those children who are living in Qatar are unable to get an education because of being part of domestic work. In April, the International Labour Organisation opened an office in Doha, part of an agreement under which the United Nations agency will oversee wholesale labour reform in the emirate. There are some two million foreign workers in Qatar, many employed directly or indirectly on vast World Cup infrastructure projects (Sabrina Toppa, 2018).

This was to make sure that the children of migrants get what they deserve. Qatar passed a law on permanent residency that would be available for the first time to children of Qatari women married to non-Qatari men. The permanent residency allows qualified children to receive government health and educational services, to invest in the economy, and own real estate. However, the law falls short of granting women equal rights to men in conferring nationality to their children and spouses. However, the children of migrants are not subjected to the facilities, which are being given to Qatari children.

Up to 92,220 Indian expatriates (17 percent of this national group), are also classified as dependents, which means that this very large community has a diversity of skill levels and occupation profiles, estimates, author's calculations. Sources: Asian countries: Qatar National Human Rights Committee (NHRC) estimates as of September 30, 2013, published in Al-Raya newspaper, October 1, 2013 Arab countries: Qatar Ministry of Labour data for August 2013, author's calculations on the basis of the percentage and total figures of Arab labour force and population obtained from Qatar's Ministry of Labour by Zahra Babar and published in: Zahra Babar, "Working for the Neighbours: Arab Migrants in Qatar," in Arab Migrant

Communities in the GCC ed. By Zahra Babar (Doha: CIRS, Georgetown University, and London: Hurst and Co, 2017), pp. 19-38.

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Moreover, the likelihood of some non-nationals in the highly-skilled and upper-income brackets settling, at least for some time, with their family in Qatar is first confirmed by the proportional increase in female expatriates classified as “house makers,” a category of the inactive foreign population. Indeed, this can be taken as a proxy to assess the relative share of foreign households within all families (Qatari and non-Qatari) residing in the country, hence roughly indicating the scale of family reunification.

For twenty years, 51 percent indeed, foreign housewives accounted steadily for half of the total; yet their share increased throughout the 2000s to finally reach 76 percent of all housewives in 2015. Among these, most were Arabs (58 percent). The increase in the number of non-Qatari school students since 2003 also confirms this growing trend towards family reunification. As compared to Qatari pupils’ population, the “other nationalities” (Asians as well as Westerners) gained in number and in relative share, while the Arab students also increased in number but remained steady at 30 percent of the total during the decade.

It is interesting to note that as early as 2003-2004, before the hike in the recruitment of foreign labourers, all foreign school students were already outnumbering Qatari students: the latter made up 48 per cent of the total. In 2015-2016, Qataris’ share among school students had fallen to a third. To protect children and migrants the government is reforming the law. The influx of temporary migrant labour into Qatar began in the late 1960s. Even though “Qatarisation” [3] has sought to replace foreigners with trained and educated Qatari citizens, it has only minimally impacted the overall workforce in Qatar because of the exponential expansion of labour needs throughout the region.

With increasing international and regional ambitions, rising state revenues have led to labour intensive development plans for the country, which have resulted in a steady dependence on inexpensive foreign labour. In addition, broader strategic development plans for knowledge creation require a range of skilled and highly skilled foreign workers to populate jobs in higher education, scientific institutions, and the Information, Communication, and Technology (ICT) sector.

Against the backdrop of criticism of its handling of migrant workers engaged in FIFA related construction projects, Qatar has introduced a number of measures aimed at accommodating migrants. Ferrying Qataris safely to and from their destinations has come at a high price for drivers such as Faith, who are not only separated from their own children, but remain subject to myriad legal and contractual restrictions that curtail their ability to visit their families. The launch in April 2013 of The Qatar Foundation Mandatory Standards for Worker Welfare for Contractors and Sub-Contractors introduced comprehensive ethical and legal standards for labour recruitment, accommodation, transport, health and safety, and contracts.

Soon thereafter, the Qatar 2022 Supreme Committee adopted the Workers Charter. Since then, Qatar has built on these initiatives. There are charity schools being made for migrant children in Qatar. Qatar gives its priority to the rights of children because it will lead to the development of the country. Qatar protects children from violence and promotes them to have access to the health services. The human rights for children in Qatar concern the violence on children that happens in the schools and home. Qatar has ended the early marriages of children and they have also protected the rights of the children of the migrant workers as they get discriminated in the country.

4.16 Qatar's international human rights undertakings

To protect human rights Qatar has strategically updated many of its domestic laws. To promote the international system and justice, these laws are implemented. Also, one more purpose to update the law is that Qatar wants to achieve vision 2030. Following are the laws which are also followed on an international level are implemented in Qatar (United Nations and the Rule of Law, 2018).

4.16.1 Article 1

All human beings will be treated equally in rights and dignity as they are born free. They are capable and have the ability as well as they will follow ethics. Also, they should act with the spirit of brotherhood towards one another (Office of the United Nations high Commissioner for Human Rights, 2006).

4.16.2 Reason for Article 1

This law is implemented to empower the individual of Qatar and let them believe that individual will be treated equally. Individual, entities, institutions, and the state itself are answerable if this law is broken or individual does not get its complete right. The person who breaks this law is accountable for it and legal forces will take action against it.

4.16.3 Article 6

The parties of the state that are part of jurisdiction have a responsibility to effectively protect the citizen, and also save people who do not have a nationality, from the act of racism, discrimination, and violation of human rights. Also, the fundamental of freedom provided to them, decisions should be taken for them and the right should be provided to each individual.

Further, the parties are also responsible to satisfy them and make sure that they are not suffered from any damage because of discrimination.

4.16.4 Reason for Article 6

Qatar is following the laws to provide equality to both genders, as it is seen in the past years that Qatar is a male dominating society. The law is implemented to treat everyone with equality. The laws become part of the country system because through this everyone in society and groups will be treated fairly and the needs of children and women will be fulfilled. The non-government and government institutes should follow this law as it is forcefully implemented in the country.

4.16.5 Article 16

1. The age does not matter of men and women, without any limitations of nationality, race or religion each individual have the right to marriage and found family. In marriage life, equal rights will be provided to both husband and wife including dissolution of marriage.
2. Marriage shall be registered if spouses are entered in it with free of concern
3. The family will be protected by society and the state.

4.16.6 Article 17

1. The property can be owned by the individual alone as well as in association with the other owners.
2. No one has the right to take his or her property.

4.16.7 Reason for Article 16 & 17

For the national development and sustainable development of the country, these laws are implemented by the Qatar government. Through this everyone treated equally and can perform an action according to his or her choice. Also, this law is interlinked with the vision 2030, the purpose of revising law is the development of the country, an individual can live freely.

4.16.8 Article 7

All parties of state adopt the law immediately and measure the discrimination problems which are highlighted in teaching, culture, education, and another field because of prejudices. Also, to avoid discrimination, awareness will be promoted related to the tolerance, friendship among the nation, ethical groups and principal of charter of UN (United Nation) which declare the Universal Human right to eliminate the all type of Racial Discrimination from the world (United Nation Human Rights Office of the high commissioner, 2014).

4.16.9 Reason for Article 7

The law is implemented by the country for further development of human rights. Also, national development strategies which are followed from 2011 to 2016 have a high priority for the development of national programs to empower human and protect their rights. This right is considered by the government to cover social and economic aspects. The vision 2030 is focused on the following factors that include.

- Economic development
- Social development
- Environmental development
- Human development

To establish a relationship at an international level, these laws are developed at the state and regional level. Also, through this right women and children will be protected in the context of education and health. The rights will help Qatar to achieve success as it is implemented for the long-term and it also guarantees the dignity of future and current generation.

4.16.10 Article 2

Everyone exercises this right without any kind of distinction such as as color, race, sex, religion, politics, race, origin, society, property, nationality or birth status, and origin. Further, no discrimination will be tolerated on the basis of international status, jurisdictional, territory, status of the country, where a person belongs, trust and on any other sovereignty limitations.

4.16.11 Article 3

Everyone has the right to live their life with liberty and security will be also provided.

4.16.12 Article 4

Every committee and state party will take initiative to amend its policies. The procedures should be followed, and efforts should be made by the parties to ensure human rights in their practices.

- The decision of council minister of 14th March 2018 is based on the international convent on political and civil rights and the international convent is based on the cultural, economic, and social rights.
- In 2017, to make sure all rights are implemented in the country the National Committee is combating human trafficking.

- The development of the national strategy 2011-2016 and another strategy which is developed from 2017 to 2022, is focused on human right issues which are related to the health, education, environment, migrants worker, children right and women empowerment.
-

4.16.13 Article 5

The Committee which is developed for the protection of Human Right appreciates the effort of state parties as they are standing and maintaining standards of human right. The experts are taking out an independent report on the visit and country reports are also formed and the update is provided to the management.

4.16.13.1 Reason

The above laws are developed for the protection of the Human Right and the fulfillment of the vision. Through this discrimination and racism will be eliminated from the country and equal opportunity will be provided to the individual. The legal system work in a systematic manner and also, the parties will work for the benefit of the country. Through this education right will be provided to the women and innovation can be promoted because of freedom. Further, a new generation will be open up for other opinions and accept them without any problem and able to learn from each other.

4.16.14 Article 11

1. If criminal activity is performed by any citizen and it is not yet proven the person cannot be penalised of penal offense until they proved that he is guilty under the light of public law. The person has right to take stand for his own self and can do defense.

2. The penalty can be imposed but under the light of the law, the penal office cannot charge the heavy penalty of their choice.

4.16.15 Article 12

No one can interfere randomly enter in the privacy of person, entity, home, family or any other corresponding. Also, no one shall attack the personal reputation or honor. Each individual has the right to protection in the country as the law is implemented on the safety of an individual.

4.16.16 Article 13

1. Each individual can move within the border and can move to any state and live there with freedom.
2. The individual can also leave the country and can come back whenever he wants.

4.16.16.1 Reason

The above law is developed to protect the right of defense of person, as through this individual can get right of defense. And if he is not proven guilty that person can live with dignity and honor. The person will be treated equally and all right of the citizen will be provided to him, if a person is proven guilty then he will get punishment or penalty under the light of the law. Through this person will feel safe and can manage their daily life operation in an effective manner. Also, through this citizen of Qatar will not migrate to other countries and the economy of the country will grow.

Another legal provision to flag is the freedom of movement without hindrance and live freely (International Justice Resource Centre, 2018).

4.16.17 Article 21

1. The right is provided to everyone that they can take part in the government of his country through his representative or directly freely.
2. Everyone can take part in public service in his country.
3. The equivalent right of voting will be provided to the individual citizen of the country and the genuine election will be conducted for the selection of the government.

4.16.18 Article 22

Social security right is provided to everyone in society and so is the right to realisation. It is implemented by the effort of international and national cooperation and in agreement with the entity and state resources, economic, cultural and social right essential for the dignity of the person and free development of person personality.

4.16.18.1 Reason

4.16.19 Article 23

1. In Article 23, everyone can do work of their choice and can work in a working environment where a person feels comfortable. Also, if an entity fires them so they can take action against it.
2. The individual will receive equal pay of equal work in the organisation.
3. The right of joining a trade union for his protection and interest is provided to a citizen of Qatar.

4.16.20 Article 24

The right is provided to everyone to take rest in leisure time and get a yearly holiday with pay. Also, the person will get reasonably limited work in working hours.

4.16.20.1 Reason

To provide comfort to the citizen of Qatar in their work life the government took this initiative. Further, employment right is provided to the citizen and they can work in a working environment in which they feel comfortable as through this worker's productivity will increase and they will be able to perform well. This will directly impact the growth of the specific organisation and indirectly to the country. Further, the right of holiday and limited working condition is also given to the employee so they can keep balance in work life and personal life.

4.16.21 Article 27

1. An individual has the right to live freely and can take part in cultural and community activity, to enjoy their life and art. Also, they can part in scientific development and take benefit of it.
2. The moral and material interest protection is provided to the individual also it includes literary, scientific or artistic production of the author.

4.16.22 Article 29

1. The individual has duties toward the development of the community.
2. The right of freedom shall be provided to him and law should be followed by the person to meet the requirement of morality, general welfare, and public order in a democratic society.
3. The right which is provided under the freedom should be according to the law which is provided at international law and approved by Qatar government if it is not similar to that then decision will be taken by the government.

4.16.23 Rationale

Law has been made for the protection of humans and it is the ethical responsibility of every person to follow these laws. Government and authorities are not exempted from following the laws and are subject to the same punishment as every common individual for breaking laws. Law has been implemented to maintain peace and justice in the world and to protect humans on all grounds (United Nations Human Rights Office of the High Commissioner for Human Rights, 2018).

4.17 Education and human rights in Qatar

When it comes to the law of education in Qatar, the implementation of human rights legislation has caused many rectifications in the conventions of education. These rectifications occurred in 1995 for the first time. The ministry of the state made it a requirement for the children to know about their human rights. The ministry of state mentioned that children should know about their rights and freedom, which has been given to them by the United Nations Universal Declaration of Human Rights.

Qatar's constitution states that education is one of the most important pillars of the development of society (Ohchr, 2019). The state of Qatar is making many changes to make education compulsory for children. The His Highness Sheikh Hamad took the actual decision for compulsory education for Qatari children in the year 2001. Bin Khalifa, the Emir of the State and it was the decision no 25. The modification of this decision occurred in 2003 and the department established a pre-school education department.

In 2004, the government made a Supreme Committee to disseminate in the schools including principals. The main purpose of this committee was to enhance the value of education and to make sure that quality education is being provided to the students. The human rights convention and the state agree to educate the nation about their right of being a

citizen and the right to participate in the politics of the country. There is no differentiation in the legislation of Qatar about discrimination of men and women education.

To make sure that every child can access the right to gain an education, the ministry of state has started establishing schools throughout the country. Pre-school has become a part of the education system. There are now Kindergartens, which are owned by the government of the state. The state had added three new levels in the education system of Qatar. From the year 2001 to 2002, 113,188 students got registered in the state, 49% of who were girls and 51% boys (Ministry of Education, 2019).

The Qatari state is trying hard to make parents part of the education of their children and for that, the state has established a Parent's Council. The council makes sure that schools hold parents teachers meetings where parents can learn about the education of their children. The Ministry forbids any form of physical or verbal punishment. The Ministry also asserts the need for teachers to use proper, gentle language and treatment inside and outside the classroom.

The textbooks, which are being used in the schools of Qatar, teach about Political and Civil Rights, Economic, Social, and Cultural Rights, Rights to Social Security Systems within the State, Rights relating to children, women, the elderly, and the people with disabilities. The educational rights of the students of Qatar are known as a national priority and to improve the education system, the Qatar government has become a part of the World Programme for Human Rights education planned by The UN General Assembly Resolution A/59/113 of 10 December 2004.

4.18 The human right of Qatar and freedom of expression

Qatar is part of the GCC countries. All GCC countries should work systematically to support each other's developmental efforts. Qatar faced the crisis and issues because of

freedom of expression, as some of the human rights are not fully implemented and they are not followed by the authorities (York, 2017).

Qatar laws are influenced by religion because of which freedom of expression is provided to them but some limits are set by the authorities. The person can raise a voice for social issues, they can provide their opinion and some other issues can be discussed. But, consequences can be faced by the citizens or person who raised the voice against the religion of Qatar which is Islam. Further, this issue was strictly considered by the government and punishment is given to a person which is in the form of a death sentence. Other religions are also respected by the Qatar government some of the blasphemy issues are also highlighted. Because of Blasphemy issues a person can face punish and sentenced to prison (Free Thought Report, 2018)

Some of the significant issues were raised because of the freedom of expression and it is highlighted in the human right 2017. The migrant worker also faced issues and they do not get pay which they deserve according to their work, because of this, issues are raised. The criminalisation issues were raised because of sexual acts; the man gets rights but when female raise voice against the violence, they face punishment against it. The Qatar government is trying to eliminate issues that they are facing at international level (Qatar Human Right Report, 2017). According to the Al-Jaber and Gunter (2013; 21), Qatar is a small Gulf country but it has a very strong position around the world. The country is being targeted and accused by the Gulf Cooperation Council of supporting extremism and severing diplomat ties. The country is also facing a crisis because of freedom of expression. People of the country already have limited choice when it comes to freedom of expression.

There are not many things about which people can take and give their opinions (Refworld, 2019). Now because of the accusations, it has become even more difficult for the population of the country to give their opinions. They cannot even raise their voices on

things, which are not right. The people of the country have limited access to the websites and to outlets where they can give their opinions and give criticism about the rulers who have failed to fulfil their responsibilities.

It is not only the rulers of the Qatar who have restricted the freedom of expression of the population of Qatar but international outlets are also making it hard for Qatari population to say what they want to say. One of Qatar's news agencies published some critical comments about US attributes. The channel was blocked. The government took the opportunity to block other independent news channels as well. Even when the public news channel has permission to critically discuss international affairs, penalties may still apply for misrepresenting foreign governments.

Regarding cybercrime, the law has placed restrictions on the freedom of speech online in Qatar. Any person who accuses the government of the country or rulers online can be arrested. The government of Qatar enacted a law on the suppression of electronic crime, which has proved to be the biggest threat on the freedom of expression. Article 134, for example, prescribes a penalty of up to five years' imprisonment for anyone who is convicted of criticizing the emir or vice-emir (Refworld, 2015).

In the view of Doha News (2018), Bahrain is one of the Gulf countries which are very much against the use of freedom of expression in Qatar and that is because of the democratic power of US, which is operating through Bahrain.

In 2017, the government of Qatar stopped the access of the population to the new channel Doha news because the editorial of the channel had given their opinion against the cybercrime law which the government has approved. Some of the Gulf countries have cut their ties with Qatar by stating that the country is helping terrorist and the population has no

right to go against that. The government of Qatar renews the travel ban on the human right lawyer of Qatar (Gulf Centre for Human Rights, 2018).

4.19 Punishment and human rights in Qatar

Qatar law is meeting the requirements of the international labour law and they are continuously improving the labour legislation of the country. However, the country law punishes criminals by considering human rights. The constitution of the country has approved the protection of human rights and provides equality. Qatar ensures maintaining humanity and dignity as they follow international standards. Moreover, the National Human Rights Committee (NHRC) also provides assurance of providing access to the health care service for everyone.

Qatar has been successful in providing the educational facilities to the residents of the states in order to protect the education rights of people of the country. It is mentioned in the Deportation Detention Centre (DDC) that Qatar prison is meeting international standards. It has been evaluated by analysing the facilities provided by them to the prisoners. The food provided to the prisoners and other facilities in the prison are found to be fulfilling human rights. The prisoners are not chained or handcuffed, and they are allowed to move freely within the prison.

Moreover, other factors were also evaluated by visiting the prison to analyse whether they are fulfilling the human rights or not. The factors include physical condition, administration, independent monitoring, and improvement. The UN has strictly prohibited the government of Qatar from giving death penalties to the labourers of Qatar. As per the UN, it is an inhuman act. UN has forced Qatar to prevent any kind of physical punishment to the

workers whether they are domestic or migrants. But still, there have been many complaints against physical abuse of workers and rejection of pays along.

The constitution of Qatar article 36 states that no per should be subjected to torture or bad treatment. However, the government has failed to implement the legislation (Gardner, 2013; 13).

Further, in 2016, 22 surprise visits were conducted by the committee to check if international standards were being met or not and it is examined on several standards which are mentioned below:

To change the punishment system of the Qatar, discussions occurred between the government of Qatar and the Committee of Experts of United Nations. The government of Qatar showed some reservation on the protocol no 16, 21 and 22 of the convention of human right. However, the committee also observed that Qatar law does not have any clause to prevent torture or to prohibit it. In many cases, superiors' orders were used to actually torture people. The punishments related to the Kafala system of the country which has also been the biggest concern for international human right conventions, which was being followed in Qatar.

The employers used to take passports of the migrants who are working in Qatar. They used to treat migrants inhumanly. Taking a passport was almost like stripping migrants from exercising their rights. The use of corporal punishment is also an issue that is very common in Qatar which has become a concern for international human right organisations. There are crimes for which flogging is the suggested punishment (Cardenas and Flibbert, 2005; 420). The flogging leads to death of many human beings because they cannot bear it. The worst thing is that flogging is part of the punishment for minors who are living in detention.

The physical punishment of girls which is the legal practice in Qatar has violated human rights because it does not concern about the integrity and human dignity. The international law of human rights promote equality and all the violation of rights is enforceable by law as guaranteed in the convention of Discrimination elimination against women. Added to this, there is a strong association between the physical punishment of girls, boys and children and violence based on gender and other types of violent behaviour as well.

The committee in the children rights has addressed the issue of corporal punishment in the general comment no 8 (2006) and focuses on the reduction and prevention of violence from the community by using corporal punishment as the key strategy. In the context of Qatar, corporal punishment is illegal in penal organisations. However, it is considered legal in the schools, homes and other care settings because under permitted under Shari'a law to punish against the crime.

The law of the Juveniles Act 1994; the Family Code 2006 was implemented to prevent flogging to children in families however this convention has not been able to protect children from this punishment completely. Another bill was formed in 2009 to protect children from flogging. However, the law is not of strict nature and does not prevent flogging strictly. Corporal punishment is lawful in Islamic law. On the other hand, article no 19 prevents flogging and corporal punishment to minors under the age of 16.

However, youngsters from the age of 16 to 17 are being subjected to penalties as per the code of criminal. However, there is no implementation of Qisas and Huded offences in the criminal law and criminal code if the victim or offender belongs to the Islamic religion. The Sharia'h law allows punishment for the violence in the form of flogging and amputation. In Panel institution panel system is followed which is the disciplinary measure for them but it is unlawful. The Act no 3 2009 there is no corporal punishment for the panel and correctional

institutions. This Act was provided in the repeal of Act no 3 1995 of Prison Act that has allowed flogging as the punishment for the offence. There was no restriction for corporal punishment for the panel institutions.

CRIN is a global research policy and advocacy organisation working on the children's rights. It campaigns with its partners to eliminate the penalty of imprisonment for life, death and corporal punishment of children. The country report has been prepared by CRIN for those countries that are still practising punishment and violation of the rights of human. The information regarding the violations will be provided to the committee against torture to consider and act accordingly. It should be lawful to sentence to life imprisonment the children under the age of 18. However, the punishment of death and corporal punishment should not be provided according to the legislation of criminals which includes Criminal Procedure Code 2004, Criminal Code 2004 and Juvenile Act 1994. But, this punishment is still lawful under the law of Sharia'h. Sharia'h law is applicable for Muslim and if the crime conducted in the age of 7 it will consider as a crime. However, the children that are under the age of 16 should be protected under the law of Juveniles.

The Sharia'h law considers the person liable for punishment from the early age of puberty. Juvenile Act punished the offender who is over fourteen and under sixteen and has committed a serious crime. The punishment is in the form of 10-year imprisonment rather than life imprisonment or death. In response of questions of Committee on children right in 2017, the provision should refuse this penalty of death for children as it should not be specific for the children who are aged between 14 and 16.

The code of panel should present the penalty of death for different types of violations but the children who are under 18 should not be given the death penalty. This code of panel is not an application for the offences of retaliation in the case when the suspected culprit is Muslim. If

Muslim commits murder which cannot be forgiven by Sharia'h law, then the offender will be sentenced to death according to the Sharia'h law rather than panel code.

4.20 Physical Conditions

The physical conditions of prison are measured and there are no major issues regarding. On the visit of committee members, they have found that the prisoners were provided with their basic facilities. The food services are also meeting the international human rights standards because the meal provided to them was fulfilling the dietary requirement. Other than food, the health of the prisoners is also put into consideration. The prisoners are given medical treatment when they require because the prisoners also have the right to get treatment and if they need to be transferred in the hospital, so they are sent to hospitals for the treatment.

The dental treatment is also provided to them because it is also a health-related issue and Qatar concerns the health of the citizen even if they are prisoners. These medical facilities are free of cost because the government is taking responsibility for them. Thus, it indicates that there was no issue found in the prison regarding the physical condition of the prisoner. Most importantly, prisoners are allowed to move freely within the prison because they were not chained and handcuffed that shows that the prisoners are not getting violated physically (British Embassy Doha, 2018).

4.21 Administration

Only administration is allowed to meet the prisoners, and no one can physically or mentally abuse prisoners. It is quoted by Muhammad bin Saif al-Kuwari; in Qatar detention center administration strictly followed all the laws which are set to meet international

standards. Administration takes care of the health of prisoner and also workers that have been involved in administration their behaviour is observed by the National Human Rights Committee (NHRC). The women prisoner gets several benefits if they are pregnant. All their health care needs are considered by the management of the prison.

The prisoners can practice their religion without any fear and discrimination has not been done by the management. The benefit which prisoners get in Qatar is food, toilet, showers, and kitchen. Also, in addition, library service is provided to them (Gulf Times, 2017).

4.22 Independent Monitoring

The independent monitoring session is conducted by the government of Qatar which is part of checking according to the international standards. Facilities are also provided to the prisoner. In this sense, Qatar appears to be fulfilling its human rights obligation. Authorities have done independent monitoring and the government on authorities so the human right of a prisoner can be fulfilled has enforced some laws. Some of the actions are prohibited such as police force cannot interfere in the family matters of the prisoner and privacy must be provided to prisoners. The authorities need to report through calls and email monitoring report.

In the view of Human Right Watch (2012: 5), there is monitoring mechanism which is being used by the Qatar government to resolve labour law violation. But, it has been observed that there is in adequate monitoring activity in Qatar. Only 150 labour monitoring bodies are working to manage 1.2 million workers. As it has been highlighted by labour ministry officials, the management monitoring body does not speak the language which worker can understand so, they can resolve workers issues? Further, when the Human Right body started

monitoring independently, it highlighted problems which included employment contracts, payment problems and working hours.

The Qatar monitoring bodies are working, and they conduct on-site-visits. Their focus is always on checking the record of the companies rather than, analysing the working conditions of employees or asking employees about their problems with their employment. The working inspector does not ask questions about their passports, working conditions, working hours and employees' wages record. The independent monitoring bodies receive complaints only, if they are being presented in English or Arabic language. The reporting mechanism is available for people who are working on high wages, but for migrants who are working at low wages their rights have been violated (Human Right Watch, 2012:5).

On the other hand, the complaint is being levelled against monitoring body is that they do not share the progress of the complaint or share decision which has been made on the complaint. Some of the complaints are being done by migrants to Human Rights Watch, Labour Ministry officials on decisions made and employees receive the compensation. But, the issue has been raised that the official Ministry of Labour do not have complete access to complaints which are being done at civil court (Human Right Watch, 2012:6).

The workers are stressed because monitoring bodies are not working effectively and migrants are not getting justice. Further, issues which must be considered by the governing bodies is that they do not seek consent from employees or discuss with them before transferring them to a new location to work under new employers. Many workers are complaining but due to lack of resources cannot afford court fees.

According to the report of monitoring body of Ministry of Labour to Human Rights Watch, in last three years, 1279 cases have been registered in Qatar for violation of rights and only 100 cases have been resolved by authorities. Only 8% of cases have been resolved, the

remaining 92% of the labour force does not have any choice and they are working under the worse environment. Also, when they are part of court proceeding they lose the right to leave Qatar. The Qatar National Human Rights Committee (NHRC) has been requested to work on the complaints of workers and resolve the abuse cases. On the other hand, it has been recommended that they must implement a law which had been passed by the government in 2004 to protect labour rights (Human Right Watch, 2012:6).

4.23 Improvements

Authorities expand the improvement, which is seen in past years in women prison is that capacity. In addition, the health care service, recreational facilities, and proper food are provided to them.

Some of the punishments which are considered as torture and do not meet the standards include flogging, cases of consuming alcohol, extramarital sex committed by Muslim. In some cases, the death sentence is also passed by the authorities because of alcoholic activities and voice against Islam by the Qatari and Non-Qatari. The punishment is also given to the people that are involved in the corruption and abusive behaviour. In past, abusive behaviour was not considered by the government but, in the current era, complete rights are provided to the women of Qatar.

In different sectors, improvement is required, in 2013, an incident was recorded that Muhammad al-Ajami posted online poems. In poems, he criticised the rulers of Qatar and their family resulting in the enactment of a law of electronic crime. In 2014, the law was developed if the person posted anything that violates social principle or values, he will face the jail punishment for maximum three years. This law must be repealed as it violates freedom of speech law. The law is also developed that women of Qatar cannot marry a man

who does not have the nationality of Qatar. However, a man can marry a woman who does not have the nationality of Qatar. It is highlighted that this law needs to be improved as through this equal gender right law has been violated (HRG.Org, 2016).

The gender discrimination is also seen in the children in Qatar, and children also face violence in school and at home. The limited rights have been provided to the children that are born in Qatar. The improvement has been needed in that area because of which committees are developed to end these practices. The decision is also taken on the child marriage and also they have raised the age of criminality. (Samuel-Azran, 2013; 1300)

4.24 Criticism faced by Qatar

Qatar is facing criticism from all around the world because they are not able to provide human rights equally to everyone. Migrants that are working in Qatar as labourers do not have basic human rights. The ministry of Qatar announced that they will re-evaluate the systems and contracts of the labour that have been considered by authorities. Laws had been developed but, the implementation is not effective. On the other hand, criticism is levelled against them because Kafala management is not supporting migrants.

The change which has been implemented by the government is that the employees do not face the consequences of two years ban when they leave a job. But, still, an expat does not have the right to switch jobs. The system will be abolished as was promised by the government in past but still, it has not been implemented. Even domestic criticism is also faced by the Kafala management and it has been considered as modern-day slavery. The reason which has been raised by the management of the companies is employees leave the job after getting training because of which they are bound with contracts (Facing Growing Criticism, 2012).

It had been claimed by the government of Qatar that workers must be protected because they are the backbone in the development of the infrastructure of projects. The labour rights will be provided to them and expats will be treated with respect. But, criticism has been directed on the Qatar government because expats are not getting any right and labour system has not been reformed yet. One reason which has been highlighted by the government of Qatar is that in Qatar; most of the workers are migrants. Because of a large number of migrants, they fail to manage human rights and labour rights standards. Companies also hold the passports of workers on vacation leading to criticism. The change is yet to be felt because authorities are unable to tackle the passport issue of employees (Walker, 2015; online).

In 2010, Qatar was awarded the right to host the 2022 FIFA World Cup, the decision was controversial. Physical abuse cases have been highlighted at the international level. It has been quoted by international observers that the legal system of Qatar is corrupt and abusive. The law of the country has been developed under Sharia law and strict Islamic teaching has been followed. Consequently, questions have been raised as punishments are harsh for instance, stoning and flogging which are very severe punishment compared with the offences committed like consumption of alcohol and extramarital sex. Camps have been expanded by the government to hire more labour and improve the condition of living of labour. But, no improvement is seen because of which criticism has been faced by the government (Diop et al. 2017; 150).

The conference had been arranged by the management and main focus was freedom of speech. It is not provided completely yet but people can raise their points on political problems because the autocratic form of leadership has been followed. The issues are been highlighted by the government regarding labour law and migrants. Gender discrimination issues have also been highlighted. The decisions are taken by authorities, but issues have not

been resolved because laws are not implemented effectively. Also, monitoring bodies are not completing their duties which are one main reason of a violation of human rights. Violation of human rights is a major issue because of criticism has been faced by the government of Qatar from the world (Kenneth, 2017:11).

In the view of the ILO (2019d), the wages which have been provided to migrant's labour is quite low as standards are not set by the government. Hence, they are not able to fulfill their needs and also they cannot leave Qatar as they do not have their passports. As this act is violating the right of freedom to live and criticism has been raised because of it. Forced labour issues are still part of Qatar and complain had been observed.

There is also the threat of penalty by management to expat labours and employment conditions are worse. Several questions have been raised on the Kafala system and still people cannot understand the reason behind developing Kafala system as it is not meeting the standards of human rights and fulfilling all rights of migrants. The system is controlling migrant workers but without giving them access to justice and their basic rights. Moreover, some of the issues related to visa has been raised that visa had been also canceled by Kafala management and migrants have to face the deportation proceedings. Some of the negative actions are taken by Kafala systems of UAE because of which they are facing negative comments from all around the world. Also, they are not able to monitor companies' behaviour with migrants in an effective manner because of which violation of human rights issues are occurring (Motaparthi, 2015:36)

4.25 Reasons for reforming human rights in Qatar

Qatar has a population of 1.7 million, but the government is still poor in implementing the proper idea of human rights in the country which can be evaluated from the the protestors

who came out in the roads to get their rights. But still, there is something which has made the population to not talk about the violence and disturbed situation they are facing which is why there are very few political complaints even when the condition of humans in the country is not very good.

One of the biggest issues related to human rights in Qatar and even in other Middle East countries is the rights of migrants and forced labour (Hrw Qatar, 2018). One reason for signing the human right treaties for Qatar was that country wanted a peaceful settlement of the conflicts as per the justice and the international law. Because of the armed conflict, many human rights are violated very badly, and the idea of signing treaties of human rights was to give protection to these humans (Kenneth, (2017)). In 2017, Qatar faced many crises which lead to the reform of human rights in which there was some legislation which was reformed to improve the labour law of the country.

Because of diplomatic cut which Qatar faced from UAE, Saudi Arabia, and Bahrain, the cabinet moved to improve the legal status of the foreign nationals of Qatar. Many women who are married to non-Qatari and have children were given permanent residency. There were many migrants as well who were given permanent residency. The women with children who didn't have legal passports were also given legal residency in Qatar for the betterment of their children. There were approximately more than 2 million migrants who were given the right to be protected by the law of Qatar and it was all part of human right reform.

Qatar is also going to host the FIFA world cup in the year 2022 but the treatment of Qatar migrant workers is not meeting the standards of human rights. However, it gives the challenge to the country to improve the treatment of the migrant workers. They have to improve this within a year. FIFA is considering the human right issues and its failure in the host countries such as Qatar, Russia, and Brazil. But, they lack in improving the condition.

Serious consideration is given to the treatment of migrant workers. Therefore, the guardian and NGOs are investigating it.

As human rights are given consideration, it will be prioritised while selecting the country for hosting and this should be considered an important element that needs to be evaluated in the selection of future host nation. Qatar has already been given 12 months' notice by the ILO to end the exploitation of migrant workers otherwise formal inquiry by the United Nation will have to be launched. Qatar needs to reform the labour law for the migrants because there was continuous abuse found in the project of the world cup stadium and other related developments (Gibson, 2014).

There are a couple of Nepalese migrant workers who have died in Qatar due to the appalling abuses. Qatar has worked on the project of world cup with the forced workers and they were not paid for their work (Christophe, 2019). FIFA is not imposing all human rights to the countries but there are some serious issues that they are considering while selecting the country for to be the host. However, the labour law has been reformed because before, migrant workers could not leave the job or country without the permission of the employer. Now they can. Although changes have occurred in the labour law, there is a need for more improvement in the laws for the migrant workers.

In addition to this, there is a diplomatic crisis in Qatar since the year 2017 when the protection of labour law has been granted for the domestic worker of the country. However, the law is weaker as compared to the international labour law. Thus, Qatar signed a contract with the international labour law and committed that the country will reform those laws regarding the Kafala system. As they have signed an agreement, they are bound to make changes in the labour law. They will also have to take other related steps in order to save the migrant workers (Human Right Organisation, 2017).

There are various other issues in Qatar in the Kafala system that includes the lack of freedom of association as the migrant workers are not having the rights of freedom of association. The migrant workers have not been provided with the safe and good working environment and their passport are also confiscated. However, this system needs to be reformed as they are pressurised to change the system by the authority of the world cup. This could be considered as the major reason to reforms the laws of Qatar.

4.26 Human rights in Qatar and international conflicts

The focus of this chapter is to discuss in detail about the human rights rules and regulation in Qatar and I will also discuss the international conflict which is linked to human rights. Qatar develops and designs the human right for the development of the country; the strategies are also designed on that basis. Because Qatar wants to build the society and improve the overall infrastructure of the country; that is why these human rights are implemented. After proper analysis, the government of Qatar implemented these human rights and this set the vision of the country.

Further, some human rights have been implemented by the government, which do not break Sharia law. Nevertheless, issues have been raised and faced by the government of Qatar because some punishment are quite strict leading to death of some people On the other hand, issues were raised on the freedom of speech and freedom of living, as the government of Qatar set limitations. There are plenty of laws in Qatar which are working against human rights principles and therefore it has faced criticism several times by international media and also by human rights organisations. Out of this Kafala law is one of the most criticised laws in Qatar.

The Kafala system is a part of the Qatar law, which does not allow the worker to work freely, and they cannot leave the country. Further, labourer also faces challenges in living and they are sometimes violently abused because they do not have power. Qatar has been urged to protect the rights of labour by the United Nations. UN has asked Qatar to terminate the Kafala migrant workers system. Several deaths on different constructions sites add more pressure on Gulf countries which includes Qatar to eliminate the law of Kafala.

In the view of the human rights organisation, Qatar is the place where different organisations and business owners misuse the Kafala system which is causing deaths as well (Owen, 2016). Several labour reforms were announced by Qatar government in order to avoid criticism of international organisations and the lobby groups, but this was not enough as still there are several organisations that are using this law as their power to torture human labours and not treating them like normal human beings.

In Qatar, there is still a restriction on freedom of expression and the government has not complied with international laws and standards in this regard. In the month of January 2017, government-imposed a restriction on the lawyer of human rights named as Najeeb al-Nuaimi. This ban basically restricted the lawyer of Human rights not to move freely and not to record certain evidence against the government. This Ban remained throughout the year which clearly shows that in Qatar the state is so powerful, that it still has the capability to restrict any member or citizen of the country not to report against the state and the freedom of expression is merely a phrase in Qatar (Samuel-Azran, 2013; 1300) and in practices too. In Qatar, there are still different laws related to marriage, child custody as well as related to divorce that continued to violate human rights laws and regulation. However, the government reports claims that there is no gender discrimination and that there are certain laws and regulations of human rights which cannot be followed as in Qatar the law of Sharia is being used. Like in Qatar several punishments are legal that is completely against the rules and

regulations of human rights. The procedure of death penalty in Qatar is followed according to the law of Sharia which is prohibited in the eye of human rights.

The government of Qatar also missed some opportunities because they do not follow the international standards of human rights (Romanos, 2018).

4.27 Origins of jus cogens

The term *jus cogens* is used to represent the idea of compelling the law. This concept is traceable to the Vienna Convention on the Law of Treaty (1969) – (VCLT). This idea was presented in Article no 53. It is the independent source of law introduced at the international level. This concept had great importance during the 1920s and different kinds of literature have been presented at the time that has discussed the existence of norms and explains how treaties and contract should be considered void. In 1937, the juridical order was opposed to the ethical values of the society that has become the basis of *jus cogens*.

It has been highlighted that the evidence for this concept has been provided in the year 1953 for the commission of international law which has stated that the positive of that time has different rules and laws for the international public but in the context of the state it might not be a valid contract. However, when there was the provision of *jus cogens* in the Vienna convention, it was found to be debatable as different writers have supported different views and argue to hold the view of doctrine and opposition of the treaty's submission of moral norms. *Jus cogens* is linked to customary international law in that it is the latter that incubates it and supports its ascent to a a compelling norm over time.

The concept can be understood with the help of two sources of law, namely, treaties and customary international laws. There is no hierarchy between both sources giving them equal weight and significance as sources of law. They do not limit each another. But this

concept was presented in order to make changes in international laws in that its strictures are superior to ordinary norms of treaty law, custom and general principles of law recognized by civilized nations – Article 38(1) of the Statute of the International Court of Justice (1945)

The supremacy of rules of *jus cogens* over any other norms of international law follows from the requirement in the VCLT (1969) that if a treaty conflicts with *jus cogens* it will be considered as null and void – Article 53. Criticisms against Qatar's kafala system have associated the state with prevalence of human trafficking and slavery which needs to be addressed by invoking relevant international standards.

Jus cogens is a concept that protects the rights of human by addressing the violation of human trafficking. This may be a solution to the international requirement to counter human trafficking in Qatar because of the *jus cogens* prohibition against slavery. Although trafficking is considered as a distinct crime according to the international law, it is inextricably linked to *jus cogens*.

According to the Bianchi (2008:495), *jus cogens* are customary international law and it is adopted by state but, all customary international law cannot meet the standards of peremptory norms. *Jus cogens* deal in multiple types of crimes which include genocide, a crime against humanity, aggression, war crimes, slavery, torture, and piracy. The concept is specifically designed to protect the norms that are being designed by intentional law and it cannot be set aside. It literally means compelling law; *Jus cogens* present the idea of contract legal rules that cannot be removed and fundamentally presented at the universal level. It also helps to avoid the conflicts that are being raised between the international law development authorities or specific government. It has been used by ILO and other authorities who are willing to implement human rights domestically in every country.

It has been mentioned (Kawasaki 2006:28) that the idea of *jus cogens* is based on the universal recognition of the need to protect all people from the worst forms of inhumane practices conceivable. In addition *jus cogens* is linked to natural law arguments. Hossain (2005:77) has highlighted that there is a serious issue regarding the declaration that *Jus cogens* is the result of any core traditional source of the law or natural law. However, treaties can be considered as the factor of contributing to *Jus cogens* development. This is because it could not force the parties and their ability to revise the terms of the treaty and the obligation of the parties. It cannot provide relief to the parties from their obligation under the law. Moreover, the rules of *Jus cogens* that are accepted universally but no treaty has approved or codified the rules universally. The treaties can establish the rules among the parties, but it cannot create the obligation of general international law.

Furthermore, Knuchel (2010:149) has also discussed the concept of *Jus cogens* and stated that the foundation of the concept of *Jus cogens* is originated by the international law because it is the course of the international law. It binds the rules of the international community of the nations without the consents of the states and it is ratified by the international community of the states. The universal law has bound the state and do not consider any exceptional situation. Stephan (2011:1073) has shared his view and mentioned in his study that *Jus cogens* can be referred to as social construction as it has the responsibility to undertake the task regarding the external attacks, citizen protection and law and order maintenance. The *Jus cogens* have become the shield for the people with legal protection.

In addition to this, the study conducted by Matthew (2015:28) has highlighted that there is the number of states that refuse to accept the law and rules and are in the minority so it will not affect the other state because they are in majority. However, by refusing this the country may have lost certain opportunities or benefits. *Jus cogens* provide support in three

different areas which involve the rules of safety of the international order foundation. Secondly, it also concerns about the protection and freedom of seas and humans. The third area of the Jus cogens was to protect the residents from the wars.

Petsche (2010:233) has discussed the Jus cogens and highlighted that the Jus cogens have focused on international welfare and encourage the protection of the countries by considering the interest of the international community. The breaching out of the obligation will be considered as a crime. The article no 40 of the internationally wrongful act 2001 has also declared this view. The law of Jus cogens concern about the wrongful act and try to avoid it with the legal obligation. It also emphasizes the human rights and their dignity. However, any act that offends the human right will be considered as null and void under the law of Jus cogens if it is contrary to the law of Jus cogens.

4.28 Conclusion

The discussion above examined the interaction between Sharia Law's imprimatur over the development and enforcement of human rights law in Qatar. The modernisation of Qatar's constitution through the incorporation international standards into domestic human rights law, including ILO Conventions and Recommendations has triggered legal tensions that have attracted international attention, including from the UN, ILO and USA. Although Qatar's labour regulations aspire towards human rights protection, procedures could be strengthened to achieved protection of migrant labour from abuse. For instance, on site labour inspections should go beyond record checking in the office and engage workers to establish employer's compliance with worker welfare regulations.

4.29 Recommendations

The law on freedom of speech should be limited in some instances to limit bullying on religious or other grounds that may affect migrant workers negatively. Qatar could be more zealous regarding the protection of migrant labour by instituting a commission of enquiry into labour conditions and welfare of workers. It could introduce employer scorecards for rating employers and bad ones denied sponsorship licences.

5 Chapter5

5.1 Introduction

Every year hundreds of migrants move from their home countries to international countries where they can find better means to work and earn to improve their living standards. Some migrants leave their country because they are unable to find any job in their own countries. There are some countries where the ratio of migrants is high and one of them is Qatar. According to Jureidini (2017:148), the migrants in Qatar are mostly those who are skilled but do not have the education or any specific degree to get a job in an organisation, so these people mostly get jobs, which need more physical participation.

Every country including Qatar has particular laws for labours especially migrants to protect them from the ruthless behaviour of the employers or to protect them from any issues being encountered. But the migrant labour law in Qatar has faced criticism from different law bodies and one of the criticisms is that the labour law of migrants of Qatar is too lenient to the employers. Thirlway (2014:352) stated that ICJ is doing everything in their power to protect the Qatari migrants and give them more safety and protection than they have at the moment. Recently Qatar faced blockade which not only led to a disproportionate impact on the economy of Qatar but also enhanced and sustained the power of foreign workers working in Qatar and provided them with more opportunities for jobs.

It was stated Hathaway (2017:78) that this was done because of the human right conventions. Human rights are part of every jurisdiction system around the world and every court owes some obligations to the human right. Every time migrants enter in the country, the jurisdiction of the country become liable to take care of the human rights of those countries and make sure that migrants are not being treated badly.

It is also important for the sustainability of the idea of human rights to prevent any kind of physical or mental abuse to the migrants no matter which country they have come from and where they belong. The ICJ jurisdiction system makes rules to protect migrants from ill-behaviours of the employers. The ICJ also makes sure that domestic legal system has strong rules for the safety of the human and that these rules are effective as well. It is the state, which makes sure that all the migrants are getting what they need, and to get their rights after working hard for the economic sustainability of the state. The human rights convention has a limit to its powers and they are able to give only limited procedural protection to migrants.

Human rights conventions only protect migrant workers only after they enter the country. States have the power to grant visas for migrants. The ICJ is not concerned about only the migrants of Qatar but it concerned about all the migrants of its partnered countries. It was mentioned in the official website of ICJ, (2018) that one of the decisions, which were taken by ICJ, was removing the discrimination of the foreign migrants and the court ordered to give equal rights to migrants as national workers.

On the other hand, international convention and the state jurisdiction system both are part of the decisions about granting asylum in a foreign territory. Human rights are an important part of national and international law and states are liable to protect human rights on their own. A test was conducted to evaluate the validity of this criticism in the light of the jurisprudence of the ICJ. This chapter will discuss the criticism and the results of the test of these criticisms to evaluate the required changes in the migrant labour law of Qatar. The chapter will also explain the role of the International Court of Justice (ICJ).

5.2 Qatar's migrant labour policy

The idea of this part is to review different articles and authenticated journals in order to investigate Qatar's migrant's labour policy. In Qatar, there are millions of workers who are

migrants and are mostly from developing and underdeveloped countries like India, Nepal, and Pakistan. In Qatar, there is a Kafala system where migrants are under the responsibility of the locals.

According to Patisson (2013) more than 1.9 million labours are migrants and are working in Qatar. This number is almost 90% of the total population of the country. Most of these workers are from underdeveloped or developing countries. In this report, it is mentioned that the workers have reported many cases of exploitation due to which Qatar is facing immense pressure to improve its migrant labour policy. Qatar has the highest ratio of migrant labours in the world.

In Qatar, the labour migrant policy is related to the Kafala system, which is basically a gateway to slavery. Kane-Hartnett (2013) mentioned that Kafala is basically a sponsorship which requires a national to sponsor a migrant worker to work in Qatar and to reside in the country. Due to this, a sponsor who is mostly a company uses its substantial power over the worker. This sponsorship is so powerful that without the permission of the employer the worker is unable to leave the job or even exit the country.

It can be summarised that the Kafala system is basically the system of control. It is a way in which the government take off its responsibility and put it over the head of private citizens and companies. The private citizens and companies then misuse this power to exploit migrant workers. Workers find themselves in a difficult situation when they realise that they are not allowed to live their lives on their own mean.

Workers are forced to work overtime and employers force them to work without providing them basic human needs. This system is under serious security as there are plenty of cases reported like sexual abuse, slavery condition and forced labour. The workers who are migrants in Qatar are being exploited and the government was unable to reform the Kafala

system, a company named as Mercury MENA left the migrant labours from India, Nepal and the Philippines unpaid for many months in Qatar.

According to Conn, (2018) Almost 80 of the workers were left stranded as the company uses the Kafala structure is the system which exploits scores of workers who are migrants. Under this system, employers withhold the payments of labours and exploit them. Even then, migrant labours from underdeveloped countries incur debt in order to pay their recruitment fees. Kafala was supposed to be the good system as it was designed to make it compulsory for the nationals of the country to take care of migrants but today it has become an exploitation tool where organisation misuse this system in order to take advantage of migrants who are from underdeveloped countries (Migrant Rights, 2015).

In the view of Awwad and Suliman (2019:244), under many investigations, there was plenty of evidence which revealed that workers are forced to perform extra duties. This report has mentioned that most of the Nepalese workers have died due to a sudden heart attack in a single day mainly because of facing exploitation by their employers under the Qatar migrant labour policy. This report has also revealed that there was plenty of evidence, which was found that the employers forced labour to work overtime and they were also denied to drink water in the desert heat. The government has finally decided to provide relief to the migrants who came from all over the world and started working in Qatar under the Kafala system.

It is mentioned in the report that while Qatar is preparing itself to host the football world cup, the government has made an amendment in its Kafala system. After this change, all of the migrants are allowed to leave the country without the permission of the employer. Before this change, the employers were misusing this system as the Qatar migrants labours were ion the mercy of employers and they were not allowed to leave the country without their permission.

This change in law is mainly due to the external pressure and international security, which is faced by Qatar over the working conditions of thousands of workers. Even though this change has made it easier for all of the workers, employers still have the right to retain 5 % of their labours. However this change in Kafala system law will not have any impact on the domestic labours right. Workers who are not covered under the Qatar labour law are still working for longer hours and are facing many restrictions, which also need to be addressed.

Qatar faced this pressure of changing and making amendment in its law when human rights groups in the year 2014, started their campaign in order to protect the workers from being exploited. The campaign was for worker protection reforms and it gained momentum when international media started showing interviews of labours who were exploited under the migrant labour policy of Qatar. The 2022 World cup will not only entertain the world but will also end the Kafala system and will honour workers' right in Qatar (Harwood 2018).

Every interior minister has treated the status of immigration as security issue rather than labour issue. The policy of Qatar is not different from other neighbouring countries. However, after immense external pressure of human rights communities and international media, Qatar has changed its Kafala system. Now labours are allowed to leave Qatar without the permission of employers. Qatar further needs to make any amendments in its migrant's labour policies as there are still too many flaws in their system.

5.3 International Court of Justice (ICJ)

As per the information mentioned in the website of International Court of Justice (2018) the ICJ was created in 1945 and it is known as the main judicial organ of the United Nation. The Charter of the United Nations was involved in the formation of this court. The court first came into practice on April 1946. There are six other organs of the United Nation but this is the only one, which is not present in New York America. This court has its seat in

the Netherlands specifically, in the peace palace of The Hague. The idea of this court is to deal with the international disputes, which are linked with the international law. 15 judges take part in the jurisdiction of the court.

The court resolves the issues between the members of the contracting states. The court does not perform any one particular activity; it actually takes parts in a range of judicial activities of the United Nation. Article 9 of the ICJ states that it is the duty of the judges of the ICJ to handle matters of the civilisation and provide legal help to the members. Two judges of this court cannot have the same nationality, which is one of the rules followed.

The ICJ has made many changes in the labour laws for migrants so that they can give a safe environment for the people who have left their homes to earn money for their families to give them better life. ICJ deal with the legal fights, which are going on between two countries as well and one of the examples of that, is the case of Qatar and UAE. UAE recently violated the CERD by showing discrimination between the Qatari people and other migrants. UAE does not allow people with Qatari nationality to get job in the region. According to Davis and Morse (2018; 700), this action of UAE is in breach of core principals of human right. UAE even went as far as to prevent Emiratis from seeking jobs in Qatar and state that they will face severe penalties for working in Qatar.

Qatar filed the legal dispute against UAE by using the ICJ and tried to seek justices against this discriminative behaviour. Hibbitts (2018) mentioned that The ICJ take immediate action against the violation, which was done by UAE and grant the due rights to the Qatar-emirates mixed families to be able to live wherever they want. The ICJ ruled against UAE and ordered to end the discrimination, which they have started. The role of the international court of justice is to deal with international cases which have been submitted by the states.

There are specific organs and the agencies, which can get the advisory opinion from the court when dealing with an international conflict. ICJ has the highest power around the world and in all the jurisdiction systems of states, which are member of the UN. This is also the principal organ of the judicial system of UN.

The ICJ was replacement of the PICJ, which had the juridical power of UN before the war. After the war, the UN decided because of the social and economic changes and because of the changes, which have occurred all over the world, it has become important to bring a new judiciary system in action and create a new court. The conference in which the decision of ICJ was made was held in San Francisco Conference. There were at least 50 states that participated in the conference and agree to create a new court. The elections for the member states of ICJ were held in 1946 for the first time.

5.4 Jurisprudence of ICJ

The ICJ can use the international law to give advice or resolve the case related to international disputes but for that, the parties involved in the case needs to agree to resolve the issue by international law. The second method, which the court can use, is to provide a judgment on the cases by taking the justice route. The article 7 of the United Nation has given the court the position of 6th organ (Saraf, 2016).

The article 92 recognises the court as the UN principal judicial organ. The article 93 gives the court, access to the states, which are non-UN members. The article 95 gives the states freedom of choice whether they want to resolve the issue by using the international law of the UN or not (UN general assembly, 2010). The article 59 and 60 states that the judgement of the court is final and it cannot be challenged. After the formation of ICJ, the court incorporated 70 new articles in the jurisdiction and made sure that the already existing

111 articles do not lose their balance during the process. As per the official website of UN, (2017) the new articles, which were incorporated, gave the rights to have the access to ICJ to the non-member states.

These states are those that are not part of United Nations. All the articles of the statute have been divided into five different chapters which are "Organisation of the Court" (Arts. 2-33), "Competence of the Court" (Arts. 34-38), "Procedure" (Arts. 39-64), "Advisory Opinions" (Arts. 65-68) and "Amendment" (Arts. 69-70). The court can amend these statutes when required but there are rules for that and one of them is that at least a majority of the votes of the general assembly should be in favour of the amendment and the majority means at least two-thirds of the members. Two-thirds of the member states should also favour the amendment. In the starting days of the establishment of ICJ, the court mostly used the rules which were being followed by the PCIJ and that changed in 1967 (ICJ, 2014). ICJ started changing its rules after getting experience of the situations and the change kept occurring with the change in the society.

Amendments also occurred in the rules of ICJ in 1972, which were actually incorporated in 1978. The court enhanced the flexibility of the proceedings and made them simpler so that it can easily provide justice to those who deserve it. In 2000 two articles were amended again which included article no 79 and article 80 (Naranjo 2018). The article 79 is about the preliminary objections article and article 80 is about counter claims.

The reason for the amendments was to lessen the time of the proceedings and clarify all the rules, which are in force. There have been many international matters in which the ICJ has taken part to provide a better legal system to these states. The court evaluates the political act and compares it to the legal system to make sure whether the act will be beneficial for the country or not such as happened in the case of Qatar. The article 33 of the ICJ states that the

consent of the involved parties is not important to give a peaceful judgement. The court can take action in any international issue, which can be resolved by its advice.

5.5 Migration and human rights

According to the report, it is observed that around 3% of the world population is living outside of their country as this ratio increase on yearly basis Ruhs (2013). There are many factors that contribute towards peoples' migrating from their countries of origin including lack of health care, poverty, the housing issue, education, food and many environmental changes. Added to this, it is highlighted that some traditional drivers affect the migration rate, where it is observed that migration is the empowering, and such a positive experience where the lack in their rights makes it violent and disturbs. Because of these issues, migrants are vulnerable and resulting in a violation.

In this manner, types of human violation including denial of the political and civil right are highlighted. Human rights are contributing an essential role to make migrants safe and allow them to deal with powerful forces. Under the consideration of Global Migration Group, there are some fundamental rights to lighten the migration status follows according to the right to liberty, and ensure the security of an individual. The human right for migrants within Qatar allow making them free from detention and arbitrary arrest. There is a concern showing toward the safety of migrants' right to be free from any sort of discrimination that is based on religion, language, sex and even social or national origin.

It is also included in the human rights of migrants of Qatar that they should be protected from exploitation and abuse as well as they has the right to live free from slavery (UN Human Rights, (2018). Furthermore, migrants have the right to live free from torture and degrading treatment. The rights of migrants include the opportunity of free trial, as they

should give legal redress about any work. According to the report, of Ohchr (2018:1), migrants have rights to protect their social, cultural and legal rights as its categories include the safety of health and living standard. Immigrants have the right of security and liberty no matter to which country they belong.

The human right free the migrants from slavery and from involuntary servitude. In the view of Dobrowolsky (2016:82) the human rights of migrants are also related to the social, political, and cultural right. There is no country, which has the power to deprive the migrants from their human rights just because the international law of human right is different from their domestic laws and jurisdiction system. According to Commons Law, (2018) it is not easy for migrants to get access to a human right court because some domestic legal systems are too difficult to reach out to.

The national legislations can make it hard for the migrants to reach to the international human right courts and can put obstacles for justice seekers who are trying to get their human rights. In many countries, it is now possible to invoke, in one way or another, international law in domestic courts in order to claim the respect and implementation of human rights, including for migrants. The international and regional human right treaties can make the domestic court to reach to the international court for human right even if the state does not want to do that (Metcalf-Hough, 2015). The ratio of migrants is increasing day by day because of the globalisation. In 2009, the total number of migrants was around 214 million and this was just estimation.

The numbers could have been much more than this. There were at least 40% of these migrants were female who moved to other countries to seek jobs and earn money for their families. There were 90% of these migrants in total, who migrated to different countries to be involved in economic activities and to seek work. Women migrants become more liable to face issues because of their gender, which makes them vulnerable. According to Gromilova

(2015) this is not the case in every country but it is in some. This is way human rights courts are more serious about saving the rights of female migrants.

According to De Bel-Air (2014:10) the human right deals with many issues related to migrants who work in different countries other than their home countries, which include respect, protection, promotion, and fulfilment of the human rights of specific categories of people or address specific kind of human rights. It is the duty of the state to protect the human rights of the person and make sure to deal with the international courts of human rights if they thing that there is a requirement for that.

5.6 The legal framework for migrant workers in Qatar / Qatar's migrant labour policies

The legal framework of Qatar for the migrant workers has faced many challenges for many years and it has gone through many changes as well to resolve the issues. According to Millward (2017:760) there is no minimum salary defined by the labour law of Qatar for the migrant workers, which gave the employers an opportunity to pay less for very difficult and demanding jobs. This also shows that the working environment of the country for international employees is not very good and stable. One more law of Qatar is the limitation of the countries to which a working visa is allowed.

The organisations of Qatar cannot hire employees from many countries which also include Europe. The labour law of Qatar has been made by the ministry of labour and social affairs and these laws are applied to both private and public organisations. It was mentioned in the website of Qatar labour law, (2018) that in 2004, the law was made with the employment regulation. Article 3 (10) explained that the wages of the employees should be as per the work which has been done by them or as per the production given by the employee. Law 3 article 11 states that increments and allowance need to be part of the pay. Law no 1 of

regulation of employment law has been designed for the employees of nursery schools. Ministerial Order No. 18 of 2014 explains that the employer needs to provide appropriate and adequate housing for the employees who are working in Qatar especially to foreign employees.

Article 10 states that it is important to proceed the disputes filed by the workers as soon as possible. Law 1 was amended in 2015, which specified the requirement of compensation for the employees. Neale (2017) mentioned that the law no 21 was also amended in 2015 because the old law of Kafala placed many migrant workers who were working at a very minimum wage in a vulnerable position. Because of the undefined status of this law, the workers were in danger of being forced to work for as long as the employer wants and in the minimum wage as well. Law 21 is about the recruiter of Qatar rather than the sponsors.

This law, Kafala made it important for the workers to get a no objection certificate from their employers from leaving the country and many employers used this wrongfully and didn't give employees the opportunity to leave the country. They were forced to work for their employer for as long as he wants. The old law 21 made people get the idea that Qatar does not give concern to the benefit of the foreign employees (ILO, 2017).

Article 7 explains that the non-national visa holders will only be able to leave the country after getting the permission of the competent authority. The competent authority has not been defined in any labour law of Qatar. The law of Qatar has changed the existing law but it is still not strong enough to protect employees. The legal framework of Qatar for the migrant workers has faced many challenges in the past and it has gone through many changes as well to resolve the issues. There is no minimum salary defined by the labour law of Qatar for the migrant workers which gave the employers an opportunity to pay less for very difficult and demanding jobs.

This also shows that the working environment in the country for international employees is not very good and stable. Another law of Qatar is the limitation of the countries to which working visa can be granted. The organisations of Qatar cannot hire employees from many countries which also include Europe. The labour law of Qatar has been made by the ministry of labour and social affairs and these laws are applied to both private and public organisations. In 2004, the law was made with the employment regulation. Article 3 (10) explained that the wages of the employees should be as per the work which has been done by them or as per the production is given by the employee. Law 3 article 11 states that increments and allowance need to be part of the pay.

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Migrant workers are facing challenges in Qatar, the city is hosting 22 world cup and to complete that the country provided job to a number of migrants. It is seen that even human rights are violated of migrants and authorities are not taking any action on it. In start migrants in Qatar cannot leave their job without permission but, the law has been updated and migrants are allowed to leave workplace without permission, the law is part of 329 section law no 21. The law no 21 is implemented at each level even if three parties are involved and migrant is on contract. Limitations are set under this law because if everyone leaves the workplace without informing then business will face huge loses.

Further, the law is also developed that the workers have a right that they can leave Qatar in the emergency, holiday but they have to inform recruiter. The obligation is removed that the worker needs to inform the government before three working days of leaving. According to official website of under article 19 of the convention, also, if the worker needs a formal holiday, they have to inform the management according to the requirement of their contract. Under the light of Section No 7 of law 21, a migrant can request to exit a job (contract) in case of emergency.

The migrant also has right that they can appeal if they are not in agreement with the decision of the management, but the request must be submitted within 24. Moreover, equal wage benefit is provided to migrant when they work in multinational in Qatar. The inspection teams visit the organisations to make sure that all laws of labour are fulfilled. Migrant also faces abuse in the workplace because of which law is developed in 2012. Under the Sharia law, the law says a person that abuses someone will face punishment of stone and flogging.

5.7 The rights of migrants and refugees

The report highlights that migration is a global phenomenon that is done because of the betterment of social and economic opportunities. It is obvious that people left their origin for some reason where the majority of the population migrate for work purpose. This ratio observed of migrant workers ranging at the age of 12 to 24 (Koska *et al*, 2013:42). In this, the majority of migrants are children under the age group of 16-20; they migrate across a national border. Globally, there is some set design to secure the right of migrants as many migrants' labours are involved in fishing, seafood processing, construction, agriculture, and construction. For these, some rights are specified to protect their position and living criteria. It is observed that migrant workers contribute to retaining the region's competitiveness as well as shows support towards mobility.

In the context of Qatar, the government announced a standard plan by considering migrant rights and their living standard. This includes the implication of minimum wages for migrants or refugee workers, there is an organisation 'Worker's Support Insurance Fund' that ensure the payment of wages to workers. Added to this, the organisation ensures the overdue payment to secure all rights of migrants.

Furthermore, the International Trade Union Confederation (ITUC) follows long-standing treatment of Qatar migrants with the support of vocal critic. It is highlighted in the report that Qatar proposed the reform that shows favour in the agreement of technical cooperation with ILO that concern to notice the complaints of workers regarding their work criteria. The agreement mainly focuses on aspects like labour inspection, employment contracts, protection, occupational health and safety, forced labour, the voice of workers, and

wage protection. The protection from contract substitution and a load of the joint committee is a part of the right of migrant labour (Lewis *et al*, 2015:585).

Qatar design agencies and organisations to examine the labour practices and shows effectiveness to deal with the monitoring activity and overall resolution process. For the right of labour refugees, there are Human Right Advocacy groups like Migrant Rights org. and Human Rights Watch to controls the campaign in favour of labour reform. The International Convention on the Protection of the Rights of All migrant workers highlights that migrant workers are not allowed to face any difficulty in form of vulnerability and inappropriate behaviour however, they gain international protection. Under Article 23 of international right of migrants, migrants' workers will have the right to protect themselves with the help of recourse to and there are diplomatic authorities of the individual.

It is also included in the right of migrant labour that they are allowed to join any trade union and subjected to any organisational rules, according to article 26. For migrant workers, international policy ensures the medical care on an urgent basis as they have the right to preserve their life and to safe then from irreparable harm. Not limited to this, migrants' workers allowed accessing the education and having the right to treat an equal basis in their workplace. Besides the general human rights, the majority of states announced international conventions to highlight the rights of migrants' workers that are working and living in their territories.

5.8 Improvement in labour standards for migrant workers in Qatar

In Qatar, migrant workers are still being exploited as the workers involved in building infrastructure for the project of a new city in Qatar still suffered human violation and exploitation. It was mentioned by Human Right Watch (2018) under the reform of Government, this issue critically emerges. According to the report published in 2018, it is

highlighted that approximately 80 workers from different regions including the Philippines, India and Nepal were unpaid.

On investigation, it is observed that Qatar followed Kafala structure that is considered as the reason of exploitation of employees. The lack in labour standard observed in Qatar where approximately 34 employees were owned with wages £1,500. This is because workers are linked with single employer and reform under the ILO process that makes the improvement rate slow. Under this situation, there is a need for improvement and changes in labour standards for migrant workers in Qatar (Fottrell 2015).

Qatar implements changes in the law that hailed the milestone for migrants labour as this allow the majority of migrant to leave the region without any permission and employer threat. It is now allowed for workers to initiate a battle against the labour abuse as new standards build up the facilitated opportunities for migrant labour. Abu-Zidan et al. (2012;468) mentioned that It is observed that migrants labour faced severe restrictions and enforced to work under the long working condition as well as they restricted to freedom of movement as compared to domestic labour.

In this manner, change in law will not continue this act of injustice and there is no longer power to the employer that denies the permit of the employee. As mentioned above that migrant's labour had not paid for months in World Cup infrastructure project that is why the standard rate of wage set in the new law for migrant labour.

According to the present law, migrant workers are liable to inform the employer before leaving the job and workers must not leave the job without permission of employers. Based on this, migrants can be arrested and might be deported. On the contrary, new law gives improved criteria by removing the tools of employer and allow the migrant employee to leave the job according to their convenience. According to the new implemented law, it is designed

that Kafala system sponsored the worker where that worker-owned by another human being or any other employer. The visa of migrants is totally dependent on the policies of that employer or person, this process is known as slavery of the modern day.

5.9 Criticism faced by Qatar's migrant labour in Qatar

The most highlighted criticism faced by Qatar migrant is the abusive behaviour they faced during World Cup as the news spread that migrants' workers suffered from abuse and exploitation. In the year 2018, after the implementation of reform, it is observed that Qatar Migrant workers still observe fear or exploitation where the system allows restricting the labour to make them unprotected from their freedom. Within Qatar, various allegations observed that make employee enforces to work under abusive as well as unprotected criteria. There is no policy for migrant workers within Qatar to deal with the dispute situation as the ratio of the minimum wage is not appreciable for an employee who came in another country after leaving their own country (Kanso, 2018).

According to the report of Reuters (2018), it is observed that Qatar migrant workers faced complexity and intense criticism in the year 2016 where the country employed around 1.7 million in the construction project. During the FIFA World Cup preparation, there is a constant incident to make migrant workers depressed. It is observed by Gibson (2016) that restrictions of Qatar are not as beneficial for migrants' workers as they mostly hurt the foreign workers and the reason being that the consequences emerged after imposition of the United Arab Emirates and Saudi Arabia. By following the Kafala labour sponsorship system, there is some relief regarding accommodation, visas and leaving the region or enter in any other region, however, Kafala system was drawn up criticism based on substantial. For FIFA2022 World Cup, Qatar deals with complaints by including workers' accommodation, wage theft, passport confiscation, and recruiter fees (Erfani, 2015:623).

In the report of BBC news, Qatar migrant workers shared that they are treated under pathetic conditions as the Gulf State had made little effort to improve the condition of migrants (Ratcliffe 2018). The worst conditions were observed in construction sites, added to this, there were no facilities and condition at work site not acceptable which shows oppression of employees. Beside this pathetic condition, Qatar migrant policies faced criticism in a survival scenario, as there is no standard accommodation to afford food and general expenses. It is also mentioned in BBC news that migrant workers are treated like animals in Qatar.

The international pressure is faced by Qatar because migrants lost their lives at the workplace. It is derived through the investigation report that 44 Nepalese died at the workplace in one month, and several of them faced accident and heart failure problem at a workplace. The criticism is levelled because workers are being forced to work in 50C temperatures and there is no supply of water available at the workplace. The employees cannot leave the workplace because the company has their passports and salaries have not been provided to them (Diop et al. 2017; 150).

The international criticism faced by Qatar is because they are abusing migrants and not fulfilling their human rights requirement. The legal notice provided to the management, but no serious decision is taken on it. 10,000 migrant workers are part of Qatar in the current era because of its infrastructure has been developed. High-death rate was noticed in Qatar in the past years of migrant workers. The indication was given to authorities of Qatar and they need to reform it. Because of labour migrant issues, Qatar is in spotlight and management can take the opportunity by setting a positive example. It is against the law of Qatar that workers have to pay exorbitant fees of recruitment and their passports are also taken by the management of the company (Hrw Qatar, (2014).

Also, questions are raised on the management of FIFA because Qatar cannot host it if they are violating human rights. Further, it has been mentioned, that bribes were given by the Qatar government to host the event. Currently, almost 1200 deaths recorded of migrants in Qatar at the workplace. The migrants are working in a dangerous condition, which is not fair. Migrants in Qatar come under the “Kafala system” that means migrant need, local sponsors if they need to be a part of the country. Also, the sponsor has right that they can restrict migrants to apply for other jobs and abuse them. According to Goyette, (2015) low and late wages provided to them and management treat them disrespectfully.

The forced labour is also part of the Qatar system because of which they are facing problem from international labour organisation. The illegal complaints are also filled by the labour which includes wage theft, passport confiscation and an excessive fee of recruitment. Qatar is getting alot of pressure from international markets because of which they are considering abolishing Kafala, but in the light of expert advice, they can restructure the overall system of Kafala. Because Khafla is a governing body that is keeping records of non-Qataris and also providing them services (Diop, 2017:145).

The right to enter and exit can be provided to the migrants, but still, companies are blocking the employees and they cannot leave the country. The migrants are not having only fear of abuse or abandonment, but they are facing issues in a delay in wages and losing their jobs. These issues start impacting companies too because most of the workers are leaving Qatar. Because of it, shortage of personnel is highlighted, and the result has been derived from a situation that construction sites are being closed in Doha (Toppa, 2017).

5.10 Qatar labour reforms for migrant workers

There are approximately 2 million foreign workers that are performing their jobs in Qatar; the workers are mainly from Southern Asia. The number of South Asian workers

vastly outnumbers the local Qataris who are only present in 12% of the total population. In the past, the dependency on the migrant workers had made the Qataris resistant to change (Mednicoff, 2012:41). The Qatari government and their operations are under international scrutiny on the conditions of the workers that are working on the infrastructure of FIFA world cup 2022 and also because of the dispute with Saudi Arabia and other Gulf states as well.

It was mentioned by ter Haar, (2018:25) that Related to this Qatar is now undoing many of the factors of the Kafala sponsorship system. Moreover, the country has also taken exceptional initiatives for addressing recruitment fees that are basically paid by migrant workers that they pay for getting their jobs. In reply to the country's directness for reforms, the international labour organisation has deferred the previous inquiry and also the previous complaint about Qatar's supposed failure for implementing forced labour convention. As per Arif (2015:185), the international labour organisation had also signed a collaboration agreement in 2017 and also opened a major country project office within Qatar for supporting the reform process.

The major change which is implemented by the Qatari government is freedom of movement that was due to the Legislative amendments which were made in September of 2018. Due to the amendments, the foreign workers can now leave the country without asking for exit permits from their employers as far as they meet the contractual commitments. Employers can still have the authority of restricting 5% of their workers, but the discussion can be done on phasing out that as well (Babar, 2015:140).

Some of the organisations have raised concerns that through this legislation, the employees who they have spent time on their training and recruiting can be free to move on. At the same time, there are a majority of the organisations have emphasised that freedom of movement needs to be accepted as a significant part of the modern labour market. Mamtani *et*

al, (2015: 2521) stated that the foreign migrant workers still need to attain explicit concern from the employer before switching jobs within Qatar.

Fair recruitment is one of the challenges which is faced by the majority of the foreign workers, it is necessary that the workers should have full information about the job they are applying to in order to make sure that they do not pay extra fees to the broker for obtaining the work. In many of the countries, Qatari laws forbid fees that are paid before the departure in the country of the migrant where the charging of fees is lawful. According to Mamtani *et al*, (2015:2521) Many of the international organisations in Qatar have now signed up for promoting the employer pays principle which stated that the employer should have the responsibility of bearing the cost of the recruitment rather than the worker himself.

The major challenge now is to move from policy commitment to changing practices which is not an easy task because of the fact that there are many engrained intermediaries and the agents involved in the recruitment chain, who are accustomed to getting their cut from the millions of migrants who are moving around the Gulf every year. Among the other reforms organisations that have a workforce of more than 500 workers are bound to have joint committees that should have equal representation from the employers and workers for addressing the workplace issues jointly. According to Babar (2017:220) Qatar now has also implemented a temporary minimum wage for the migrant workers that is around \$200 per month at the same time also developing a process for determining a permanent and regularly and updated wage.

5.11 Anthropology of international law

International commercial law although quite ancient and at the same time has long been concern about regulating the war but the development related to international regulations, which are used for governing the social and political issue, is relatively quiet recent. In the

past century, the web of treaties, contracts, and agreements that are connecting the nations have expanded drastically. Bens (2016: 237) mentioned that the members of various countries are now taking participation in developing global legal orders this can be related to different regulation.

However, nations with powers play an excessively huge role in shaping such kind of institutions. The development of a system related to international law basically links to the international order of the Nations states which was developed in 1648 in the treaty of Westphalia. In the treaty, the emerging nation's states within Europe agreed to a particular system according to which each state had to respect the autonomy and independence of the other state. At that time, the majority of the world laid outside the prescribed system. There was a very close relationship between the international law expansion and the advent of the state (Nader 2017:27).

The basic concept of human rights itself has been transformed drastically over the years because activities have changed it in various different innovative context. One of the major expansions had occurred from the concept of legal and political rights related to individuals for protecting them from the domination of the state like the rights that provide freedom from the torture or the right to due process. In the new human rights laws, in which many of them are more collective are being developed constantly by activist and leaders of the human rights system. These involve the rights for development which was elaborated in the 1980s (Zenker, 2016:303).

Anthropology is helpful in making important contributions to understanding and analyzing international law. It basically focuses on the meanings and practices related to small social spaces which can be either in the villages or the corridors in the international courts. Anthropology is beneficial in developing an understanding of how the different facets of international law really work. It was mentioned by Halme-Tuomisaari, (2016:235) the

similarity related to the village law, despite huge differences in the law, highlighted the analytic possibilities that can be used for specific situations, broad structural inequalities, and individual actions.

However, international lawyers have a clear understanding and recognise the historically produced and heterogeneous nature of international law. Ethnography discloses the differences in the way it performs operations in many locations. Due to the growing body of anthropological scholarships on human rights, NGOs work on providing a thorough and complex understanding of these organisations and the support they are providing to the system of human rights. NGOs, whether it is local, national or transnational, are contributing to conscripting of documents which is helpful in implementing human rights declarations more easily.

It was mentioned by Forteau (2015:506) they also take initiatives for identifying issues in terms of human rights and also work for bringing these issues for gaining the attention of the international political organisation.

Anthropologists play a vital role and, in some circumstances, contradictory roles as activists and as scholars in the world of chaotic and multifaceted local and international human rights advocacy. In some scenario, anthropologists perform their duties with human rights NGOs by combining their scholarships by activism in such a way that challenges traditional notions of the anthropologists as someone from outside but at the same time contributes to in-depth insights and much more ethical arrangements with their subjects. Sometimes critical roles have been played by Anthropologists as advocates and as supporters of indigenous claims (Mosse, 2013:227).

5.12 The Fisheries case (United Kingdom v Norway)

Anthropology refers to the study of human behaviour within different societies that have ceased to exist or are still existent. Anthropology highlights vital areas of differences that are present amongst humans with their dwellings being different from each other. It was mentioned by Lloyd (2017:37) the growth of the global population has been one of the major aspects that have led to the growth of the significance that anthropology boasts within the study of social differences that exist with reference to different human behaviour from country to country. The need for an anthropological approach is required majorly, with respect to the determination of international laws and policies that affect people hailing from different countries and thus is considered to help devise regulations that are uniform and do not overstep the integrity of one over the other.

The Norway and United Kingdom dispute over the international fishing waters and limits has been considered a very vital area of development when it comes to creating the water demarcations and the jurisdiction of the International Court of justice. The case has been considered to be quite an eminent area of study for Laws of the Sea and multiple Maritime laws and regulations. The Fisheries Case (United Kingdom v Norway) dispute provides sufficient details of the border respect and the change in laws and regulations that can come from the changes in the territorial borders.

The case highlights the accusation of British trawlers for trespass on the international waters that fell under the Norwegian fisheries zone and were restricted under the Norwegian decree that was issued in the year 1935. The decree was based on drawing 4 miles deep baselines that restricted a specific fishing area for the Norwegian nationals.

A major argument that was put forward by the United Kingdom was with respect to the lack of recognition for the Norwegian delimitation rule and the inability of it to follow the

historic title enforcement. The baselines as highlighted by the United Kingdom in their opposition to the Norwegian detention of their vessels and trawlers was in relation to the abnormality and the lack of uniformity observed by the Norwegian authorities in drawing the Baselines (Kerby *et al.*, 2012:634).

In addition, it was further mentioned that the sea and land separating the baselines was also not considered effectively thus highlighting a large number of problems that finally led the two countries to take the case to the International court of justice. The dispute that was witnessed between the two countries Norway and the United Kingdom had been one of its kind and has thus served a precedent for many maritime regulations and disputes that are decided using the decisions provide in the case by the International Court of justice. The decisions were majorly those that reduced the Norwegian autonomy and baseline system in light of the fact that the country did not have a recognisable system in place which could be accepted by the international community.

Judgements were quite unfavourable for Norway as it on the basis of its abnormal geography and island structure had excessively increased its sea territorial modification which finally resulted in larger marine areas being modified and reserve for fishing and to be used by its own citizens thus the judgement reduced the territorial modification with respect to the single 10 mile straight line rule and took top the Norway condemning the international ships from entering the strait (Dong 2013:76). International Court of Justice regards the fact that the country is considered to be quite diligent in modifying its territorial structure and thus considers that the manner and the system which has been adopted by Norway remains incompatible with the international standards.

Thus, the Norwegian claims were reduced, and the United Kingdom complaint was treated with more vigilance and the Norway strait alteration of the fishing areas was altered with straight 10-mile rule and 4-mile bassline rule was made shallower.

It can thus be considered that the amalgamation of 'anthropology into the international law provides for various aspects that can lead to the growth of international law as an empathic area that considers not a single community but helps adhere rights of all with respect to the acknowledgement of their personal differences and uniqueness from the international community.

Claims can thus be filed with the international court of justice that uses the international law to determine the most applauded act by a country in case the citizens of one country are involved in the affairs of the other country with different social and cultural behaviours being observed between them. Decisions are generally referred to the international law where the difference in law is observed between the countries involved.

Considering this eminent area injustices performed by a country against citizens of the other can also be treated as the lack of abided by that country in relation to international law which then decides the development of penalties and some restrictions on the country if found in lack of abidance. Countries have thus been found to resolve their territorial disputes by referring the cases to the international court of justice which has been structured a top deal with issues between countries similar to that of the Fisheries Case (United Kingdom v Norway) dispute (Pedersen, 2011:125).

5.13 Persistent Objector under customary international law

A persistent objector is a state that refuses and objected the norms involving the principle of customary International law (CIL). There is an emergency in the norm in the society, therefore, the affirmative action requires against that which is being taken by the persistent objectors. This objection was against the declaration of the position of the state and the rights which should be followed by the country on the emergence of the norm. The rights of the

people could be threatened if the state becomes the party of the customary international law because they would bind the state by the norms where they have no consent.

Thus, the consent regarding the rights should be declared at the time of the establishment of the rules. The nation becomes parties by the consent agreement, and they agree to bind with the treaty and agreement by entering in the reservation. It was mentioned by Charney (1986:23) that sometimes they accept the reservation to a treaty provision for some extent that they will no longer be bound to the provision. The customary international law is a general law that binds every state as it is opposite to the local customs:

Moreover, at the time of the formation of new states, they were not likely to consent their custom. Thus, they are bound to the customary international law. On the hand, those countries that did not object at the time of the customary international law are bound by this law because they accepted the law silently without showing their consents. These states could have expressed their consent at that time but public declaration rather signs the agreement. They could also take action against the customary international law with the help of other states that are also in opposition to the establishment of the customary law.

This opposition could be justified by analyzing the nature of the customary law. They could also consent the implementation of the rules by themselves. Persistent objector's nation that objected the rules of customary international law since the law has been given in order to remove the binding of the norm and escaping it from its effects (Green, 2016:7). The state that did not show consent at the time of establishment of the customary international law and wants to escape from its bindings can ratify to accept the agreement. In case of the states that are already involved in the treaty as a party can withdraw themselves from the treaty by becoming subsequent objectors.

However, persistent objectors are the one that refused to accept the treaty at the time of its inception. In addition to this, the customary international law and its practices are growing because of the acceptance of the majority of the international community. Thus, it leads to the failure of the persistent objection and such states will not be able to control the development of the international laws and its rules. However, the persistent objectors explained that the customs are based on the consent of the state rather the international law.

5.14 Importance of Persistent Objector status under customary international law

The customary international law is a general law mostly practiced by parties while performing the contract. Although, the government is not raising any objection on it as parties are following the law. The objectors can raise their concerns as some of them are not willing to accept the law. But, it has been observed that laws are designed by the government to promote a peaceful environment in the country. It allows each individual to perform activities without any disturbance and live their life peacefully.

Customary international law put the obligation on lawful acts as it played a significant role to create a sustainable environment. However, it has been derived laws that are being designed at international level which are likely to be followed by most countries; states have a right to reject them (law 55, 1984). In the current era, by analysing all challenges and problems which can be raised at a global level regarding the law, authorities are working on it and designing the law by combining traditional and modern approaches of customary international law. In general assembly, problems and issues are highlighted by the government of countries. Accordingly, decisions are taken by customary international law development authorities. They need to consider all aspects because of globalization and migration activities.

The persistent objector for the customary international law is very essential for the nations of the world as it refuses the customary international law that is accepted by many states silently. This causes the violation of the human rights in many nations. However, the persistent objectors are the one that helps in protecting the rights of the human. The customary international law is a general law that is to be implemented by the parties of the treaty. Although the state does not express their consent, they are following the law as they are the part of the treaty. However, the persistent objectors could prevent the nation from accepting the law. The state will have their own law that will be according to the consent of

the people of the nation. This will be helpful in maintaining peace within the nation and allow everyone to live in harmony (Verdier and Voeten 2014:390).

In addition to this, the ICJ is supporting the customary international law. However, Norway has shown the opposition to attempt the law in its regions that influence the international court of justice. The alternative was found against the refusal because the attention has been given to the persistent objectors in the new Restatement. It also increases the attention of the other persistent objectors. Thus, this indicates the importance of the persistent objectors that has the power to influence the international law by expressing their concerns.

If the persistent objectors are more than one so there will be a greater influence on the international law that will be helpful for those countries that have accepted the treaty silently (D'Amato 2011:164). Besides this, there are many refugees in the world that migrate from one country to another. These refugees are facing the issue of following laws because of the implementation of the customary international law in the state. They could not object the international law as they belong to other countries and migrated to other.

The states that are the part of the treaty of customary international law are violating the human rights for the refugees as the law differs from their consent and they are also treated them badly. These refugees are allowed to leave the country without concerning their rights. Thus, the persistent objectors also play an essential role in preventing the rights of the refugees. Further, persistent objectors will also be beneficial to remove the Kafala system for the countries that are promoting this system in protection of the law as Kafala system is a kind of slavery that is against the human rights.

Moreover, the persistent objector will help to remove the legal bindings of the customary International law because they do not agree with the law and refuses to accept the treaty. In

addition to this, the persistent objector protects the value by having the clear objection that will be helpful to justify the refusal and to get the desired result.

5.15 Implementation of Persistent Objector in Qatar

Within International law, the persistent objector clearly objectifies to design bound with norm where it allow escaping the hatch from universal hatch. It is applicable when persistently object givediffer perspective to formation of new norm as it objectifies the conceptual role of crystallisation. It was mentioned Petersen (2011:32) it is observed that states become treaty objector when they are not agreed to some consent as this situation require subject to align with respect to the new norm.

In Qatar, there is Kafala system that basically known as sponsorship where the role of this system is to investigate the migrant labours. The migrant within Qatar majority work in Oman, Qatar, Kuwait, Iraq and UAE that is the requirement of Kafala system is considered. According to the Kafala system, there is a system of unskilled workers who showed sponsorship on the basis of legal status and visa status. Under the overall practices in Qatar, there is criticism against human right that directly deals with exploitation of employees and torture on workers.

Additionally, the Kafala system shared that migrant workers need to improve the setup of working condition that help to understand the rights and condition of Qatar migrants. It is known that there are approximately 94% labour force that work in Qatar, came from different countries like Pakistan, India, Nepal, and Bangladesh; majority of workers from their were low skilled as their condition is not according to the fundamental labour rights. In Qatar, there is an assessment conduct to examine the labour right where the Gulf region specifically highlights the red light.

This shows that there are majority of slaves in the form of migrants. Moreover, it is found that there are other regions that are slave states and allow migrant to be in slavery of owners with respect to some condition. By going against to the international law, there is Kafala sponsorship that particularly highlights the abusive activity with migrants' workers. This further includes raising a voice against the violence and mistreatment of Qatar migrants including one to deal with lower income and low facilities.

In the situation of migrant labour in Qatar, there is authority in the form of international law but the developed system contributes to offer the proposition of persistent objector; this not only show concern with evidence but also highlight the condition. There is various assumption and conclusion related to this discussed law as it is argued that persistent objector is bound with protection of value where the case does not specifically relate to proof. Within the persistence objector, the claim needs to be clear enough for making the condition and situation satisfy for obtaining the accurate pathway.

Within the term of persistent objector, there is the situation of acceptance and non acceptance as the designing of values are simply to articulate with prevention and operations. The acceptance of persistence objector highly focus towards the requirement of acceptance where any State is required to reject or accept any formulation of law and highlight the necessary element to express the absence of international machinery. In Qatar, the persistent objector shows contract to accept the fact that shows dependency with ultimately custom and fact.

In support of special custom analysis, the clear and specific description highlight that directly point out the consideration related to politics and economics (Roach, 2014:347). Moreover, the auto-interpretative law highly applicable for Qatar migrant situation as there is scenario of compensation to objectify the matter. It is observed that migrant worker in Qatar shows exit permit to show reform with the landmark as migrant workers working in world

Cup shows availability to exit visas. With respect to construction and labour that is domestic, there is treatment with workers in which employers are not allowed to leave the country or region without permission of employers.

Added to this, the transformation in Qatar shows highlighted driving system to exploit the labour system. With this, International Labour Organisation designs the strategy by which the migrant workers allow to leave Qatar without informing the permit and employer rights. The Kafala system helps to modify the modern slavery with highlighted working condition. There is a sign of commitment with regards to Qatar as this continues the reform and analyse the working condition in Qatar. Within Qatar, there is Kafala system that highly refuses to implement all requirements by international law that help to secure migrants and employee who work outside the country. It was mentioned by Dumbery (2010:380) that the Kafala system show presentable catalyst to protect the migrant worker as this helps top change the development within region.

5.16 Qatar Kafala System and Persistent Objector system

The system of Kafala was developed as a monitoring mechanism for migrants in the GCC region. The application of Kafala was intended to streamline labour supplies in the region. The application of Kafala since 2009 in Qatar was with the same objectives. However as already discussed in previous sections the system has been subject of great debate about its application.

The reforming of Kafala has been found to be quite largely diluted by the GCC and it's general immigration policies that observe a wide difference for the locals and the migrant workforce. Considering such differentiated policies for the migrants an eminent threat that arises for the Kafala system being deformed or in the shorter aspect being ever affected.

Thus, a need to effectively overcome the impact of Kafala within the GCC and specifically in Qatar requires the revitalisation of the immigration policies within the region and the country as well. Kafala System or the GCC and Middle Eastern sponsorship programmes is considered to be the defining system for the right of both the sponsor and the migrant in order to provide for a clear and well-structured attempt for the workforce to witness better condition as they thrive within the Middle East and GCC. The trafficked workforce and their rights to be maintained have been considered the major aspect of the Kafala System which has been adopted by the countries since the year 1950.

The larger progress ration by the Qatari residents has been made by those that have been sponsored by the nationals, however, the international community has lately accused the GCC as a whole to be quite unfair with the treatment of the citizens under the Kafala system and demand excessive revitalisation of the GCC terms of the Kafala system. While the GCC still persist on marinating the system of sponsorships, the international community has been in a serious protest for eliminating the Kafala system along with proposed measures the GCC must be taking to reduce the issues which have rose as the lack of rights which Kafala system provides (Malaeb 2015:307).

The Qatari Kafala system had been under strict criticism which has been discussed formerly, the International Labour Organisation (ILO) with major event of world cup 2022 has taken to watching upon the treatment of the migrant workforce as it considers the sponsorship system to be a more “modern slavery” for the citizens who work there.

The migrant workforce has been considered to be quite underprivileged and working conditions that are not fit for human abode, making Qatar the focal point for ILO. Qatari resistance to the abolition of the globally criticised Kafala system has been quite late and that too comes in wake of reconsideration from the ILO for the conducting the World Cup 2022 in the country. Threats from the Miles (2018) stated that football authority have been considered

to be quite an important player in abolishing the Kafala system, which comes to be a serious setback for Human Rights in the country especially for the migrant workforce, and the country now has agreed upon abolishing the Kafala system in order to reform the labour and workforce working conditions:

The Qatari negation to International Human rights with its perseverance to following the decades-old Kafala System that minimises the rights of the migrant workforce serving within the country to the minimum has been considered one of the causes that have detained it in the list of the Persistent Objector System earning several critical comments being raised in this regard. This has farther led the country out of the human rights respecting nations as it fails to follow them with Kafala being operational.

Since, 2013, there has been an increased number of labour death among migrant workforce due to unsatisfactory working conditions, thus along with the majority of the GCC, Qatar had been positioned in the Persistent Objectors list from 2013 onwards. Arguments and criticism still prevail over the country and its abuse of migrant labour rights under the Kafala system which has been agreed to be abolished yet still are in the pipeline.

Global resistance and debates as to reconsider the FIFA World Cup being held within the country would not have been the case had Qatar took to abolishing the Kafala system or in the other case taken to keeping the sponsored workforce in suitable and healthy work environment and maintained the fact that the working conditions be suitable and the use of the greater and more structured aspects of the labour safety and satisfaction been adopted by organisations within Qatar.

Questions arise on the Qatari Kafala System and the persistence which the company had on keeping it operational despite the international community being entirely against the restrictions, the objections and the lack of bilateralism that the contracts of employment

which come under the Kafala System observe is the fact that Qatar has been found negating the international human rights. The growth of the greater and more structured aspects of reducing its abidance with the human rights areas such as safe and hygienic work environment has led the persistent objector status being imposed on Qatar.

Qatar along with other GCC countries has become the only countries that have been involved in the use of Kafala approach to dealing with the migrant workforce. Other African Muslim states like Lebanon have been considered to be a part of the Kafala Approach. However, transformations in the Kafala System with the removal of several restrictions which the migrant workforce had to bear and were mandatory to the Kafala have now been removed. This has further allowed the reduction of the exploitation which the sponsors had further on the employees have been removed, thus making the important areas of the Kafala being dissolved. Harwood (2018) mentioned that it can further be considered a transformation of the employment area within Qatar, and is termed as the “Qatar’s World Cup Legacy”.

The Qatari Kafala System comes under a horde of criticising statements as the system does not let the sponsor and the migrant workforce enter a bilateral agreement, with the contractual power in its entirety being vested with the resident sponsor. This in turn makes the system more controversial and a dark spot on the ILO’s measures of safeguarding the rights of the migrant workforce. Employer and employee relations have been considered to be quiet an eminent aspect of devising the Kafala system which however has been quite dejected in the current context as the abuse of the workers under the hands of the sponsors and the employers has been a norm that prevails within the GCC (Pande, 2013:414).

The concept of Persistent Objective rule is based on the boundaries of the enforceability of worldwide laws. As per the convention, if a state constantly objects to the improvement of a standard global law, it can't be held to that law when the custom ages. By

and by, tenacious protest is a substantial resistance except if the standard universal law accomplishes the uncommon status of an authoritative standard or, as it is alluded to in Latin, a Jus cogens. Under existing global law, just a bunch of human rights standards qualify as Jus cogens,' leaving the vast larger part of human rights laws helpless to the diligent dissident convention. This Comment contends that use of the industrious dissident teaching to standard human rights law is undertheorized and, subsequently, confused. This Comment proposes a reformulated principle that would be less open as a guard against human rights infringement.

On a basic level a disagreeing state which demonstrates its contradiction from a training while the law is still in a condition of advancement isn't bound by that standard of law even after it develops." Presumably, an express that is quiet amid the time of arrangement is bound by the standard when it comes into power similar to another state. In any case, states have once in a while asserted or been allowed an exception based on the disagreeing state rule.

The Persistent Objector Status had been previously considered in case of Qatar and other GCC countries where the ILO had witnessed a serious negation of the countries from the human rights regulations and policies that prevailed globally. Qatar formerly during its negation of the abolishment of the Kafala approach of sponsorships for migrant workforce had been amongst the Persistent Objection Status as the global human rights policies were adhered to at the minimal with the system intact. Yet serving its attempts to reform the system and with campaigns that have diluted its resourcefulness, Qatar may be regarded as not in the list of the persistent objectors to the international labour rights and laws of human rights.

Industrious dissenter rule does not make a difference to authoritative standards. Prerequisites: Establish that the state has expressly restricted lawful guideline from its introduction to the world, sometime before the standard may have developed into standard

law. States must be MOST careful seeing enlisting themselves as relentless dissenters to treaties that are not in power or that the state didn't sign, which could inevitably create standard worldwide law. (Send discretionary letters communicating protests, and ACT in opposition to frightful guideline.)

Since sovereign self-rule is a central standard of universal law, an end product precept built up that a state which industriously items to a rising standard isn't bound by the standard once it picks up the status of standard worldwide law. There are two conditions a state must satisfy so as to quit the new standard guideline. In the first place, the state must item when the standard is in its incipient stage, and keep on protesting thereafter. Proof of protest must be clear, and the dissident state must disprove an assumption of acknowledgment. Quietness or inability to question is deciphered as assent. Second, the complaint must be steady. A state may not question a portion of the time, apply the standard at different occasions, and still be a relentless dissident.

It is to some degree amazing that this tenet, albeit generally assumed legitimate, has once in a while been conjured by states. If not utilized by and by, is it still pertinent? Teacher Stein contends that states will conjure the determined dissenter regulation all the more much of the time later on in view of the quick definition of present day standard global law. While the traditional procedure of worldwide law making was review, advancing gradually dependent on what states had done before, the cutting edge process is forthcoming: multilateral shows are composed with a view about what states ought to do now and later on. Teacher Stein contends that *opinio juris* is never again an awareness that creates after some time, however a conviction that connects in a split second to a standard saw as adequately significant.

Among the constrained writing on the tenacious dissenter precept, most pundits note that the convention serves the essential capacity of defending the job of assent in global law.

8 According to its customary conceptualization, worldwide law gets from understanding among sovereign states. In this manner, conventional scholars attest that states are just bound by global laws to which they have consented to be bound.

These scholars argue that there is no global governing body to force laws, and as needs be, universal law must be a result of assent among similarly sovereign states. As per these scholars, the persevering dissident tenet is a characteristic segment of the assent based global framework. An optional and less talked about capacity of the regulation is to give predictability in universal law.' The procedure by which standard worldwide law rises is a nebulous one. As referenced above, *opinio juris* and utilization consolidate to make standard worldwide law, yet the subject of when these two components blend and age is frequently indistinct. There is no brought together worldwide organization that issues a presentation each time a standard universal law ages. Hence, it is hard to pinpoint the date on which any standard law ripens.

Thus, without the tireless dissident tenet, expresses that restrict the development of a worldwide standard may get themselves subject for disregarding a universal law absent really any admonishing. On the off chance that the procedure by which standard law matures is so nebulous, how do states realize when to quit questioning and when to begin conforming to a universal standard? In light of this inquiry, the determined dissenter regulation serves a significant function it counteracts the subjection of states to unanticipated liabilities.

While Qatar has agreed on discontinuing its Kafala system as the system has been broadly criticised, the country has been under the influence of the Shura Council which is still kept on nagging the practice of diluting and dissolving the system. The Kafala System and changes to it for a better balance of rights between the resident sponsors and the migrant workforce. The resistance from Qatar has been considered as more undercover now rather than previously open revolts against the aborting the following of the system, such aspects

come to light with multiple reforms being proposed that are farther strict in dealing with migrant workforce rather than easing out their entry and exit in the country and the ability to switch between the sponsors and employers (Migrant Rights, 2015).

A general concept that prevails within the global community is the fact that Qatar should not have resisted a change in the Kafala System and should have taken a measure so as to position itself as the champion in the Middle East and the GCC to prove itself as the country to help migrant workforce achieve their rights.

The current scenario is the Qatari government being applauded for its agreement to reform the Kafala system with the abolishment of the permission phase for the migrants which they require as a compulsion in order to leave the country even on expiry of the contract for employment. It was mentioned by Ratcliffe (2018) the current scenario has raised a rejoicing factor within the campaigning bodies. However, an issue that has been provided for within Qatar's acceptance is its inability safeguard domestic workers who are not the part of the labour laws that prevail within the country and thus are excused of the list of labour that shall be affected by the reforms which are planned as the Kafala System is restructured.

The restructuring and the potential abolishment of the Kafala system within Qatar in wake of the FIFA World Cup has been the cause of great international recognition for the measure which it has taken in relation to providing the basic rights of the migrant workforce such as the discussed leaving options for the individuals regardless of their employer's permission. This has led the country to be established and is called the champion for the eradication of the Kafala System. The farther phases of recognition which had the country not objected to the reduction of the Kafala System prior to the objections and protest from the International Community it would have gained far more recognition. According to Budhathoki (2018) analysts have gone far enough to remove Qatar from the extensively

boasted persistent objector status when it comes to International Human Rights and found it capable of leading the eradication of the Kafala System within the region.

Qatar should not have objected to ending the Kafala Approach initially as it had impacted the conducting of the football world cup within the country for quite a long phase with a number of international; bodies reaching FIFA to reassign the host country due to Qatar being quite deficient in leading the human rights and labour rights within its attempts to construct infrastructure for the world cup. The country despite its attempts in initiating a new legal structure for the provision rights to the labour is under criticism from Amnesty in relation to the no significant changes being observed in the Kafala approach as yet which can in the long term improve the country and its attempts to improve the human rights practices for its immense migrant workforce (Pessoa, 2014; 210).

The region, on the whole, requires quite restructuring within its migrant workforce treatment and thus needs to be revamped with respect to the major transitions in immigrant policy structuring. This is believed to be done by Qatar as it leaves its Kafala Approach of sponsorship with initially reducing the unilateral aspects of employment contracts.

The initial persistence of the Qatari government to follow its decade's old Kafala approach of dealing the migrant workforce has been reduced and they have taken measures for reducing the atrocities and issues which the migrant workforce had to face. The Persistent Objector Status to some, the extent can be removed off Qatar with its current progress in terms of abstinence of Kafala approach which to some extent has been on the grounds of international pressure which the country observed due to the deaths of the workforce during the infrastructure development.

5.17 Conclusion

The study evaluated the criticism, which was faced by the employment law of Qatar due to the weaknesses and lack of providing enough protection to the migrant labour of Qatar. The study evaluated that Qatar is one of those countries having legal framework and policies to set the basic right for migrant workers, a contrast to this, labour faced violation and abusive treatment on the field as the highlighted scenario is of FIFA World Cup 2022. Migrant labour reflects vulnerable behaviour because of injustice with them, as employees are work with lower wages and minimum facilities. Moreover, these people cannot leave their job or the country because, in past years, the law shows no objection towards labour right. After the criticism, the migrant labour law tested as per the requirement of Jurisprudence of ICJ as mentioned. The research evaluated that the Jurisprudence of ICJ has the right to give advice to member and non-member states to improve their legal system. The improvement has occurred in the legal framework of Qatar for immigrants, but it is not as much benefit yet as it should be.

As it is concluded above that immigrants have a right of freedom and their human rights should be fulfilled it does not matter from where they belong. The migrants face challenges in Qatar because domestic law does not give fair decisions and it is difficult for them to raise voice for their rights. The legal framework of migrant in Qatar is part of the report, as laws are developed but not implemented properly by authorities. Issues are highlighted in several sectors, but authorities are not taking any action against it. An international organisation of human right is also pressurizing Qatar authorities. Some of the law is updated such as the migrant does not need to inform the government anymore when they leave Qatar for holiday. They need to inform only the recruitment department and fulfill the requirements, which have been written in the contract. In Qatar, the human right of migrant are violated and even sometimes they face abuse. One more right has been provided

to the migrant that if they do not agree with the decision of management, they can raise their voice but within 24 hours. The migrants get the benefit if they work in multinational companies because over there equal rights are provided to Qataris and non-Qataris.

The right of migrants is considered by the government of Qatar and they are trying to set standards. They are considering wage factor as minimum wage criteria are not set in Qatar. The international protection is provided to migrant of Qatar and they don't need to face the inappropriate behaviour of anyone. Kafala system is a body that manages the migrants of the country; the government is considering restructuring the system. As it is highlighted, a number of migrants left the country and because of it, several construction sites of Doha are closed.

6 Chapter 6

6.1 Introduction

Child labour has been the dark secret about the world for years and the governments and the authorizations are working for years to deal with this issue (Allain, 2010:565). When it comes to the Middle East, especially Qatar the main source of child labour has been human trafficking. Child labour is an issue which has not been resolved even in the developed world (Humanium, 2018). The ratio of poverty in some countries especially Asian countries and South African countries have been very high which have forced parents towards selling their children. There are also criminal organisations who are involved in human trafficking.

These illegal organisations kidnap children from their houses or countries and sell them to different organisations in different countries. Qatar has been a major attraction for these organisations. It is not because of a lack of laws and regulations against these illegal acts but the issue is lack of implementation and monitoring of the regulations. Two main reasons for child labour around the world other than human trafficking is conflict and mass displacement (Humanium, 2018).

Recently, there have been many positive changes in the human right law of Qatar and one of those changes have been the advancement of the child labour regulations. The human right organisations and governments around the world are trying to eliminate the idea of child labour but whether they have been successful yet or not are still a very big question (Butrymowicz, 2017:20). There has been a reduction in childlabour because of the actions, which have been taken by international communities against the idea, but the reduction is not in very prominent ratio. The reduction in childlabour is very slow as compared to the measures, which have been taken. In countries like Yemen, Afghanistan, Zimbabwe and some others, children are being tortured by child labour (O'Connell Davidson,2011:454). In

these countries, children are working at high risks and extreme risks sights such as construction sights and factories.

The point here arises is what are the reasons which have kept the reduction of child labour limited. As compared to other parts of the world, the situation in Qatar regarding child labour is being considered much better. Qatar is the safest place for children and adolescents. The country is one 172 number in the list of countries which have the highest number of children kidnapping. Qatar about its law so that they can control the illegal issues of the country especially those, which are the worst enemy of humanity.

Child labour itself is a physical and mental stress on children but the worst thing is the behaviour of employers with the child. Children are facing physical abuse in their employment place. Child labour has caused children death as well and because of that, the country, where child labour is very high has a low mortality rate for the children who are under 5. This chapter of the study will elaborate on the child labour of Qatar and the law against child labour which have been formulated. This chapter will specifically explain the labour and the formulation of Convention No. 138; No. 182 which have been formulated for the effective abolition of child labour (International labour organisations, 2019).

6.2 Child labour and international law

The international law especially the human right international law has been designed so that international communities can take part in the justice systems and provide justice to humankind. International laws have proved valuable for those countries especially where the domestic is not strong enough to solve the issue of its own community (Humanium, 2018). Formulation of international law has been a measure taken for the safety of humans and for the safety of peace around the world. As per the international law, the legal age of work is 15

years minimum and, in many countries, teenagers under the age of 18 cannot work full time (Boyden,2015:167).

The very first declaration of human rights in the international law was made in 1959 and the rights, which were set, were according to the League of Nations Declaration of 1924. After the declaration of children right only child was given legal protection. A convention was passed against child labour in 1999 but at that time, this convention was not strong enough to actually provide protection to children against child labour but somehow this convention was successful in eliminating the worst kind of child labour. To prevent child labour, international law decided the minimum age of labour (Middlebrook, 2008). The international law has specifically been working to reduce child slavery.

As per international law, child labour is not acceptable in any country or culture. Slavery has different types and reasons. Children are being forced to be slaves in the result of unpaid debt, prostitution, pornography as well as forced recruitment of children (Esteban Ortiz-Ospina and Max Roser, 2019). At the start, the convention of the child labour was focused mostly on slavery but it was rectified with time (Picciotto, 2017:177). The international convention of child labour was agreed upon by 150 countries but the EU has the right to take action on the non-member countries have well to prevent child labour.

To reduce child labour, the international authorities are working to enhance the awareness of education around the world especially in the countries, which are facing poverty. International law does not allow even teenagers to work at night even if it is part-time. As per international law, children are not accepted working at places or doing jobs, which are harmful to their health.

To enforce peace around the world and to provide security to human beings, the united nation needed to build relations with states so that they can put their opinions and make the

state agree to them. United nation needs commitment and compliance of domestic politics to be able to fulfil the objective of protecting human rights and for that united nation has established a democratic relationship with different states. Valuing the freedom of human is the main agenda of international law of human rights.

6.2.1 History of Child labour in Qatar

Qatar may be a safe country for national children but lack of monitoring of migrants has failed the law to protect the migrant children from child labour (Gibson, O and Booth, 2013). ILO is very focused on eliminating child labour from manufacturing industry of the country especially from the football manufacturing countries. However, there are things, which are still required to be rectified. Child labour of Qatar is very much linked to sports especially the camel racing (Basu and Chau, 2003:255). In the start, American children were being kidnapped from their houses and were being used as jockeys for the race. This is a risky job, which killed have killed many children (Humanium, 2018).

6.2.2 Child labour practices in Qatar

Within the term, child labour practices, there are varied activities and progress that make the children work under slavery. The study of Saad (2017) revealed some child labour practices and that globally there are around 168 million children engaged in child labour where there are number of children who suffered with worst form of child labour that are akin to slavery condition, practices like bonded labour and child soldiering. It is found that like any other country, there are child labour experienced in various field including agriculture, mining, quarrying, and domestic service.

On investigating the child labour practices in Qatar, there is minimal practice of child labour in Qatar in comparison to other counties where there is collectively less focus that would bring them to the limelight that would highlight the child labour practices. It is

highlighted that many African children were kidnapped or sold to become camel jockey. In this regard, there is law implemented by Qatar to save the children from camel jockey. They are offering of alternatives that help to reduce the use of children for this work. There will be use of robots to engage in camel jockey as this will help to discourage children who were the target of child labour (Unicef, 2019).

Added to this, it is observed that Qatar is considered as the safest place for children in Arab world where policies have been developed for growth of children, for instance, the minimum employment age. In this manner, there is a high standard of living for children promoted in Qatar, whereas such standards for children are not that define by any other country like Qatar. On examining the child labour practices in Qatar, it is observed that there are enhanced development in respect to child labour that considers the factors like politics, culture, society and health. There is no highlighted information regarding the child labour in Qatar as on scoring, Qatar ranked as 24th in overall 947 number that make it top most safest country in Arab (Humanium, 2019).

6.3 Forms of Child labour

Child labour is considered the worst crime. There are some other worst forms of child defined by Convention NO 182. The object of this part is to discuss some worst forms of child labour in the light of Convention NO.182 of the ILO.

Slavery is one of the worst forms of child labour, as it is the system where the concept of property law is used on the children. In this form of child labour, individuals buy, sell and even own children and the children become their slaves (*Ilo.org*, 2019 online). They are asked to perform different roles as per the demand of their owner and if they refuse to do so are punished brutally. It can be summarized that slavery is the worst form of child labour as

children are purchased against their will whether through illegal purchasing deals or they are captured.

Another worst form of child labour is child trafficking. It can be explained as the practice of action of illegally purchasing and selling of children. Every year millions of children are transported for some sort of reason. Most of the children are drugged and kidnapped from streets and are transported to some other regions or part of the world. There are many different purposes of child trafficking out which the most prominent ones are prostitution, forced labour, begging, child soldier or sexual exploitation. In the year 2014, United Nation because of the report of human rights called Qatar officials to stop human trafficking (Rebecca Falconer, 2014 online).

Debt bondage is also one of the worst forms of forced child labour (*Ilo.org*, 2019 online). Bonded labour, debt slavery or debt bondage is the kind of child labour where the children are pledged to an individual as a security for the repayment of debt. It can be explained as the form of child labour where the children are exchanged to perform any work because people are unable to pay off the money taken from the person to whom the children are pledged. It usually happens in a poor family where the father or another relative of the children hand over their child to any stranger as they are unable to repay the debt. Such children are forced to work for years until their relatives are able to pay off the debt. Another issue with this form of forced child labour is that the person who owes the money has to pay continues interest on the money borrowed which makes it difficult to repay the debt for many years. In Qatar, there are several cases reported of child victims of violence because of debt bondage (*Refworld*, 2017 online).

There are many other worst form of child labours which includes serfdom, child labour in agriculture and child labour in armed conflict. Child labour is forced to fight with

arms and ammunition. It is not only a violation of human rights regulation but is also a war crime. Compulsory recruitment of children for the armed conflicts can also be explained as child labour in armed conflict. Such children are usually exploited, forced by others or are abused to kill other people in society using arms and ammunition. Children are also sexually exploited and are forced to perform in sexual films. It is another form of worst forced child labour. Other than these children are also forced for illicit activities like in the production of drugs and it is also the worst form of child labour as it violates more than 1 law at a time. Children who are involved in such form of child labour are often addicted to the drugs.

6.4 Key indicators of child labour

Child labour in any country can be evaluated by considering the key indicators of child labour that indicates whether the country has a high ratio of child labour or it is the safest place of the child (Edmonds, 2007:3607). In many countries, child labour is measured by analysing the percentage of a child working in the country. It also reviews the paid and unpaid children percentage because there are some exceptional cases that allow the children to work without any pay (ILO, 2019). In a country like Venezuela, there are 44% of the working children that are not remunerated or some of them are provided with half payment.

Some countries measure child labour though evaluating the activeness of the children economically and in studying. They also review the working hours of the children that are employed and also those who work in the household chores. This highlights the amount of work that children are performing in the country because a little work cannot affect the health of the children but the high intensity of the work will lead to the bad health or it may also influence the education of the children. In many countries, the children do not attend the schools because of child labour. On average, the children work around 40 hours in a week which is a standard working hour for the adult worker that works as a full-time employee.

However, there are some other countries as well where the children work for 55 hours a week.

Qatar is considered to be the safest place for children in the Arab world because the ratio of childlabour is found to be less as compared to other Gulf countries. Moreover, Qatar was ranked 34 in the whole world for eliminating child labour by scoring 947 (Venezuela (2011)).

Qatar is in the top ranking that protects the childhood that could be analysed by the key indicators of childlabour. In Qatar, childlabour is measured through the statistics of children out of school. As the children do not go to school if they are employed, the ratio of children out of school is measured to identify the proportion of children that are employed for full-time work. However, there are only 4% of the children in Qatar that are found to be child labour that is out of school. This indicates that the ratio of Child labour is found to be low in Qatar that makes it a safe place for children (Doha News, 2017).

The employment rate of children also indicates childlabour in Qatar. The child labour has been removed from Qatar that can be indicated by the employment rate of children that shows no child labour for the children who are less than 15 years of age according to the statistics of 2013. However, in the year 2012, the employment rates of the children who are in between the age group of 15 to 17 have a proportion of 0.1% of the total labour of Qatar. This represents that childlabour is found in less ratio in Qatar (**Ministry of Development Planning and Statistics, 2013**).

Another key indicator to evaluate childlabour is that the proportion of the child working in different sectors such as manufacturing, transportation, construction, mining and agriculture. In this way, the prevalence of childlabour can be identified. The working hours also indicates childlabour. However, in the labourlaw, it has been mentioned that the working

hours for labour is 48 per week but it has provided the working hours of children that represents that Qatar law does not support the child labour (Qatar Labour Law, 2019).

6.5 The effective abolition of child labour

6.5.1 Convention No. 138

6.5.1.1 Background scope and method of application

The convention no 138 is the minimum age convention that has been regulated by the ILO. ILO is the very first organisation that has adopted the legal restriction for the labours who are less than fifteen years. It was adopted in the general conference of the international labour organization on the 26 June 1973. The purpose of this convention is to eliminate child labour from the world by setting a minimum age for employment. The minimum age that has been set in the convention is fifteen years for the full employment but for the light work the child can perform is 13 years of age. However, there are some dangerous works that is strictly restricted for the people of not less than 18 years (*Ilo.org*, 2018 online).

This convention is supporting the rights of the children and allows them to live their childhood without having the pressure of work. It encourages the child to develop their physical and mental health by preventing child labour. The minimum age in this convention promotes children's growth period where the children develop both mentally and physically through completing their education. The scope of this convention is to bind all the members of ILO with the legal restriction for child labour in order to eliminate child labour from the whole world. However, there are some countries where child labour is common and they have not ratified the convention. Therefore, the ILO has created a control mechanism so that the convention can be implemented properly. ILO has created a committee that includes experts for monitoring the application of the minimum age convention. The committee is responsible for examining the progress report that the members of ILO will submit to them.

In addition to this, ILO has established an International program for the elimination of child labour (IPEC) in order to implement the convention successfully.

The convention is implemented in various countries as it has been widely ratified in many states. There are 171 states in the world that have approved this minimum age convention. This has been done because they have provided flexibility in the convention which allows other states to accept this convention because it is meeting the need of their country. The flexibility has been provided for different nature of the work in Qatar. The age limit for hazardous work is different from the lighter work. The children who want to participate in artistic work are allowed to work on the basis of their art. The restriction in this kind of work is that the maximum number of hours is defined for them.

In Qatar, this convention is being implemented in a way that the government of Qatar has paid attention to the enforcement of the law. For that, they have made the children education compulsory for children under 16. The committee was made to monitor this implication and they also provide incentives for the children so that they can continue their studies. Moreover, the training at the workplace is limited for the children until they reach the age of 16 (*Ilo.org*, 2009 online).

Qatar is working on providing free education and making the education compulsory at all levels. They are also considering the other articles that are related to the children's education and health for the morale and safety of the children (*Ilo.org*, 2019).

Articles

Following are the articles of the minimum age conventions that are regulated by the ILO in order to implement the convention effectively and efficiently.

Article no 1

Article 1 of convention no 138 states that; every member of the ILO should have to follow the national policy that must be created to provide assurance for the abolition of child labour effectively and efficiently. The national policies should be designed in a way that it should help to raise the convention progressively that defines the minimum age for the labour at every level. It should support the development of young children both mentally and physically (*Ilo.org*, 2019 online).

Article no 2

The member of ILO that approves the minimum age convention should specify the minimum age for entering in the employment. A declaration should be added with the ratification of the state that should include the means of transportation that is to be registered in the territory and the children under the specified age will not be allowed to work in any occupation. The country which approves the minimum age convention should notify the international labour Office by informing the Director-General if the state wants to specify the age limit higher than the previous one. The specification of the minimum age should not be less than the age of compulsory schooling completion. For schooling, age is predefined as 15 years so it should not be less than 15 years. The countries that are underdeveloped and have insufficient facilities for education so they can specify the age of 14 after the consultation of an organization that concerns about the employees and workers.

Article no 3

This article stated that the minimum age for employment can vary by the nature of work. It mentions that if the nature of the employment is dangerous for the health and safety of the children the minimum age limit for the employee should not be less than 18 years. This

declaration should be specified by the national authority of law and regulation that will be established after the discussion with the firms that works for the employee concerns. The organizations that work for the concern of the employees and workers should protect the rights of the children in a way that it should not affect the health and safety of the children who are under the age of 16. Moreover, the children can get vocational training from that organization in their branches (*Ilo.org*, 2019 online).

Article no 4

The national or competent authority that consults the employee concerning organization can exclude the implication of the convention when the specific or special issues arise. Each member that has approved the convention should declare the categories that are to be excluded and it should be conveyed by the first report in the conventional application. It should be submitted to the international labour organization under Article no 22. This article will not exclude the employment that is mentioned in the article no 3 of this convention.

Article no 5

The members that are underdeveloped and lacking in facilities can limit the scope of the convention's application but for the initial stage only. These countries should have to clarify in their approval about the type of undertaking and the branches of economic activity that will be implemented in the convention. These conditions will be implemented in the sectors like sanitary service, gas and water, electricity, construction, manufacturing, mining and quarrying, agriculture and plantation. It will exclude small scale production and family's local consumption. The member of ILO that has limited the convention application should indicate the general position of the employment in the branch and can also extend the application scope by informing the Director General of ILO office (*Europarl.europa.eu*, 2016 online).

Article no 6

The convention of minimum age is not applicable to the young children who are in school or institution for any technical and vocational training even if they are of 14 years of age because it was undertaken by the competent authority and carried out accordingly. These organizations provide training or education that is entirely undertaken and approved by competent authority. These firms should provide guidance and choice to the children to choose their training line for the occupation.

Article no 7

The laws and regulations by the nations can allow the age of 13 to 15 years children to the work that is not harmful for their development and health. The work should not affect the education and attendance of children in schools. The participation of the children in the vocational training should be approved by the competent authority and they will approve the children if they fulfil all the instruction received by them.

This article can also be implemented for those who are at the age of 15 but have not completed compulsory education. The nature of the activity should be determined by the competent authority. Also, they should mention the number of hours for the particular condition and the nature of employment (*Ilo.org*, 2019 online).

Article no 8

The competent authority that consults the organization of employee concerned should allow the exception for the employment restriction if the children are participating in any artistic work. However, the number of hours should be limited and they should specify the number of hours for their artistic performance and other conditional employment.

Article no 9

In order to enforce the convention provision, the competent authority should specify the appropriate penalties. The competent authority should also declare the persons who are responsible for conformity so that it may not affect the convention. The competent authority should register all the documents that will be available for the employer. This documentation should include the name, date of birth, age, certifications of the employees.

Article no 10

There were different conventions established for the minimum age of different industry that has been revised in different years. The convention for the minimum age for the industry, trimmer and stoker, agriculture, and sea, should not be further ratified when the parties agree to the close of ratification. The members who have ratified the obligation of the convention should legally involve in the denunciation of the law. In the context of non-industrialemployment, the member of the party can have an immediate accusation of the convention.

Article no 11

The actual approval of the convention should be conveyed to the international labour office for the registration. This shall be informed to the director general in the international labour office.

Article no 12

This convention will be enforced to the state that is the part of the ILO and has registered themselves in the ILO office with the director general. The convention will be implemented after the completion of one year after the ratification date on which they have registered.

Article no 13

The state which has approved the convention can denounce the law after the completion of ten years but it should also be communicated to the Director General of the international labour office. This denunciation will be implemented one year after the registration. The member should decide whether to ratify or not because after the expiration of ten years they will bound again for the next ten years under the terms of this article.

Article no 14

The director general of the ILO office is responsible to inform all the members of ILO about the registration regarding denunciation and ratification that was conveyed to him for the confirmation. While notifying about the registration of ratification again the director general should focus on the date of enforcement of the law.

Article no 15

The director general is responsible to convey the information regarding the registration to the secretary general by considering the article no 102 of UN charter to precede the article.

Article no 16

The implementation of this convention should be examined by the governing body of the ILO office. They should prepare a report to be presented at the general conference in order to evaluate whether the convention is being implemented or not. The report should include all the questions of the revision of the conference agenda.

Article no 17

The general conference will adopt the new convention that will revise the law either completely or partially. If not the law should provide the approval of the member on the new convention as they are legally allowed to denounce the convention if there are any new conventions. Moreover, in case of new conventional law that will come into force can be stopped to implement by the members of ILO.

Article no 18

This article has stated that the languages of this convention that will be considered authoritative are French and English.

6.5.2 Convention No. 182

6.5.2.1 Background scope and method of application

To reduce and eliminate the worst form of child labour, convention no 182 had been introduced by the governing body international labour force. The 87th session had been conducted on 1st June 1999 to discuss child labour issue in depth. In this session, the main priority was given to child labour at international and national actions were taken by authorities. By authority members, the recommendation were provided regarding a minimum age of the child for employment was considered in depth. It had been concluded that children who work under 18 had been considered as child labour. The factors which had been focused on were the elimination of a form of child labour and provide them free education and authorities can fulfil their basic needs to reduce child labour from society (*Ilo.org*, 2019 online).

The labour law had been adopted in 1996 in international Labour conference at the 83rd session and further reason had been also discussed by authority. It had been concluded

by them that poverty have a great impact on child labour and for that solution which had been given is sustained economic growth and promote social progress. Also, education must be promoted at the universal level, it can help to reduce or eliminate the problem of child labour from society. It was completely adopted at 17th of June 1999 and convention had been properly developed regarding the worst form of child labour. It had been promoted at the international and national level.

To adopt it details were provided by the management in the form of articles and also the application of articles had been implemented to nationwide to resolve child labour issue. The law has been introduced because the child was not getting their rights and facing violence from industry owners and other powerful people.

The convention law no 182 had been enforced in Qatar on 30th May 2000 (*Ilo.org*, 2019 online). The duties were assigned to the authorities to monitor child labour activity in Qatar. If they trace any activity regarding child labour they can take action against it immediately to eliminate the problem from Qatar. The changes can be done by the members if they face any difficulty while monitoring the activity of child labour in Qatar. But, before doing any changes they need to inform the authorities. Further, if changes have been accepted by the authorities, the information has been provided to each member of the organization.

Further, the authorities were focused on the elimination of child labour but after effects had been also considered too. Rehabilitation had been promoted when child labour cases occur in the country to resolve it for the long-term. On the other hand, family needs are also being considered by the authorities because of which child has to work. Poverty has been considered as the main cause of child labour. In some cases, children can work but for that criteria standard had been set under the convention. Information related to child work had

been completely provided and concern of authorities had been taken by the management of the organization to avoid consequences.

However, consultation services have been provided to that child who is less than 18 years and works also, proper mechanism had been developed by the management to make sure child health is not affected because of the working environment or conditions. The child labour is not even allowed in the government based firms and not in scenarios where conflicts occur between armed forces. Labour practices have been observed in Qatar and other Middle East countries because of the pressure of international labour law. The organisation makes sure the law had been implemented by the nations to fulfil the needs of children. The scope of this law is to provide every child its right, and if they cannot afford the standard of living the organization promoted social services in every country. From these initiatives, children get their right and also their basic needs have been fulfilled (*Ilo.org*, 2019 online).

Articles

Article 1

Authorities have a responsibility to consider action against the prohibition of child labour and they can take actions to eliminate child labour.

Article 2

The child labour convention age limit is under 18. The authorities have to provide the right to every child without any discrimination.

Article 3

The article had been introduced to highlight the worst forms of child labour which had been observed in the past.

- All forms of slavery or similar to slavery must be eliminated such as trafficking and sale of children, serfdom and forced, debt bondage, compulsory labour, including children recruitment that had been used in armed conflict are ban by the authorities.
- To earn money people do offer the child for pornography or for the performance of pornographic and also child for prostitution has been prohibited.
- Use of child in an illegal activity such as in the production of drugs or trafficking of the drug at an international level has been restricted by the government of Qatar.
- The work which is not good for child health either is physical health or mental health it is ban and also activities which reduce child self-esteem, morals and impact on their safety had been ban through the help of this conventions. The right had been provided to take strict decisions against the people that are somehow part of child labour activity in Qatar (*Ilo.org*, 2000 online).

Article 4

Further, article 4 had been designed under the light of article 3 to secure the rights of Child completely.

- The laws have been strictly followed at the national level and all standards regarding child labour must be followed according to the international standards in Qatar. The law in Qatar had been implemented by considering all the recommendation which had been provided at the time of development of the law to eliminate the worst form of child labour.
- If in any condition, the child has been employed to the organisation it must be with concerned of the child. Further, the child must have complete information regarding the nature or type of work. The work which has been given to a child should not violate the article 3 restrictions.

- The type of work must be assigned by the following article 1. The articles must be updated after each periodic by evaluating the scenarios. Further, update information must be provided to workers and employees of the organisation and if worker or employees need any type of consultancy, it must be provided to them regarding the law.

Article 5

Each member of authority after consultation of each individual employee and worker organization, they must develop an appropriate mechanism to monitor them. This implementation had been taken by the government of Qatar to implement Convention 182 in an effective manner and also provide the child employees equal rights.

Article 6

Article 6 had been divided into two parts to fulfil all requirements of convention 182 and eliminate the worst form of child labour.

- The authority member must have their own way to implement convention 182 to eliminate the child labour worst form of Qatar.
- The design which had been followed by a consultant to reduce child labour can be shared with the management of the organization and other government authorities, employees and social worker group. It will help responsible authorities to manage and reduce child labour activity from Qatar in a systematic manner (*Archive.ipu.org*, 2002 online).

Article 7

Article 7 had been divided into a different part and has been a focus on education and other scenarios of child labour which can be improved and reduced from at national and international level.

1. Each member shall take initiatives which are compulsory to ensure enforcement and implementation of the child labour law in an effective manner. Also, the initiatives application and other detail must be shared with a panel of authorities or other appropriate sanction that are interlinked with the implementation of conventions related to child labour.
2. The responsible members shall take decisions to promote the importance of education and the elimination of child labour and initiatives must be time bound so it will be complete on the required time.
 - a) They have to make sure that children are not involved in any kind of worst form of working.
 - b) The necessary guidance has been provided if children are involved in any form of worst working and they send the child to rehabilitation. Also, work on the social development of the child, to provide them better lifestyle and future.
 - c) The authorities that work for the reduction of child labour make sure child is no more part of the worst working conditions and free education is being provided to him. Also, possible and appropriate, vocational training has been provided to children.
 - d) For girls, some extra initiatives must be taken by responsible people.
3. Each member must complete the duty which has been assigned to him by the authority to do a proper implementation of child labour convention and reduce its effect from provisions.

Article 8

Each member should take appropriate steps and share information with each other to enhance the implementation of the law and follow international standards. Also, they must support economic and social development, poverty eradication programs and education.

Article 9

The ratifications of the law should be done in a formal manner and it shall be communicated to the General-Director of the Labour International Office for changes of registration (*Un.org*, 2019 online).

Article 10

Following are the points which had been covered in Article 10

- The changes in convention shall be registered on only those articles in which rectification has been done.
- The changes must be implemented after 12 months and registration of law has been implemented with two members and General Director.
- After, registration of rectification convention must be enforced by members.

Article 11

The convention and its rectification must be registered after every 10 years and act must be communicated by the general-director to international labour office.

Article 12

1. International Labour office Director-General must notify to International Labour Organization members regarding registration and all ramifications in convention and

all information must be communicated to the members of the human right organization.

2. The information and changes which has been registered, their enforcement date must be informed to the members of the organization.

Article 13

The International Labour Office Director-General shall communicate all information to the Secretary-General of United Nation regarding registration and it will be done under the accordance of article 102 of the UN Charter, the information and changes of rectification and denunciation can be registered by the Director-General in agreement with preceding articles of the provisions.

Article 14

The articles which have been changed must be considered by the governing body of international labour office. It shall be presented in the conference and convention will examine the desirability of changes and agenda behind it can be questioned by authorities. Also, revision and complete change in articles justification may be required by international labour office governing body.

Article 15

1. In the conference, adoption of the new convention must be promoted and revised information shall be communicated in the whole part of the convention.
 - The rectification by the member and newly revised convention shall go through with association juridical (ipsojure). The rectification must fulfill the requirement of article 11 and revising convention can be enforced after that.

- After completion of the revising process, the right has been provided to the member if they need further any changes in convention by analysing the problem and issues which has been faced because of the worse labour conditions for children
2. This convention will remain the same in its actual form and all content shall remain the same and followed by all members. If rectification changes have been accepted at the international labour organization then it can be implemented by the members of the organization.

Article 16

The convention has equal authority whether it is written in English or French (ILRF, 2019 online).

6.6 Child labour impact on society

The idea of this part is to explain the impact of child labour on society, as there can be economic, social and even health impact on the society because of child labour. Although Qatar is improving its situation in term of child labour and violence, there are still hundreds of cases that are un-officially reported on a yearly basis. The most significant impact on society because of child labour is that society remains uneducated. Today, in modern world education plays an important role in any society, as it is important for the economic, personal as well as social development of the society (*World Pulse*, 2016 online). Although Qatari children are allowed to have free education from the age of 6 till 14, there are still many children who are not allowed to go to school because of forced child labour. This directly impacts the development of the society in the long run as the fewer the children are educated, the least the society will prosper in the long run.

Another impact of forced child labour on Qatari society is the economic impact. Although at the micro level the impact of child labour is positive as it increases the household income short term but in long term, it increases the household poverty as children are not educated and they are unable to earn better forever. It can be further explained in such a way that because of lack of education, child labour slows down the economic and development growth of the society because of reduced capital accumulation. Child labour also has the worst impact on girls than on boys as it increases gender inequality in the educational system of the nation. Around 30% of the girls left schools after they completed their primary schooling whereas the ratio of boys is greater because of child labour (*Humanium*, 2019 online). As forced child labour is considered as illegal in almost every nation of the world, it brings to the table injustice in the society where it happens.

Although the government of Qatar has taken significant steps to eliminate child labour, there is still injustice prevailing in the society. The convention No 182 states that because of engaging child labours in illicit activities, society exposes them to the dangerous health situation. Producing and trafficking of drugs through child labours increases the inflow of drugs in the society which causes health issues not only to the children but also to the whole society. Drugs are prevalent in the schools and colleges of Qatar and the government has planned to impose serious punishment on to the dealers (*ArabianBusiness.com*, 2015 online). Students who are under the age of 18 are addicted to drugs and most of the drugs in Qatar are supplied to such students by the forced child labours.

6.7 Child labour and education

In this part, child labour in Qatar and education in Qatar will be linked together in order to establish their relationship with each other and the impact which they both have on each

other and on society. Out of many other disadvantages of child labour, the most significant one is the interference in children's right to education (*Educateachild.org*, 2019 online). Children are often pushed toward working because of poverty, where the relatives of the children or their parents ask them to leave the education and to enter into the labour force.

The same situation is observed in Qatar where although the education system provides free education yet there are cases of child labour reported unofficially. The major reason behind this is poverty which pushes the children to work at an early age but this restricts them from ending the poverty in the long run. Hence it can be summarized that education plays an important role in the development of the society and also in reducing the poverty rate from the country (*Ilo.org*, 2019 online). As the poverty rate is directly related to child labour, it is, therefore, necessary to reduce the poverty rate to eliminate child labour from society.

Child labour causes a reduction in the primary enrolment ratios, which means that child labour has an inverse relationship with school attendance. It can be evaluated that education plays an important role in reducing child labour from any society, whereas the government of Qatar is unable to understand the importance of education of child labours. This is because Qatar is unable to inspect properly on the forced labours and is unable to implement an international convention properly (Robert Booth and Owen Gibson, 2013 online). Children are unable to attend school which is their basic right because they are forced by some factors to work at the age of learning. An urgent initiative is required by the International labour organization along with the Qatari government to fight against the child labour as it is preventing the children from acquiring education which means that in long run, the society will suffer.

6.7.1 Human trafficking and Role of ILO

Human trafficking is a serious offense and is also a serious defilement of human rights. According to the official website of the UN thousands of children, men, and women, every year get into the trap of human trafficking in their home country and abroad as well. Every country in the world is pretentious by trafficking.

Human trafficking according to the Article 3, paragraph (a) Protocol to Prevent, Suppress and Punish Trafficking in Persons explains human trafficking as enrolment, transference, allocation, hiding or receiving of individuals through threat or by using another form of coercion. It has been identified that human trafficking beholds three basic elements that include the act, the means, and the purpose (Zimmerman et al. 201: 327). There are various initiatives that are taken place for mitigating with the challenge of human trafficking at the governmental level.

In case of an international labour organisation, there are a total of nine programs which are running against forced labours and human trafficking globally, among the nine programs four are in Asia and the Pacific. While the promise of combating exploitation and misusing individuals for profit is high, it does not lead to unified action that can be used for preventing trafficking. The occurrence of human trafficking basically challenges the fundamental standards of humanity that even includes intrinsic dignity alongside the equal and unchallengeable rights of all the individuals living in this world (Ford *et al.* 2012, 17).

Every year millions of dollars have been spent for combating trafficking, the majority of the money is spent on exploration and criminal trial, break-ins for rescuing irregular migrants and even sex workers and are considered as the potential victims and training for raising awareness those people who might involve and happenstance human trafficking. There is growing concern about the role of businesses in making human trafficking

permanent. Responsible companies are expected to be the engine of change in the context of pursuing cheap labour and reducing regulation worldwide.

A more effective solution to the problem of trafficking requires a stronger understanding of the fundamental concerns. Human trafficking is not happening all around the world because of just a few criminals who are avoiding persecution. Basically, human trafficking is a systematic problem which is rooted and increasing because of labour rights violations, unsafe working environment, long working hours insufficient overtime pay, stolen wages and absence of liberty of association (Weitzer, 2014:23).

ILO addresses the challenge of trafficking with the perspective of the labour market. Therefore the organisation is working to abolish the major causes including poverty, the absence of employment and incompetent labour migration systems. The international labour organisation basically addresses trafficking early from its history. All around the globe people are looking for a better life. Some of the individuals are forced into work which they have not voluntarily chosen. Some of them are even cuckolded about their work and conditions related to their employment contract (Venezuela, 2011). In some cases, people work under some form of pressure, or even face some kind of violence, limited to their working environment and even do not receive the wages which were a promise to them at the time of employment.

All these individuals are fatalities of forced labour and they are the victims of human trafficking and are forced into a condition which is quite challenging for them to escape. Women, men and even children are mainly trafficked to economic sectors for various reasons. Women and girls and in some cases even boys are trafficked to countries where demands are high for sexual services, this has been considered as a crucial problem for many of the countries (Weitzer, 2015:223).

Until recently, people have paid more attention to the issue of human trafficking and exploitation in the mainstream economy. Currently, the situation related to human trafficking is changing but at a very slow speed when more consideration has been given on the issue and mistreatment of individuals especially in the conventional economic sectors. Child labour is basically when children are forced to perform a certain job when they are fitting into the criteria of minimum age required for the job (Mahmoud, and Trebesch, 2010:173). Moreover, when are employed for something that can have a severe impact on the health, safety and ethics as well this is considered as the worst form of child labour.

This is because children who become the victim of trafficking are in the susceptible situation. They are mainly employed to a place where they are away from home and community and might be trafficked to a country where they do not understand the local language making it difficult for them to survive (Baldwin *et al.* 2011:36). According to the international labour organisation on an estimate because no exit figures are available around 980,000 to 1,225,000 children including both boys and girls became the victim of trafficking and to forced labour in 2005.

According to International labour organisation Convention, No. 182 (1999) related to the worst form of child labour describes trafficking in the form of slavery or performs that are somewhat similar to slavery, therefore, a worst form of child labour needs to be demolished as a matter of earnestness and no focus is given on the level of development. The human trafficking especially of children within their home country, across international borders and across continents is closely basically related to the need for cheap plasticity and a sturdy workforce between sectors and employers, as working conditions and treatment seriously disrupt the human rights of children (Molland, 2010).

As a form of greater inventiveness for fighting the nastiest form of child labour the International Labour Organisation's International Program for the Elimination of Child

Labour was introduced. Basically, this organisation works with governments, workers' and organisations and non-governmental organisations to fight back with the major challenge of child trafficking. The main objective of this program is to work with them for protecting the children who are at risk and for preventing the crime of trafficking. Moreover, it also works for enforcing required law and gave harsh punishments to these traffickers alongside providing justice and assistance to the children who are in need. Other than the International for organisation other international organisations are working for eliminating human trafficking all around the world (Logan et al. 2009).

6.8 Qatar State practice regarding its own nationals and migrants

The Qatari government as of the year 2018 has been under the influence of multiple human rights especially children rights organisations to devise better laws and regulations to improve child health and social standing for children. The improvement of children rights has been given an improved development within the country with recent cases stemming from child labour and the mal-development of children due to working and lack of responsibility of bringing up being provided to them has been considered as the main reasons that both Labour reforms and Children Rights are being provided with a joint consideration (Gardner, 2013; 15).

The Qatari Law as the majority of its articles has been considered to be maintained on the Sharia Law where the discrimination and protection of races are considered to be at the maximum, the development of the child protection laws has also been on the same grounds where child labour has been considered to be eradicated constitutionally (Mattar,2013:137). The Qatari Law restricts the age limit for nationals to work at the age of 15.

The strictness of the law for juvenile employment is considered to be quite strict with Labour Laws banning the entry of an individual under the age of 15 into a workplace with a

motive to be employed. The Labour Act No. 3 of 1962 has been considered to be quite diligently maintained in Qatar with restrictions and policies being widely applied throughout the country to ensure that any claims of child labour are refuted which shall draw a negative image of the country on the international scale which is already under series criticism from the media and labour bodies on grounds of expatriate and migrant labours being treated with policies that may be termed as inhumane.

It has been highlighted by the global index presented by Save the Children that amongst the Arab countries Qatar has been declared the safest for children with the least cases of child Labour amongst its nationals. The country and its ranking is just being Singapore at 33 and Qatar follow by at 34th rank amongst the total surveyed countries that were 172. The child labour laws and protection regulations for children have been optimised in a manner that has kept the country ahead of the USA which is two ranks behind at 36th.

Of the Gulf States that were included, the Qatari laws and their implementation in relation to the child labour and regulations is the best with others such as Saudi Arabia and Oman following a series of ranks later (Doha News, 2017). The national context of the Qatari law and for the nationals of the country has been quite optimal with no cases of labour being forced against the children who are nationals to the country. This has been considered on grounds where the workforce serving at multitudes of the country's employers is more than 80% expatriate and only the remaining 20% is comprised of Qatari Nationals.

The Qatari Law considered the protection of children at its core and has enshrined labour and forced labour from children within multiple layers of laws and regulations to protect any child from being exposed to any form of labour prior to the age which has been provided for by the constitution. Law No. 22 (2005) has been particularly phased out to ensure that the ancient camel races are also introduced as labour from which protection of

children and their training of any such sort is kept at bay. Any use of children as a part of the camel races or in general for labour is considered to be punishable by law.

The children born as Qatari nationals are to automatically fall under the jurisdiction of the law and regulations of Qatar that have been devised to protect their health and well-being (UN, 2019). This is considered in relation to the country is amongst the best to be national of. The child protection laws of the country are quite strong, and the children nationals are treated with due care and abolition of any form of labour for children is maintained as the central aspect of the country and is considered to be the core of its Labour Laws.

The Convention No. 138 Article 2(2) has highlighted eminent leniency for the underdeveloped education and economic countries where the minimum age has been maintained 14 from the originally prescribed 15 years of age for any juvenile to be recruited within an organisation (ILO, 2019). Qatar in this regard has been diligent in following the prior set age of 15 to be the minimum for any nation to be hired by an organisation based on its adherence to the “developed” countries list is legally bound to follow the age limit of 15.

This has been a part of the Labour Law for the country. Further on analysis, it has been provided for that the country has maintained uniformity between the public and private sector which have otherwise been different in terms of the retirement age. Here however the Qatari laws make it obligatory on both the sectors to be diligent in following the child labour restrictions to continue operating effectively. The nationals of Qatar, therefore, witness nearly negligent cases of child labour and the enforcement of the Convention No. 138 & No. 182 has been maximised along with local laws that ensure that no child is subjected child labour and has been made to work in .conditions that are a health scare or endanger their wellbeing. While in the first place the following of the minimum age is a compulsion.

The report of HRW (2018) shared that Qatar announced the labour reform that show implementation to ensure safe working environment for workers. In the year 2017, there was establishment of plans to propose the safety for national as well as migrants' children Decree No. 54 was published in the year 1995. In that year, the government of Qatar announced the Convention of right of Qatar that ban child labour and offers the protection to minorities. Added to this, there is restriction on protection of children that prevents them from transport employment. In this manner, there is law no 2 published in the year 2005 to reflect the prohibition of children under the age 18 for camel race. This protects the children from child labour as there are more activities to highlight the child labour protection on national as well as migrant level.

There is agreement signed with ILO that highlights the rights for governing the exit permit system. There are more cautious policies designed to help the labour whether national or migrant as the new pledges and swift actions are surely inform the worker's right. The report of Business and Human Right resource centre (2019) shared that there is equal treatment between domestic workers and other workers where the government of Qatar designed the reform to ensure the implementation of decision in relation to domestic and migrant workers' rights. It is highlighted that the law in Qatar offers equal rights and equal facilities for public and private sectors. It also found that domestic workers should be protected and provided with working hours with respect to reduction in work criteria. It is determined by the report that there are extensively different criteria of working in factory work and in domestic work where the type of employment is design under loophole structure.

6.9 Migrant community in Qatar and its link with Child labour

In the view of Tan (2017, Online), only 250,000 workers have Qatar nationality the rest are working as migrants. The 2.2 million migrants are working in Qatar and involve in small jobs such as house cleaning and construction site labour. On the other hand, some of them are

working in worse conditions to provide education to their children. The migrants are working in worse condition and it has been observed that their salary for a year is around is \$1920 which is less than \$6 a day. It has been highlighted by one of the migrant workers that he earns \$800 per month, it is not a lot of money in Qatar, but it is a lot of money in Filipino.

Further, it has been highlighted in an article that lack of financial resources is the reason for the promotion of child labour. On the other hand, authorities are working to resolve child labour and finding white-collar families to help them eradicate child labour. Further, it has been highlighted by a migrant worker that they send 80% of pay checks to their home country for their family and children.

In the view of the United Nation (2016: Online), the Qatar government is working to overcome the challenges of child labour as is it is impacting on overall image of the country negatively delete. However, reports are being presented, refugee that become part of Qatar some of them are under 18 and working at the field. The government of Qatar wants to protect the young generation and priority has been given to the education. On the other hand, 2030 agenda has been designed by management to eliminate labour practice from Qatar.

Moreover, according to Tan (2017, Online), migrant workers are working at the bottom of the pay chain they need to support their children. There are thousands of employees working around 18 hours a day and not able to get salaries which they deserve. The migrants in Qatar play a significant role and most of them are part of the labour force. Many of them are working for their children's future but concerns have been raised that because of worse working conditions migrants are losing their lives.

On the other hand, it has been highlighted by Doha News (2017, Online), that Qatar government is taking initiatives for the safety of the child and in the world global index it is

one the safest place for children. 96% of Qatar citizen children are part of the school but, the issue has been raised that justice is not provided to the migrant children.

Migrant Child labour can be eliminated if the government provide the security to employees too. Such as in construction site workers are performing duties for long hours due to lack of rules and regulations. Because of long working hours and bad weather conditions, they lose their life or their health gets affected badly. These are the conditions that develop and promote child labour, when parents are unable to provide resources of living to their children; they get involved in labour activities. To overcome that management should implement the Labour law strictly in Qatar and try to eliminate child labour globally.

According to VOA (2009), there is high dependency of Gulf Cooperation council on foreign labour since the year 1970 where there is rise and reliance of labour policies. It is observed that there is high demand with respect to industrial infrastructure in Gulf Cooperation council that requires a large number of skilled workers. With this, it is observed that the building of industrial base and construction of developing economy highly demands skilled labour. The high rate of demand for workers domestically has forced the government of region to turn on the migration labour facility. There is high rate of migrants' workers working in Qatar. There are 35 million people who live in Gulf; in this ratio there are 13 million who expatriates are. There are majorly migrant labours that prefer to work in Qatar (ILO, 2019); the majority of labour is imported from impoverished Arab nations.

On considering the migrant in construction, service industry and material production. There is high regulation observed in the criticized sponsorship to select the legal responsibility as well as there is a domestic worker to fulfil the right of employment. The region Qatar is the member of International Labour Organization since the year 1972 that highlighted the technical cooperation program for labour reform. It is observed that there is

sponsorship program and system of wage level and payment to the worker's voice. It is found that Qatar is included in the high income economy that is highly back with largest reserve of natural oil and gas. It is examined that there is support of migrant labour in Qatar that focuses to support the rapid development as well as there is large estimation to the development of region.

The report of Patisson (2013) shared that there is high exploitation of migrant labour in Qatar that include the child labour as there is addition of number of migrant workers in Qatar to focus towards the building of infrastructure for a new city. In this current situation, it is examined that there is severe exploitation observed in government reform where human rights of migrant workers are exploited.

According to the report of Amnesty International, it observed that there are very few child labours in Qatar where the main focus is to the migrant workers. There is violation of labour guarantees as workers go unpaid for months in Qatar.

Added to this, it is observed that the challenges faced by migrant community within Qatar include the low skilled migrant labour force and issues include the work documentation, salary and long working hours. There is estimation of around 1.2 migrant workers in Qatar with the majority working in construction. There is high rate of child labour experienced in Qatar for instance at camel jockey where thousands of boys are kidnapped from Muslim countries and forced to work as camel jockey (UN document, 2019). On examination, it is observed that majority of boys are treated as virtual slaves, contrary to the human right law. In these criteria, it is observed that these boys are beaten, starved, crippled, discarded while regarded as the camel jockey. The demand for this type of work requires specified boys having lightweight the target is young boys. The rough estimation revealed

that there are around 40,000 children who engaged in camel jockey the riding competition violated human rights and has debased the child labour.

6.10 Conclusion

The national context of Qatar has been considered to be all over quiet safe for children both national and those that hail from expatriate parents. The Labour Laws within country maintain a strict stance on child labour where the country has been subjected to severe criticism on the labour laws and the condition of expatriate labour however the discrimination amongst the work cycle and age of children in both cases has been minimal. The worst aspect of child labour in the country and children being mistreated is within camel races which are common sport within the country yet in Qatar children are not permitted to engage in camel jockey and the laws are strict and prohibit the provision of training before they reach the legal age of employment.

The country is considered to be the best amongst its Arab counterparts when it comes to maintaining the international labour standards for employment in case of children and is diligent in following the minimum age of employment that is 15. The chapter has allowed the summarisation of the state in which children both expatriate and nationals live. The cases as highlighted by the chapter for child labour are minimal however considering areas like expatriate children being made to work as domestic workers have been observed in some cases. The Qatari national children witness much larger benefits, yet the labour laws restrict employment for both expatriate and nationals alike.

The minimal age requirement is adhered in both cases in order to employ a person within Qatar. The restriction as found during the course of the chapter above has been regardless of the sector both public and private sectors are to be in compliance with this and employment is

blocked. As a summary of the findings from the chapter above it can be considered that the country follows the Convention No. 138 & No. 182 of the International Labour Organisation (ILO) to the maximum with minimal cases of child labour. The chapter has addressed all the relevant aspects with any possible exclusion, which might have occurred in the implementation of the employment laws and created a difference in the treatment of the children both expatriate and nationals while relating to child labour aspects. The chapter has been in continuation to the previous labour related atrocities within the country, thus exploring limitation in case of the child labour.

7 Chapter 7

Qatar's practice regarding 'The elimination of all forms of forced and compulsory labour (Convention No. 29 & No. 105)', this should be evaluated in 2 sections. One should examine Qatar State practice regarding its own nationals and the other, Qatar State practice regarding migrants.

7.1 Introduction

Qatar has been one of the most talked about GCC countries in the recent era when it comes to migrant population and their treatment along with criticism on its policies and the manner in which the migrant populous has been treated (Awwad and Suliman, 2019:240). The country has been subjected to massive amounts of international criticism in wake of the prestigious event of the FIFA 2022 being held within the country and the robust construction measures were taking place for infrastructural development within the country and the excessive pressure which the migrant workforce has to face in this regard (Sharif and Irani, 2016: 360).

The chapter details over not one but two conventions i.e. Convention No. 29 and No. 105 where the scope for the elimination of forced labour of all types has been considered. The criticisms have mostly been with respect to Qatar having a dual policy of treatment for its nationals while the other end has to be faced by the migrant populous serving in the country. The international aspects of criticisms have been made in regard to the domestic workers as well where the migrant workforce that serves within the country has been forced to work under conditions not fit for human abode and dwelling along with a serious deprivation from being able to meet their families or switch employers.

Such aspects have led to the discussion of the mentioned Conventions in order to analyse the fact that the extent to which Qatar has been able to adhere with the conventions of

eliminating all kinds of forced labour within the country (Abdelmoneium et al., 2017:1). The chapter shall thus be focusing on multitudes of aspects that support the achievement of the conventions within the country along with evident finding from Qatar that highlight the distance which the country has from achieving the goals of the conventions in order to reduce the abysmal conditions which the workers in Qatar face.

It shall further be of help in determining the difference between the nationals and migrants and the way the workforce is treated from both aspects. Furthermore, consideration shall be provided to the International Labour Organisation in order to consider the various aspects of the labour laws and regulations that might be exercised against Qatar to enable the abolishment of forced labour.

7.2 International Labour Organisation

The focus of the chapter is on Convention No. 29 which along with its protocols has become of the measures to abolish forced and compulsory Labour from countries worldwide. The ILO is considered to be the main body behind the structuring and writing down of the Convention No. 29 and the protocol to be followed with prominent recommendations (Koliev and Lebovic, 2018:438). Thus, in relation to the importance exercised by the International Labour Organisation (ILO) in the designing of the Convention No. 29 it is important to have a brief history and procedural analysis of the body.

7.2.1 History and Structure

The industrialised era of development across the world had enabled workers from a number of developing and underdeveloped countries to move in the industrially advanced countries (Frank, 2018:111). This brought about unfair treatment and lack of basic amenities for them at the hands of the employers within the host country. Therefore, in the year 1919, a Treaty of Versailles has structured a part of which was the International Labour Organisation.

The primary objective was to protect the rights of the workers working away from their homelands and serving under miserable conditions, The ILO was to serve its role in providing social justice and maintain similar working condition for workers in the competing market (Hakansson, 2015:84).

ILO in its most basic reason behind the establishment was to serve as humanitarian and human rights body specially structured to address the needs and wants of labourers serving employers in foreign countries and answer their calls to unjust treatment and any potential biases that they might be facing. For thirty years the ILO served to be an independent body holding conferences and issuing reports over the forced labour and the rights of the labour serving at international projects and the plight for justice if any (Dong et al., 2016:389). The year 1949 witnessed ILO shifting from just being an independent body to an agency of the global body UN (UN).

The association of the International Labour Organisation with the UN allowed for its influence to reach the multitudes and be significantly higher than it was previously as it worked alone (Carlson, 2018:164). The years between 1948 and 1970 witnessed a significant rise in the member nations for ILO that allowed for multiple budgetary constraints to be eradicated.

The joining members helped increase the budget and the influence which ILO had and also multiplied the officials that worked with the agency (Posthuma and Rossi, 2017:187). The rising influence and the growth in the size of the ILO allowed its recognition to be of a universal nature. The Nobel Peace Prize in the year 1969 was awarded to ILO as an organisation for its initiatives to safeguard the basic rights of labour across the globe.

Considering the structure of the ILO has been quite simple, yet the influence is majorly drawn from the structure which is adopted by ILO. The body adopts a three-tier structure

with governments, Workers and employers all being the part of it. This peculiar aspect of its structure allows it to have the right knowledge of the issues being faced by the labour or the case being heard from the viewpoint of the other party (employer) as well (Thomas, 2018:27). The increase is with respect to knowledge and views from both ends that makes ILO decide effectively for potential actions.

7.3 The legal documentation processes

The legal document is produced by the International Labour Organisation in order to provide for the development of better labour policies and structures across the globe. The legal document which is issued by the ILO has been after thorough research and insight into the issue over which it is being released. The International Labour Conferences and the Governing Body has been regarded as the main and most integral parts of the documentation process (IBID) (Blecker, 2015:270).

The Governing Body having three tiers: the governments, employers and labour representatives. The ILO on determining the issues faced and the relative aspects devises a report which at an ILC is circulated within the member states of the ILO and its Governing Body to seek recommendations, feedback and comments which are then analysed and the conclusions are drawn from the report and the related comments in order to ensure an unbiased decision being made at the following Internal Labour Conference (Porter, 2015:203).

The process of implementation begins from the office which authorises the report and its contents to be implemented on completion of the ILC (Berg, 2015:124). However, the process for a report to be implemented spans generally across 12 months which provides sufficient time for member states to consult their national authority for any further recommendations that they might want to add or delete from the report. The major

requirement or might be called the ideal number of ratifications for the report to be implementable for the target countries after which there may be a potential for further recommendations is zeroed.

7.4 Forced Labour in Qatar

There are more than 90% labours in Qatar workforce who are foreign migrants and most of them migrate to Qatar as local servants or as low skilled labours (Bedi et al., 2016:130). Qatar is not only famous as the wealthiest country in the world but is also famous for the exploitation of labours. Several report on forced labours in Qatar shows that exploitations of labours and migrant workforce are still very common in Qatar (Jureidni, 2019:339). Most of the common workforce exploitation includes forcing labours to accept worse contract terms and conditions.

Different organisations use Kafala laws to bind the workers to one employer forcing them to work in the worst conditions. Labours are not allowed to leave the country without the permission of the employers as their passports and working permits are under the custody of the employers (Lahiff, 2016:31). Today because of the human right and other international organisations, the labours got the right of leaving the country without taking the permission of the employers but they still need the no-objection certificate (Bedi et al., 2016:129).

Labours from developing and underdeveloped countries arrive in Qatar to find their livelihood, but the labours after arriving find many difficulties. Employers withhold their payments, seize their passports and exit permits and also torture them with sexual and mental assaults. Employers force their labours to work under worst working conditions without providing them the basic necessities like water. Most of the labours find it difficult to survive when they realise that their lives are controlled by others (Arif, 2015:185).

In summers labours are forced to work in open fields without water. Around 44 migrants' labours died because they were not provided the suitable working conditions. Labours are forced to work for a month without getting paid, and many reports suggested that the employers deny access to free drinking water. In the year 2013, young Nepalese workers died because of working in the heat (Badi et al., 2016: 131).

In Qatar, there are plenty of laws like Kafala and sponsorship laws which in modern days are termed as Law of slavery (Arif, 2015:190). Through these laws, employers basically restrict the freedom of movement of the labours and force them to work in the worst conditions. The labours who claim for their rights, situations get worst for them. Under such conditions, the Qatari labours laws don't help the cause (Thomas, 2018:27). Labours that use Qatari labours laws are transferred to deportation centres, where they had to wait for the completion of documents after which they are deported from the country.

The role of the Qatari government in such conditions is not satisfying. The government do not set minimum standards for working conditions and is not showing any interest to eliminate the modern-day slavery laws. It can be summarised that the Qatari laws are rarely enforced against forced labours. Currently, the government of Qatar is facing international pressure from multiple organisations to take a stance against such violation (Bedi et al., 2016:189).

7.5 Convention No. 105 concerning abolition of forced labour, 1957

7.5.1 Background, scope and method of application

7.5.1.1 Background

“The convention no 105” or also known as “abolition of forced labour convention” was convened by the team of international labour office at Geneva. It was basically convened to cancel the forced labour convention 1930. During the fortieth session of International

Labour Conference which was held on 25th of June 1957, the team of ILC decided to question forced labour laws. It was the 4th item on their agenda (Rocha, 2017:73). The team basically noted the slavery convention 1926 as well as the provision of “1930 forced labour convention” and decided to take all compulsory measures to stop those (Sen, 2016:5).

This convention comes into force in the year 1959, more specifically on the 17th of January. To date, this convention is working. There are 185 members present in the session of an ILO, out of which around 174 members accepted this instrument making it the second widely accepted ILO instrument after convention no 29 (Rocha, 2017:73).

7.5.1.2 Scope

The convention no 105 was designed to eliminate or to supplement the convention no 29. Hence in order to get the scope of this convention, it is important to assess both conventions. The convention no 105 is basically expanding the scope of denying the exploitation of labours and prohibition of forced labours (Rocha, 2017:74). It can be summarised that the aim of convention no 105 was to provide the surety to the labour that they are allowed to live they're lived on their own and their freedom is guaranteed from each and every kind of forced labours.

Ali of the 174 members of the ILO who have accepted the convention are not allowed to use any form of forced labour activities and should allow their members to use it either (Singh and Ahmed, 2017:50). The convention no 105 can be used by nations to enhance economic development. Further the convention no 105 is only applicable in those countries who have accepted it, which means those countries that have not ratified this instrument are free from it.

7.5.1.3 Methods of application

The role of this convention was to cancel different types of forced labour which were still operating under the convention of 1930. For instance, under the convention of 1930, the labours were punished because of having some political views as well as for taking part in strikes. It can be summarised that in order to end forced labour convention 1930, the convention no 105, 1957 was introduced (Allian, 2015:565). To implement the 1957 abolition of forced labour law, a special action program was established. As mentioned above more than 175 members accepted this convention including, China, Brunei, South Korea, and many others. Out of these countries later denounced this convention, which means they accepted this convention in the beginning, but due to some personal issues, the denounced it.

Those countries are Malaysia and Singapore. The most important point to note is that there are seven countries that are the members of the UN but are not the members of an ILO; hence they are unable to accept the convention. Convention no 105 can be used in those places where the labours are still being exploited by their employers. Like in Qatar, most of the labours are exploited, abused by their employers. It is also applied to save labours from being punished because of having some specific political views. It can be evaluated that after this convention, the labours are allowed to express their own ideological and political view without having fear of being punished or accused (Sen, 2016: 6). Today almost in every legislation worldwide, there is the freedom of speech and right for a fair trial, excluding some limitations which are compulsory in order to save the nation against any abuse.

7.5.1.4 Content

The International Labour Organisation (ILO) has been vigilant since its establishment in order to abolish forced labour globally, since its structured participation and association

with UN as its agency for diluting the issues that are faced by labour in foreign countries it has taken to shaping several Conventions that are an answer to their plight. The ILO Convention No. 105 has been in relation to strict prohibition for the use of coercion be it political and educational with respect to enabling of forced or compulsory labour within any country (Singh and Ahmed, 2017:51).

The convention has detailed over the multiple aspects due to which an employer might induce forced or compulsory labour which is to abstain from at all costs. While the new version for the forced labour convention has been in effect since the year 2014 which is the Convention No 29, the Convention No 105 has been in place and in effect since the year 1957 based on the rising industrial growth globally. The convention in its gist of reducing the forced Labour, in Article 1 states that:

“Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour”—
((Swepston, 2019).)

7.5.2 Expression of political views

Article 1(a) for Convention No. 105 states:

“As a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system” (Swepston, 2019).

Exploitation of migrant workforce has been under the strict eye of the ILO since long with multiple instances occurring globally where political and economic views differing from

the established norms in this realm have been quite disturbing with the political revenge being taken in the form labour and hardships from the employer. The ILO Convention No. 105 has been based on targeting the instances of forced labour caused by the employer in the host country unduly coercing the employee for a view over political or economic or education norms that deviate from the ones that prevail within the country (Berg, 2015:124). The need to ensure that coercion is avoided under all circumstances for the different ideology of the employee and the employer and thus makes sure that transparent and unbiased manners are undertaken by the employers.

7.5.2.1 Discrimination

In light of Article 1 (e) of the Convention No. 105, it has been stated that:

“As a means of racial, social, national or religious discrimination” (Swepston, 2019).

The part of article 1 comes in light of the fact that forced or compulsory labour might be observed as a result of racial discrimination or religious enmity or opposition by the employer within the host country. The article restricts the use of forced labour as a means of avenging personal grudges against the labours’ personal beliefs and as a measure of forcing the religion or cast of the labour as a downtrodden part of the society where the labour works.

Labour forced to work under specific circumstances by the employer to bring down the personal integrity of the employee is quite rare but has been specifically designed in relation to the Member States where the employers have been observed to use compulsory labour as a tool for discrimination and unjustified vengeful technique (Thomas, 2018:27). The personal disagreement of the employer against the employee and their beliefs has been considered to be quite the context of the convention.

7.5.2.2 Economic Development

In light of Article 1 (b) of the Convention No. 105, it has been stated that:

“As a method of mobilising and using labour for purposes of economic development”
(Swepston, 2019).

Countries globally have been involved in multiple instances of devising policies of forced or compulsory labour in order to augment their national interest in increasing economic development and growth. However, the Convention No. 105 has been considered to stress upon the fact that whether economic development is crucial or not forced labour is considered an unwanted and unsupported factor which delivers the Member State ratifying the convention to be obliged for taking measures that reduce the practice of forced labour upon both national and migrant workforce (Carlson., 2018:163).

The need to however consider the national laws and local legislation in the Member States that adhere to the growth of labour being made compulsory for intervals when the economy is steeping downwards in order to be quite structured in ensuring a stable economy. This sense of forced or compulsory labour is still the limitation of the article

7.5.2.3 Participation in Strikes

Article 1 (d) mentions restriction to forced labour as *“a punishment for having participated in the strike”* (Swepston, 2019).

The right of the labourer to strike or participate in an ongoing strike against the employer in order to draw attention to the issues that they face during work is considered important. The forced labour which comes as a result of the strike and compulsory labour assigned to the employees in order to avenge the strike participation by employees is considered prohibited. The article abolishes any measure that the employer might take to restrict the employees from going on a strike by forcing labour upon them or as means of punishing them for going on a strike in order to raise voice against the atrocities that they face (Liang et al., 2016:224). An eminent aspect is that the Convention is limited to the

punishment based or vengeful forced labour deployed by the employer in relation to a strike in which employees have been a part of, yet it does not seek to regulate or promote strikes against the employer.

7.5.2.4 Labour Discipline

Article 1 (c) mentions restriction to forced labour as follows;

“As a means of labour discipline” (Swepston, 2019).

Labour discipline serves to be an eminent area which has been for the first time covered in Convention No. 105 where they need to address the issue faced by labour is important. The majority of countries have been observed to use forced labour as a measure for labour discipline in order to ensure ethics and work practices in the labour. This allows for the use of the greater and more structured practices to abolish any measures that are taken by the employer to force labour discipline by compulsory labour. This limits the previously missed out aspects of the conventions that have been delivered by the International Labour Organisation (ILO).

The need to ensure that any tactics of disciplining labour that is considered to coincide with forced labour or compulsory labour be abolished however the convention by no means has the prospect of delivering any delayed or undisciplined labour practices and or allowing the labour to remain disoriented while working thus causing loss to the employer. It is only concerned with disarraying the practices of forced labour (Posthuma and Rossi, 2017:187).

Convention No. 105 has in its Article 2:

“Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention (Swepston, 2019).

The convention in light of the article delivers eminent aspects of abolishing forced labour by enabling a binding impact on all Member States and especially those that have ratified the convention. The use of the Article 2 has been in relation to ensure that the member states are bound by this ILO Convention to participate effectively in dealing with the then rising trend of forced labour and thus limit the authority or power to exercise coercive, suppressive or bring about the excessively voracious practices of forcing work over the labour (Blecker, 2015:270).

It must however be considered that the International Labour Organisation (ILO) conventions are considered to be treaties that are enforceable by countries that are its Member States which include countries that ratify the conventions and their power is prominent in altering the contents of the treaties. It must however be remembered that the treaties or conventions are built upon through research over the issues which are faced by labour both national and migrant. The relation of such conventions eminent with respect to the promotion of the human rights that have been the gist of all labour unions and rights (Allian, 2015:564).

Reducing discrimination and the other modes of forced labour has been the reason for the development of not just the Convention which have been provided by ILO but have also been the very prominent reason that has led to the development of the organisation itself. The rising globalisation has been the reason for the development of the organisation and its conventions and thus delivers the fact that vulnerabilities of the labour in the regions that are foreign to them have to be reduced (Cynthia and Bukeyo, 2015:21).

The main stance of human rights and basic necessities for the personnel that serve in host countries is important, and thus ILO and its conventions limit the atrocities that labour might face at the hands of the employer. It is further the very basic objective of the ILO Convention No. 105 that abolishment of forced labour be undertaken at a very urgent level.

7.6 Forced labour convention no 29

The ILO is against forced labour and aims to restrict the compulsory labour in the whole world. The session was conducted on 10 June 1930 to take action against the forced labour and adopt certain proposals with respect to compulsory labour (Davies, 2018:911). These proposals should take the international convention form. The laws for the Forced labour convention are as follows.

7.6.1 Article no 1

The convention was approved by each member of ILO to restrain forced labours. These members should undertake the suppression of all kind of compulsory labour within the short period of time (Andrees, 2016:345). After the completion of the time period, the report was prepared for other Article where it has been considered that governing body should suppress all kind of forced labour regardless of the transition of time.

7.6.2 Article no 2

The convention of forced labour should consider those labour who are working under some threats of penalty. The forced labours are not those who have offered themselves to work under others with their own consent (Palumbo and Scirba, 2015). The forced work should not involve the compulsory military service and the normal civic obligation of the country. The work under the control of the public authority will not be considered as the forced labour because it was given as a result of the law court conviction. The work gets in a case of emergency will not be count as a labour force. These emergencies could be Fire flood, invasion by the animal, earthquake, violent diseases and so on.

7.6.3 Article 4

The competent authority is not allowed to force others to work for their personal benefit or for the profit of any organisation or association. It should be implemented from the

date when it was ratified by the Director General of the ILO (Ollus, 2015:221). Moreover, the compulsory and forced labours that existed on the date of ratification became null and void the very same date when the convention was implemented.

7.6.4 Article 5

There will be no concession for the organisations which will force the labour to work without their consent. An individual or organisations that impose others to work or trade for their benefit will not get any concession because it will be against the convention of the ILO (Piper et al., 2015:8). In addition to this, the individual or organisation that already gets the concession, but involves the forced labours so their provision will be cancelled in the least possible time. This action will comply with the article one of the ILO convention 29.

7.6.5 Article 17

The organisation that wants to recourse the force labours in their organisation should get permission from the competent authority. To permit the recourse of the compulsory labour it is important for the competent authority to ensure the safety of the workers. They have to provide the assurance of the worker's medical care (Gomez-Paredes et al., 2015:420). The labours should be examined medically before the working in construction or maintenance because it may affect their health. Moreover, the law ensures that the organisation should have effective medical workers that can provide dispensaries and other medical care when it requires.

Further, the workplace should be clean and sanitised. The food, cooking utensils, drinking water for the labour force should also be clean. Other necessary items such as clothing and housing should also be satisfactory. In case of any injury or incident, the administration should repatriate the workers at their own expense (Allian, 2015: 568). The competent authority should also ensure that the transportation of the workers to and from the

workplace should be at the expense of the administration and they should use their available resources for the worker's journey.

7.6.6 Article 25

The illegal action of compulsory or forced labour will be enforced by the law because it will be against the law and considered as the penal offence (Zimmermann, 2018: 240). The members who are obliged to ratify the convention should ensure that the law should impose adequate and accurate penalties and it should be enforced strictly.

7.6.7 Article 26

The members of ILO should undertake to implement to the regions that support jurisdiction, tutelage, suzerainty, protection and authority. However, the obligation should be imposed regarding the internal authority where the members could desire the benefit for the provision Heumann and Siegmann, 2016: 190). Thus, the ILO should add its ratification where the territories have to implement the convention with the changes that should include the details of the modification. Moreover, the region or territories should accept the decision.

7.6.8 Article 29

The approval of two members is needed to be registered in the international labour organisation. As they register in the office of international labour law, the director will inform other members about the ratification (Cholewinski, 2015: 240). Thus, other members should have to register their ratification of the convention in the International labour organisation.

7.7 Key Indicators of Forced or Compulsory labour

The forced labour is still parts of the countries that are less developed and economic growth is slow. Forced labour occurs when poverty in countries increases and accidents of labour occurs frequently; it is an indication of forced labour. Forced labour occurs when human rights have been violated as a person is working because of pressure and he is working under the powerful person. Human trafficking and smuggling are examples of forced labour. When legal authorities do not perform their duties and could not able to monitor the behaviour of management with employees of the company force labour occurs (Zimmermann, 2018:238).

The labours can raise their voice on forced labour situations but due to unawareness of their rights, they stay quiet. Also, they work more than eight hours a day on very low wages. Slavery and abduction are two forms of the forced labour and it affects negatively on the economy of a country because wealth is not distributed to citizens effectively. When force labour occurs in form of abduction then conflicts and fights can occur because of which labour lose there lives. One of the indicators of forced labour is when people have been treated as a prisoner at a workplace (Lahiff, 2016:32). When no security is provided to the labour it may be one of the indicators of forced labour. When forced labour increases, trafficking incidents start at international and domestic level. The stress increases and mental issues occur when a person work under forced labour scenarios.

Forced labour cases are seen in Qatar, it has been claimed by migrants that recruiters are forcing them to do work in hotels of Qatar. It has been claimed by Qatar migrants that they are not getting a day off from last three to four months and they have to pay fine if caught sleeping on duty. The physical health of migrants in Qatar has been impacted badly because of forced labour conditions. They also have to pay money if they abscond and before hiring they pay a large amount of money as recruitment fees to the company (Thomas,

2018:25). The international labour standards are not followed in the case of migrant by management in Qatar.

False promises by recruiting agents include high incomes, whereas real wage rates are quite low partly because once contracted, migrants cannot leave their jobs.

In Qatar, the majority of time forced labour situations have been faced by migrants because 88% of labour force is an expat. The migrants in Qatar cannot switch their jobs which have been considered as one form of forced labour. On the other hand, human trafficking cases have been recorded by the Kafala authorities, but no action has been taken. The migrant's workers in Qatar are also facing physical and emotional abuse but the court does not provide justice to them. Also, their passports are in possession of the company which is against the law. Force labour activity and violence on labour in Qatar are increasing and the government is not taking any action against it (Blecker, 2015:271).

Further. It has been reported that the Qatari government is failing to protect domestic and foreign workers. The abuse is commonly faced by labour at the workplace. It has been claimed by the migrant's workers that they are forced to work 100 hours per week. Their passports are in possession of the company because of which their right to freedom has been violated and also they cannot meet their families for years. Human trafficking become common in Qatar and slavery conditions are also witnessed (Piper et al., 2015: 8). Moreover, it is claimed by workers who are working as a maid that while on duty they do not have time to eat and their salaries have been stopped by the management (Davies, 2018:913).

It had been estimated by the International Trade Union Confederation (ITUC) that around 1.2 of the labours that are working in Qatar are Indians and Nepalese. These workers are working as builders; because of low labour skills, they are getting low salaries. Therefore, sector human trafficking is common (Bedi et al., 2016:129). The point which has been

highlighted is that forced labour is been promoted in Qatar because labour signs the contracts on worst terms and conditions because of it labour ended-up by losing their life or cancelation of visa by management. It is mentioned in The Guardian news that forty cases of death had been recorded in Qatar because of poor working conditions.

Also, before arriving at the workplace the migrants pay high fees in their home country and in the current era, forced labour has been considered as modern day slavery. The labour in Qatar does not raise their voices because they are afraid of consequences after claiming their rights. The law has been developed by the government but they are not implemented by the authorities. When their passports are taken by them at the workplace and they try to raise their voice the government does not provide them justice and they are a trap in Qatar until their contracts end (Arif, 2015:195).

The Kafala system manages all workers of Qatar but, they fail to provide their human rights because of it somehow forced labour has been promoted in Qatar. Domestic labour is also criticising the working conditions, but no action have been taken by the management (Cynthia and Bukoye, 2015:21). On the other hand, it has been claimed by the government of Qatar that high recruitment fees which have been paid by migrants will be refunded by the government but still, no initiative is taken. It has been stated by the ITUC that the government needs to abolish exit restrictions so non-Qataris can also work with freedom (Heumann and Siegmann, 2016: 186).

7.8 The elimination of all forms of forced and compulsory labour for Migrants and nations

The protocol of 2014 of the human right convention was approved and signed in the year 2016. This protocol was provided from the convention of May 28 for approval (Ollus,

2015:231). The main purpose of this protocol was to prevent forced and compulsory labour in the states, which are a member of the convention. Forced and compulsory labour is a violation of human right and dignity of millions of nationals and migrants who are working in Qatar and some other states.

Immigrants go to live and work in other countries for a variety of reasons. This has created the risk of forced labour practices worldwide, and not just in the Gulf region or Qatar specifically. The ILO's Abolition of Forced Labour Convention, 1957 (No. 105) applies. The Convention covers all forms of forced and compulsory labour. The government and law enforcement organisations of the state are responsible for making the forced and compulsory labour a punishable act and make it a penal offense (Gomez-Paredes et al., 2015: 417). The human right courts have given the responsibilities to the courts of the member states to strictly impose the law.

Article 3 of the Qatar's labour law (1962) does not say anything about forced labour or compulsory labour. Nonetheless, it does give employees the right to strike against employers who hurt them or force them to do anything which their position does not require. Qatar's Public Civil Law No. 9 provides that public organisations, and lawyers are prohibited from working for those organisations who are involved in forced or compulsory labour (Palumbo and Scieurba, 2015: 9).

There are different forms of forced labour, which unfortunately are still part of the organisational industry around the world and our biggest issue for humanity, which include slavery, debt bondage, and even human trafficking. Most of the migrants who are forced to slavery are those who have been captured and transferred from other states to Qatar. Human trafficking is something very common in gulf contraries. There are many inhuman individuals who capture children, women, and even men from different regions and different countries and sold them in Qatar to organisations who will pay the highest for them and these

organisations then force them to work free of cost. They do not even give proper food and place to live to these people (Allian, 2015: 567).

The employers who hire these individuals behave very badly and harshly towards them. There was a time when forced labour was accepted in many countries but it was made a criminal act in the end of 1900s. The content of Convention No. 29 has defined all kinds of forced labour and states that a person cannot be forced to do the job without their consent or be blackmailed. Article 2 of the convention prevents the government from imposing any law, which can lead to forced labour. The principal of forced labour convention is applied in all types of services and positions. The ratio of migrants in Qatar is very high. There are at least 2 million migrants in Qatar and at least 95% of these migrants are being forced to work for their employers one-way or the other (Piper et al., 2015: 9).

The ratio of migrants who are working forcefully is high in Construction industry of Qatar. Many of the migrants in Qatar have died and there is no particular number of data how many number of migrants have died by continuous work, which they were forced to do. The Qatari government is doing a lot to prevent forced and compulsory labour in Qatar and one of them is implementing monitoring mechanisms (Davies, 2018 912). There are at least 88% of the overall population of Qatar, which is involved in forced labour.

Most of the migrants who are being forced to work in Qatar belong to South-East Asia, including Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, and Sri Lanka. Qatar has been given the warning from the United Nation's, International Labour Organisation (ILO) to take actions to reduce the ratio of forced labour. One very recent examples of the high ratio of forced labour is the complaints of Migrant workers at Kempinski hotel in Qatar allegedly at risk of forced labour and debt bondage, Kempinski launches investigation.

The state of Qatar is working very hard to reform its labour system. The state of Qatar has implemented 19,000 labour inspections, banned almost 12,000 companies because they were not following the rules of the labour law, and forced labour convention. Many people go to Qatar for work because they have been promised fake high compensations and salaries (Rocha, 2017: 74). To prevent such happening, the state of Qatar has 20 visa processing centres in eight different countries to make sure that no employer of Qatar is hiring employees with job descriptions, which are not true.

According to the UN Global Report on Trafficking in Persons, 85 percent of trafficked persons from South Asia and 41 percent of victims from East Asia and the Pacific are trafficked for the purpose of forced labour. In year 2010, the Arab countries took first initiative to get control on human trafficking in Doha Qatar. This was a step towards controlling forced labour.

The state of Qatar gives extra attention and protection to those who are victimised by forced labour whether they are migrants or they are nationals. The article 11 of the convention states that forced labour is only acceptable from law forces to male prisoners if they are older than 18 and have the physical capacity to work. The Article 38 of the penal code of Qatar courts states that forced labour is allowed to those who have imprisoned and the severity of the labour depends on the severity of the crime (Blecker, 2015: 270).

The government of the country can force its people to stop compulsory labour and in fact, in the past labour barter has been done for the freedom of a person. Compulsory labour takes various forms and occurs majority of the time when one person has power over the other. The person can threaten workers for food or land; wages, commit physical violence, sexual abuse and lock them up. Another form of forced labour that takes place is labour trafficking.

The ILO has implemented some of the fundamental principles to eliminate forced labour. One of the rules is that labour will work according to his choice, without any threat (Lahiff, 2016: 29). The government has the responsibility that they can eliminate forced labour from the country, as monitor teams must fulfill their duties and meet the standards which have been set by an internal labour organisation for the protection of workers.

The forced labour has been recognised by the government of Qatar and it can be eliminated. It had been observed in 1998 that it can be eliminated by the implementation of force labour convention of 1930 (No. 29). The law focuses on the concern of a person and forcing him/her to do work or any other activity.

The labour and penal code restrict all kinds of force or compulsory labour and it has been developed to prevent these activities from taking place. Both codes are implemented and take decisions under national policies and principles. In the light of article (187-196) forces or compulsory labour must be eliminated in all form and it had not been respected by code panel (Blecker, 2015: 270).

The principle has been promoted by the government of Qatar to eliminate forced labour and the measures mentioned below have been considered by the Qatar Government:

- Awareness has been created regarding forced labour and its law
- Inspection and monitoring mechanism have been introduced
- Penal sanction
- The government is creating various opportunities for employment and generate income.

All the above action has been taken in case of forced labour and not any special attention had been given to any particular person, group or situation. One major factor which has been highlighted is that no other person can take a decision regarding force labour.

Government of Qatar will identify, emancipation, rehabilitation to the person that face forced labour law situation. The forced labour exists in Qatar but still, no statics has been given by any authentic source or court of Qatar. The criterion which has been given by the government is not yet implemented because no initiative has been seen yet (Berg, 2015: 294).

As the law has not been implemented successfully, the monitoring body is not in a position to provide any justice to migrants in Qatar regarding forced labour. The government of Qatar took initiative by providing the right to Qatar migrants that they can leave Qatar without taking permission from authorities. Further, campaigners are also raising their voice to eliminate forced labour from Qatar and doing battle against labour abusers. It has been examined by authorities that thousands of migrants are working hard on construction site for 2020 tournaments (Porter, 2015: 203).

But, the working environment is worse. It has been quoted by the International Trade Union general secretary that to eliminate forced labour, Qatar government should abolish Kafala system, as it is the main body to provide the rights of migrant's worker but they are not taking any action against violation. In the light of new law, management of the company no longer has power to restrict the worker; they can leave workplace according to their will because this right has been provided to the workforce.

Domestic workers are getting all of their labour rights and by implementing exit route right for migrant workers, rights of domestic will not be affected. It has been evaluated by Amnesty International that domestic worker has been facing severe restrictions, long working hours, they cannot move freely and sexual abuse is prevalent (Arif, 2015: 193). The first step which has been taken after the years is that they can leave premises of work without taking permission. 90% of workers are migrants and most of the migrants are from Asian countries which include Bangladesh, Nepal, Pakistan, and India (Bedi et al., 2016: 131).

The United Nation of Human Rights has developed a law that states that forced or compulsory labour in any form raises questions on the dignity of a person. Labour convention 1957 says abolish forced labour and enforce a penalty on a person if they perform any kind of forced labour. The fair competition must be promoted at the workplace and management must make sure that any kind of forced labour activity is not promoted at the workplace. By taking this initiative, the management can eliminate forced labour from an organisation and by taking these small steps it will be eliminated from the country (Posthuma et al., 2017: 187).

To improve conditions for migrants in Qatar, the stand has been taken by the ILO. Qatar government has been introducing minimum wage criteria as migrants are getting very low salaries. The ILO is helping Qatar committee to protect the human rights of workers and eliminate forced labour (Koliev and Lebovic, 2018: 438). The ILO is designing the strategies by considering the failure of 2014. The positive change is seen in the country because of the successful implementation of labour law (Sharif and Irani, 2016:360).

It will boost workers further development at the workplace and they will be committed towards the organisation objectives and goals. Two million workers are currently working in Qatar and they are celebrating this decision. The legal protection has also been provided by the government of Qatar, they are doing contract with other countries' government. The labour standards have been set by the government of Qatar and it has been implemented. Also, the initiative has been taken by the government of Qatar that right has been provided to the workers that they can switch job according to their will (Frank, 2015: 122). The initiatives have been taken because complaints have been considered by the ILO and they help the government of Qatar. By providing these rights the Qatar government will be able to eliminate forced or compulsory labour cases.

7.9 Conclusion

The chapter has provided sufficient insight over the role of migrant workforce within the development of Qatari infrastructure; however its primary focus has remained on the forced and compulsory labour within the country and the need to abolish practices of forcing individuals into working in conditions that are not fit for human working. Most importantly, are those that have been covered during the course of the chapter the history and development of the International Labour Organisation which has been the international body for safeguarding the rights of the labour globally, especially those that serve in foreign countries away from their local laws and practices.

This has highlighted the fact that Qatar is under constant surveillance of an authority that might force action against the country when it comes to the adverse treatment of the migrant labour. Another highlight from the chapter is the standard of force that is exercised against the migrant workforce which differs increasingly from the treatment that is witnessed by the locals or the nationals of Qatar. Thus, it has been highlighted that Qatar has been primary the target point of criticism based on its deterring conditions for migrant labour working in it with the inability to follow the conventions 29 and the 105 which abolishes practices of forced and compulsory labour providing the labourers with the liberty to opt for the choice of work they prefer and the employer they deem fit for themselves.

It, however, remains a point for a wider debate as to explain the fact that the Qatari Nationals have witnessed reduced forced and compulsory labour aspects yet the same has not been the case in relation to the migrant workforce which still witnesses multiple issues like confiscated passports and important documentation in order to switch suppliers. The prejudice exercised against the labour migrant is considered to reduce the credibility of Qatar as a favourable work area and country for the foreign workforce to opt as an employer.

7.10 Submissions

This dissertation problematised criticisms levelled against Qatar's Kafala system of managing its migrant labour force by contextualising what appear to be de-contextualised ILO, USA, UN and other interested parties' criticisms. By invoking several contexts or paradigms, the dissertation showed such criticisms to be unfair, and contrary to rights of States recognised under current international law. Therefore, the simplistic and narrow criticisms against Qatar's migrant Labour policy and law is rebuttable and its remit not so wide when taken under several applicable contexts.

The first is the context of ICJ jurisprudence on the recognition and implementation by the Court in the *Fisheries case* and in the *North Sea Continental Shelf cases*, of the doctrine of special circumstances which serves to exculpate from general law, States that are anthropologically constrained by specific existential challenges; particularly if they can show that their practice has never complied with the claimed international rule or requirement because compliance would render their continuity impossible (Fidler and Noble, 2012:12).

Qatar's special circumstance is that it could not function without migrant labour. In fact three quarters of its population has always comprised of migrants who come to work and pass remittances to sustain their families in their countries of origin. As one of the fastest developing States in the world today, Qatar requires both skilled and unskilled labour. Winning the opportunity to host the world cup brought extra requirements for migrant labour as infrastructure development projects were prioritised.

The scale of these projects is unprecedented in Qatar's history and so is the requirement of forced labour. This reality must be inscribed into any concerns about Qatar's labour policy because Qatar has an inherent right to protect its origins and identity as recognised under its constitution. Qatar's much complained about labour laws appear to have at their core, the

need to preserve the nation's identity while allowing and benefiting foreign nationals to participate in its economic development without threatening Qatari Constitutional Law values (Campbell, R., 2011:45).

In the Fisheries case, the ICJ ruled that:

The method of straight lines, established in the Norwegian system, was imposed by the peculiar geography of the Norwegian coast; that even before the dispute arose, this method had been consolidated by a constant and sufficiently long practice, in the face of which the attitude of governments bears witness to the fact that they did not consider it to be contrary to international law. (1951) (Kerby, et al. 2012:621)

Another context is that of the Persistent objector status, which guarantees that even after a new norm has crystallised for general application, a State that had resisted it throughout obtains exception to its strictures. The Court ruled that:

Norway's attitude with regard to the North Sea Fisheries (Police) Convention of 1882 is a further fact which must at once have attracted the attention of Great Britain. There is scarcely any fisheries convention of greater importance to the coastal States of the North Sea or of greater interest to Great Britain. Norway's refusal to adhere to this Convention clearly raised the question of the delimitation of her maritime domain, especially with regard to bays, the question of their delimitation by means of straight lines of which Norway challenged the maximum length adopted in the Convention.

Having regard to the fact that a few years before, the delimitation of Sunnmore by the 1869 Decree had been presented as an application of the Norwegian system, one cannot avoid the conclusion that, from that time on, all the elements of the problem of Norwegian coastal waters had been clearly stated. The steps subsequently taken by Great Britain to secure Norway's adherence to the Convention clearly show that she was aware of and interested in the question. (Green, 2016: 87)

To the extent that Qatar, in light of its special circumstances, has managed migrant labour contrary to any ILO, UN or other strictures it may have established exceptions too as a persistent objector to any general migrant labour policy insisted upon by the ILO, the UN or anyone else for that matter.

These two contexts recommend the view that previous condemnations of Qatar's migrant labour policies may be unsustainable on account of their deliberate neglect of Qatar's existential special circumstances, and secondly, Qatar's recognised persistent objector claims regarding ILO, USA and UN claims. If this is acceptable, then, Qatar's response to these criticisms should insist on contextualisation of all foreign criticisms of its migrant labour policies to arrive at a reasonable perspective and understanding of the issue.

In his essay on "The Many Faces of the Reasonable Person", Gardner argues that common law's greatest success in the area of justice has been its development of the 'reasonable man's test' – now more commonly referred in the gender neutral as 'reasonable person's test'. To pass the reasonable person's test, any and all criticisms of Qatar's migrant labour policy must pass the test of whether the ordinary prudent man of business, the officious bystander, the reasonable juror properly directed, and the fair-minded and informed observer would hold such a view.

I submit in this thesis that the criticisms previously rehearsed against Qatar's migrant labour policies could not be regarded by the ordinary prudent man of business, the officious bystander, the reasonable juror properly directed, and the fair-minded and informed observer as being reasonable particularly because they disregard a reality that the ICJ has sanctioned as a basis for disabling application of issues raised in those criticisms, by virtue of existential arguments based on Qatar's demography and the State of Qatar's survival interests; and also by virtue of the Qatar's persistent objector status under International Law, regarding those criticisms.

This Thesis recommends a holistic review of ILO, UN, EU, USA and all other de-contextualised criticisms of Qatar's migrant labour policies to make them consistent with the test of reasonableness.

8 Chapter 8: Conclusions

Qatar's award of the right to host the FIFA 2022 World Cup tournament coincided with international scrutiny of its migrant labour policies and regulations from a diverse range of actors, including the ILO, the UN, Human Rights Watch, the EU and also the USA. The verdict of that scrutiny has been a unanimous condemnation of Qatar's migrant labour policy and regulations.

While not pretending that all is well with the kafala migrant labour policy run by Qatar to ensure that it has all the facilities in place to fulfil its ambition to host the FIFA World Cup 2022 tournament, this study examined whether public international law principles might help illuminate discourse on criticisms against Qatar's kafala migrant labour practices. In particular, whether and how the *special circumstances exceptions* to general international law obligations inaugurated by the ICJ in the *Anglo Norwegian Fisheries case* might impact the debate.

The study showed that criticisms against Qatar's kafala migrant labour system were largely decontextualized and probably unsustainable because they ignored numerous peculiarities that the ICJ has previously determined merit exception to general rules either because:

1. The way of life would be threatened – *Anglo Norwegian Fisheries case (UK v Norway)*
2. The state has persistently objected to the claimed general norms and has gained exceptions *qua* persistent objector – *Asylum Case (Colombia v Peru)*.
3. Cultural relativism applies to contextualise international human rights protections.

The study examined several relevant pieces of applicable international instruments and corresponding or counter domestic legislation in pursuit of the question of the sustainability of mounting international concern with Qatar's kafala migrant labour practices. The 2004 and 2009 and 2015 Qatar decrees on sponsorship of migrant labour were examined for their consistency with ILO standards and general international human rights standards. Inquiry into this area showed that Qatar has made some efforts to recognise, promote and protect migrant workers' welfare and to ensure the protection of their rights.

For decades Qatar has practiced the Kafala system. The system was established in the mid 1900s when the country's economic situation manifested serious need for foreign labour. This gave foreign labour the chance to seek employment in Qatar. The purpose of the Kafala system was to keep migrant labour in check. However, employers soon began to exploit it for their own benefits. Kafala system gave employers free hand to treat the employees as they wished and employers extracted enormous power over their employees from it. PWC (2018, 8) confirm that decree No.14 was introduced to prevent employers from treating employees badly.

This law also exempts the forced employment system and protects domestic employees. This action was taken by the government of Qatar following significant international criticism of treatment of migrant blue collar and domestic workers. Still, decree No. 14 was

not able to sufficiently protect rights of labour completely especially migrant labour force because of the power that the Kafala system already subscribed to employers. Decree No. 14 provided many benefits, including fixing maximum working hours, maternity leaves, EOS benefits and others. These rights are now part of every employment contract regardless of the nature of contract. The maximum period of employment in temporary jobs should be 5 years and the minimum age for employees has been fixed at 18 years.

Lack of monitoring and serious actions from the governments has failed this new law from protecting the rights of migrants. The Nationals were getting more privileges from the implementation of this law than migrants and it was mostly because they were not educated enough to understand their rights. However, there are rules which migrants still needed to follow and one of it was that migrants are not allowed to work for more than one employer at once and they cannot get employed by a different employer without informing the previous employers and quitting the job.

It has been established in the study that the labour law of Qatar was not synchronised with the human rights of labours explained by the international convention of human rights. The migrant was left out mostly from the labour law of the country and the situation remained the same for years. However, recently in year 2014 the government of the country reformed its labour law to protect migrants. This change occurred mostly to protect the reputation of the country and to attract large ratio of migrant workforce which is required to host the world cup 2022.

The study mainly concludes sustainability with international law at FIFA 2022 and the current situation of Qatar. It also raises questions on how diverse environments will be created and how the government of Qatar will be able to overcome them. Further, it has been concluded that the Qatar government is taking initiatives to overcome challenges and

implement international laws to secure the right of both Qatar nationals and migrants. It has been found for the secondary source that human rights practices must be promoted in Qatar.

The main reason which has been highlighted in the study is that migrants are not getting their rights and they cannot leave Qatar because their passports are taken by managers of companies. Qatar is a small country which is located between the Persian Gulf and Saudi Arabia. The capital of Qatar is Doha and 80% of the population of the country lives there. The demographic composition of Qatar includes urbanisation, dependency ratios, population growth rate, fertility, and migration, life expectancy, and death ratios. The demographic factors are being considered by management because they face various issues in growing and the economy of the country is dependent on foreigners.

According to the Khatri (2014), challenges are being faced by Qatar and demographic factors as they are not able to manage their economy. The population growth is needed in Qatar and to support infrastructure for sustainable growth, technological development becomes part of trends. Environmental issues are also being faced in the country also, because of lack of schools, hospitals and housing facility immigrants and national needs are not fulfilled. On the other hand, rapid growth is being observed and economic development has been seen that is a reason migrant are attracted towards Qatar.

The government of Qatar is focused on the development, initiatives has been taken to reduce the gap between current and future generation. According to Ibala *et al* (2014, 165), issues which are being raised because immigrants in Qatar are increasing day by day are impacting the local culture of the country. Qatar government want to promote their values and culture in the country and make sure future generations understand it.

It has been found that the Qatar government promoted migration because they need to fulfil the demand for labour projects and development of infrastructure. They are facing a

number of challenges but for sustainable growth migrants are important. Issues have been raised that because of a number of migrants, competition in industries has been increased and to capture job opportunities migrants willing to work at low wages.

The companies hire migrants who are willing to work at low wage to increase their profitability. Companies are facing problems because of low productivity and lack of innovation as migrants have less technical skills. The competition has increased for public jobs because locals are likely to work in public sectors. Demands of locals and immigrants is increasing because of that Qatar government is facing challenges (Al Muftah, 2016, 282).

It has been highlighted by Freedom House (2014) that human rights are not completely provided to a citizen of Qatar as it has been restricted by the government. It has been found by Human Rights (2017), labour is not protected by the government of Qatar and union are striking and fighting for their rights. Exploitation and abusive behaviour is being faced by immigrants of the country and forced labour become part of practices. The migrants are working in worse conditions and they have a fear that if they breach contract authorities will deport them.

It has been concluded that the majority of females faced the abuses and exploitation, the law clearly provides rights to each individual. But, discrimination is being practiced by management on the bases of nationality; they give priority to locals and treat them well. It has been derived from a secondary source that human trafficking is common in Qatar and men and women are being used for prostitution forcefully. On the other hand, it has been found that around 80% of the population is based on foreigners and they are working for the development of infrastructure. Further, it has been observed that in Qatar credit of success is attributed to foreigners.

In Qatar, if foreigners start settling there will be growth in the economy and as a result of this the government has taken initiative and is developing policies for the external workforce. The laws of Qatar are being developed by considering religion as it is an Islamic country. It has been found from news and reports, Qatar faced crises as the government is failing to fulfil needs of citizens. GCC (Gulf Cooperation Council) is also facing challenges because of the Sharia laws and regulations. Qatar government also face a problem because only Bahrain supports Qatar during crises. But, it has been found from the study of Gardner (2012, 27), the Qatar government took initiatives that they design strategies and register themselves as an Islamic state. It has been introduced to fulfil the demand of locals so they can do practices religion and celebrate festivals.

For the further development of Qatar, it has been found that the government should start providing shelter to migrants and fulfil their basic needs. But, when they start earning benefits have been stopped so they can grow on their own. It was a strategy by the Qatar government as the country is rich in mineral and natural resources. For extraction develop infrastructure, technology labour is needed. To attract people the government starts taking foreign investments and attracting foreigners to capture opportunities. The economy of Qatar has grown and the country has been able to extract natural resources. It has been established that complaints have also been raised when freedom has not been provided completely to immigrants and this has in turn created a negative image of Qatar (Roberts, 2014, 84).

Moreover, it has been observed from a secondary source that when employees productivity decreases negative behaviour have been observed by migrants. Initiatives have been taken by the Head of International Labour organisation and memorandum had been the launch of the Kafala system by taking concern of the Qatar government. The economy has started to progress again and peace observed in Qatar.

In different sectors, growth has been seen because of investment and skilful labour forces. On the other hand, as per Fromherz (2013, 102), problems started in Qatar again because of the culture and values issues. Further, issues were raised when the government of Qatar challenges foreign policies which were creating barriers for the growth of the country, as they were not able to perform trade activity effectively. In the western world, the negative image of Muslims was developed because of terrorist activities. The image negatively impacts on Qatar trade relations and it destroys the reputation of the country and their culture is also impacted which is one more challenge for the government.

By analysing these problems initiatives are being taken by the Qatar government in collaboration with ILO. Qatar labour policies have been considered to understand that they are meeting international standards or not. It has been found that on several stages Qatar government faced critiques. The issue has been raised because there was no court in Qatar that practice commercial and civil law. Further, a decision which is being taken by the government of Qatar that centralised system will help them to eliminate the problem of illegal activities from the business and other general practices of the country.

It has been found from a secondary source that questions have been raised on the opinion of the corporate body regarding laws and there are number of argument are done on that. Multiple laws have been presented by the parliament to resolve the arguments in the corporate industry of Qatar. As each industry was following different practices which created the problem. It has been concluded that the legal framework of Qatar does not allow having ownership of a company more than 51% within the country. However, the decision has been taken to the agency business can be increased in Qatar and a relationship can be developed. If companies need complete foreign ownership they need to take special permission from the Ministry of Economy and Commerce (MEC). On the other hand, the right has been provided to the companies to raise voice and reject the law by following law 20.

The law has been developed in Qatar and it changes from time to time to secure the labour rights as well as the right of the company owners. It has been derived from the secondary source to overcome the issue of ownership commercial company structure is being adopted by management. The company starts working under the structure of Limited Liability Company (LLC) as it allows 2-50 shareholders and functions can be performed at a broader level in the light of Law no 5. Also, it has been derived that the liability of a shareholder is dependent on their share value.

The law no 14 has been introduced in 2004 and it was based on migrants entry, exit, and housing. Ministry of labour and social affairs also develop the law regarding the contract of workers in Qatar and mandatory restrictions are being implemented on employers regarding following the standards, following maximum working time law and minimum wage must be provided to the employees.

It has been found that Qatar laws are being developed equally for employer and employees but implementation becomes an issue. Right to termination has been provided to the employers in the probationary period if the employees do not fulfil their work on time and do not perform according to the expectations of management. If employees leave the country in the prohibition period without taking leave they can face consequences if a company issue objection certificate. The employees cannot enter in Qatar for two years. The company has right that they can hold employees for overtime if management is facing a critical situation (Gulf Times, 2018).

The employees in Qatar work on contracts, they need to complete documentation if any issue arises regarding the documentation contract will be considered as null and void. It is right of employees that a company provide them complete information of their job duties and contract must be signed by mutual understanding. However, it is right of employer that they

can suspend employees without pay of 5 days and delay promotions for around one year. However, limitations of using these rights have been provided to the companies and misuse of the rights can lead towards penalties.

It has been highlighted by Qatar Labour Law (2018) that law has been developed for labour and it is the obligation on the employers to provide rights of employees at the workplace. The contract time period is maximum 5 years and working hours must be reduced in Ramadan. As per Aljazeera News (2018), employees' communities are allowed in Qatar law but, the Kafala system criticised it. Kafala system promotes the relationship between employers and works under the law no 21.

The study evaluated the legal system of Qatar and its uniqueness. It has been found that there are two legal systems which are being followed in Qatar sharia law as well as the international law of human rights. Qatar is part of the UN which means that is compelled to follow the laws and regulations set by the UN which has mostly been made to protect human rights.

The sharia law is mostly being used to deal with the family cases; however, to deal with another kind of cases, the country follows the law which was set by the British before they left the country. However, it has also been found out in the study that for a very long time, most of the issues were being dealt with by the sharia law only especially issues related to the labour system. The official language of the court in Qatar is Arabic. However, interpretation into different languages is being used in case the involved parties do not understand the official language.

Qatar won the contract of hosting FIFA world cup 2022 which required construction of new stadiums and other places. This made the international human rights organisations highlight situation of the migrants and involvement of the international organisations made

the government reform the law. The reformed law prevented employers from confiscating the passports of migrants and it removed the restriction of leaving the job. It was mentioned by Patisson (2018) that the reformed law protected employees from working long hours and more than their official job timings.

Sharia law which is being followed in Qatar as well as in many other Islamic countries has been discussed in detail in the study. The study found out the meanings of the sharia law in all the Islamic countries where it is being followed are being interpreted differently and the laws interpreted differently. The study found out that the main rules and regulations of the sharia law are those which have been described in the Holy book; however, courts are using the interpretation of the law.

The rules and regulations which are being followed through sharia law have been explained by Sunnah Qawliyyah and Sunnah al Fiiliyyah and have set the ethical principles for Muslims. The study found, in Islam, it is important for Islamic countries, for Muslims to follow the teaching of Islam in all fields of life including political situations and in criminal as well as family law cases. The study found out that Qatar has set its legal and ethical systems as per the conceptions and teaching of Islam. It was mentioned by Human Right Organisation, 2015 that there are certain practices which are strictly forbidden in sharia laws such as consumption of alcohol and having a sexual relationship out of the marriage.

These are the acts which call for strict punishment in sharia law. However, in international law system, these acts are not illegal. This is part of freedom of life in international law. These differences of sharia law and international law have made it complicated for the government of Qatar to implement this law in compliance. Qatar does follow many international laws; however, the religious teachings do not allow the

government accepts few laws which include freedom of expression, equal rights for women, alcohol consumption and sexual acts out of the marriage.

The study demonstrates that the individuals who breach these laws are needed to be punished. The Qatari government has completely rejected the idea of giving equal rights to women especially when it comes to having custody of children. Women need to follow the orders of their male guardians and they need their consent for every decision they make. Breach of sharia laws leads to death penalties or flogging. Many individuals have died due to too much flogging because they were unable to bear the pain. On the other hand, international human right law is focused on protecting individuals from punishments like flogging and death penalties.

It was stated that in the official website of GOV.UK, (2018) that the government is focused on protecting human rights. However, the facts and the evaluation of the actual situation shows that there are very few laws to actually protect humans and even these laws are not being followed appropriately. The sharia law as well as the labour law no 14 prevent discrimination among nations and migrants in regard of wages and compensation, however the official website HRG.org, 2015 has evaluated that migrants are being paid much less than the locals. The study found out many laws which place international law of human right and sharia law opposite each other. Different Interpretation of the sharia law can be the reason for its lack of synchronisation with the international law of human right. The study found out that the sharia law which is being followed in other Islamic countries are working to protect the dignity and value of humans and humanity.

The study found out that sharia law does not accept Article 14 of the ICCPR (1966) on the Right to equality. Sharia law has given different practices for men to treat Muslim and non-Muslim women. However, it is also a fact that this discrimination is not applied in a

professional environment. There is some international human right which is part of sharia law such as the right to a fair trial. However, the actual implementation of these laws cannot be seen in practice. The opinions on empowering women vary to a large extent in both laws. There is also the difference of morals and ethics between muslim societies and non-muslim societies which cause the difference of opinions and laws. The sharia law and the ethics of Muslim societies do not allow freedom of expression. The law prevents from stating things or using actions which are not appropriate as per the ethics. However, Human Rights Committee's General Comment No. 32 respects the domestic laws of the countries and gives them the opportunity to the countries to follow the laws as long as these laws are not hurting or ill-treating humans.

There are many issues related to labours and human rights which the government of Qatar is facing and one of them is child labour. Child labour is something which is not allowed in international law or in sharia law, yet, it is prevalent in Qatar. The study has evaluated two factors which have caused child labour including human trafficking and bad financial situations of the migrants. Migrants are not being paid adequately therefore, they are forced to put their children in domestic work to fulfil the basic needs of their families.

Children rights of migrants are being violated in Qatar. The study found out that the nation children are getting the facilities of free education as well as of health care services; however, the migrant children are not privileged to access these facilities. There are international organisations who have established free schools and education systems in Qatar for the migrant children. However, they are unable to get benefit from these schools because they are working for their families' sake.

Human trafficking is the worst form of crime. The study has found out that Qatar has very strict laws against human trafficking. The country has even made shelters to provide

protection and all the basic rights to the victims of human trafficking especially women and children. The country has also eliminated the concept of slavery and forced labour. Many criminal organisations are still abducting children from different part of the world and selling them to employers in Qatar. It has been established in the study that strict actions and laws have controlled this practice to some extent; however, they are not able to control it fully.

When it comes to punishments, the study found out that many forms of punishments which are part of the Qatari legal system are not allowed even in the sharia law for instance, stoning. There is no law in the Quran, which accept, or identifies stoning as acceptable punishment. Islam is very considerate about those who do not have power and are vulnerable such as children and women. However, minors are being flogged in the detention centres of Qatar.

The labour law of Qatar has reformed its article no 15 which states fairness of the wages. The study evaluated that to keep the wages equal and fair, the government ordered all the employers to pay in Qatari currency and employers are required to transfer the wages in the bank accounts of the employees so that no recruitment agency can take money from employees in the form of compensation. There are many organisations, which are working for the protection of labour migrants. However, to improve the labour system, the government established a forum with the name of WWF. The purpose of this organisation is to monitor the labour system implementation of all the reformed labour laws to provide protection.

The committee will work to monitor the actions of the contractors and prevent recruitment agencies from acting in an illegal manner or get money from the migrant employees. The international human right law states that every person has the right to take any job they want as per their qualifications, skills, and they have the right to change their

employers. The law also stated that the government is responsible to increase the power of human right protection systems.

In light of the literature review, according to Patisson (2013), there are millions of migrants that are working in the country and are majorly from the developing and under developed countries. There is labour migrant policy in Qatar known as Kafala system. Many migrants have complained about violations of their labour rights by their employers under this system.

Under this system the employees are not allowed to exit the country without the permission of their employer. Under this system the employee basically works like a slave and does not have any form of labour rights. A study conducted by Conn (2018), discuss about the issues faced by these migrants workers and identified that many of the workers are working unpaid and some of the migrant workers are in debt because they took some kind of loan for paying for their recruitment fees.

Along with this, many of the studies have identified that there are many workers who are pressurised by their employers to work extra hours without any extra payments. These exploitations by the employers had also resulted in loss of many precious lives because some of the workers have died due to sudden heart attack. The migrant's workers in Qatar had to undergo and endure various challenges as there are some basic points which the migrant labour policies are lacking like there is no set range of minimum salaries for the migrant workers under this gap the employer gets the benefit of exploiting the workers by paying them fewer salaries.

The Qatari government has amended the Kafala system and the employees will be allowed to leave the country without the permission of their employers. This sudden change is majorly because of the external pressure and international security, as the country is

scheduled to host the next FIFA world cup it wanted to stay safe from any sort of controversy which the country was previously going through because of its labour policy.

The government of Qatar is now working on providing basic rights to its migrant workers and refugees and for that the Qatari government announced a standard plan which also includes the policy of minimum wages and a worker's support insurance fund (Lewis *et al*, 2015, 582). Along with this there are many agencies and organisations that are working in Qatar which have the responsibility of examining the about practices. From the secondary research it has been identified that international bodies like UN are working towards solving the labour issue and injustice worldwide.

The ICJ is one of them which is amending the labour laws and any form of conflicts between countries one of the major example is Qatar and the United Arab Emirates. There are many changes that had been made under this system for providing basic human rights and providing safe environments to these migrant workers worldwide. According to the data gathered from the study of De Bel-Air (2014, 98), the international human rights has the responsibility of dealing with the issues of migrant workers. Along with this they also make sure that the migrant workers should have easy access to international human rights courts where they can charge their complaints and get justice.

With the secondary sources it has been also identified that one of the other major issue which has been faced by the Qatari government is child labour. This is one of the major issues which is also faced by many of the developed countries. The main source of child labour in Qatar and other Middle Eastern countries is human trafficking. According to the international human rights law the minimum age for working is 15 years but in many countries the law has not been followed. According to the study conducted by Middlebrook,

(2008), the international law has been working continuously for decreasing the child slavery worldwide.

In case of Qatar the country has been a safe place for its national population but in case of migrants children the implementation is not the same because of lack of monitoring the government had failed to provide the equal rights to the migrants' children and had also failed to provide them protection from child labour. Within Qatar child labour is majorly found in sports especially in camel racing where children were asked to take part in a camel race and had resulted in losing their life. At the same time the child labour situation in Qatar is much better than the other Gulf countries.

The measurement of child labour in Qatar has been conducted by determining the population of children that are attending school which indicates that less population are in attendance suggesting that child labour is increasing. According to the statistics gathered in 2013 there were no percentage found who fewer than 15 years were and working (Gardner 2013: 15). The Qatari government are working really hard in eliminating child labour from the country and has been somewhat successful in comparison to the other Gulf countries where child labour is quite high.

The government of Qatar had been under influence of many human rights organisations for improving child health and providing them healthy environment for their living. The Qatari law follows Sharia law in which maximum consideration has been given on providing people with equal rights and under the same law the child protection law has also been developed. Under the law the minimum age of working is 15 years and the implementation of this particular law is quite strict in Qatar as no individual under the age of 15 is allowed to enter any sort of workplace. The Qatari law in relation to child labour is one

of the best in comparison to other Arab countries like Oman and Saudi Arabia (Doha News 2017).

The aforementioned chapter discussed the issues which the management of developing countries face. Although it is said that the countries rich in minerals and resources take less time to develop their economies, for Qatar this has been the opposite. The reason is that the UN was dissatisfied with the country as it a small state but there has been poor implementation of the wise strategies and regulations which has in turn hindered its development. Furthermore, the demographic structure has also been mentioned in this chapter. It has been mentioned in the above chapter that the demographic structures of Qatar have created many problems in growing their economy as there are more foreigners settled in the region. However, the above chapter has demonstrated a critical issue regarding immigrants.

It has been elaborated in the chapter that the high immigrant population has also had a negative impact on the environment. In addition to this, the chapter also discussed that the majority of the population and the family that is responsible for ruling the country are Sunni Muslims. Some criticism regarding different sects of Muslims have been discussed in this chapter. This chapter highlighted that there is a significant minority of Shi'a Muslims living within the country too. The divisions between the beliefs are never discussed openly and have caused sectarian tensions due to the events happening outside the country like the Iranian Revolution and alleged discrimination of the Shi'a Muslims. This was one of the significant aspects which have been discussed in this chapter in order to resolve the concerns.

Furthermore, this chapter has also highlighted the fact that the criminal justice system is also struggling to cope with the high volume of criminal cases which in turn threatens the population's safety and security. The aspects related to the culture of Qatar have also

been discussed in this chapter. It is stated that in order to preserve and protect its unique local culture and identity, one of its strategies is to increase the number of its own Qatar cultural institutions. Its Islamic identity's preservation should never be lost or forgotten. The cultural and lifestyle diversity of the immigrant population makes the locals resent having their culture and identity becoming diluted as a result of the impact of immigration.

Thus, apart from the difficulties and rigidness in the functionality of the government of Qatar, the contributions of the foreign countries in the form of skilled, semi-skilled and unskilled labour force, investments, officials and professionals in different fields and sectors of the economy have prospered Qatar over the years.

Some initiatives that should be taken by the government of the Qatar have also been discussed in this chapter as it demonstrates that there are many hurdles and barriers on trade in the international world, Qatari government has taken constructive steps to change the mind sets and destroyed reputation and amended the practices to preserve the sovereignty and cultural values of the nation from the arising risks.. All the issues that the immigrants face whilst living in Qatar have been highlighted in this chapter.

This chapter has highlighted some rules and regulations the companies must apply on its employee. However, there are some other policies as well which have been discussed in this regard such as the legal framework of Qatar that does not allow the company ownership to be more than 51% within the country. A company must be legally present within the country to be able to conduct business within the country. This may be achieved by the company setting up offices within the country or maintaining a relationship with the agencies present within Qatar. The aspects related to ownership of the companies and such other policies have been discussed in this chapter.

The aspects relating to tax has also been a part of discussion in this chapter, as is stated local source of income is from permanently established business within Qatar subject

to tax whether it is generated by the locals of Qatar or from foreign ownership. The local source of income refers to the functions of the organisations that generate gross income or from contracts and agreements which are carried out in any way within the country.

Furthermore, the main crucial points related to labour has been mentioned in this chapter that is the crucial part for the policies of immigrants. In this regard, the labour law of Qatar outlines the standard of rights and the treatment of workers that should be maintained in every organisation by the employers for their employees. It includes the rights and benefits that the labour in Qatar is entitled to from their employers and the obligations of the workers employed in an organisation. The relationships between the employers and the workers are underlined in the Qatar Labour Law which makes the language of Arabic to be used in the contracts of employment as written in the Labour Law No. 14 of 2004. The categories such as employees of public institutions, armed forces, domestic employees, workers of Qatar Petroleum and workers of the QFC of types of corporations are exempted from the regulations and policies with regard to their behaviour with their employees as mentioned in the law; which has its own set of regulations and policies to take into the account.

Furthermore, it has been highlighted in this chapter that the wages of the workers must be paid in the local currency from the local account of the organisation to the local account of the workers. The organisations must also keep in mind the maximum working hours defined for the labour under the labour law which is 48 hours a week in regular times and 36 hours a week in the month of Ramadan.

Moreover, another rule has also been discussed in this chapter that the migrant labour is not allowed to work for different employers during their contract whether it is paid or not. They can only change their employers 'after the time period of their contract is completed'. The maximum time period of the contract is defined to be 5 years in the Labour Law. The

Labour Law of 2004 was introduced to proportionally balance the rights of the employers and their employees while giving priority to the local citizens and outlining the regulations and restrictions for the companies regarding their employees. The recent international outcry against Qatar's treatment of its migrant workforce put pressure on the government to reform.

By adopting human rights and policies that safeguard the wellbeing of the migrant workforce in recent years, Qatar has shown that it is now more inclined than before in ensuring accountability and responsibility towards its own migrant workforce. Furthermore, the Kafala has also been highlighted in this chapter. The Kafala system is meant to manage and safeguard the rights of all the labour force in Qatar. In this regard, it has failed because forced labour is still flourishing in Qatar. The working conditions of the domestic labour force has been criticised but no action has been taken by management. Qatar government promises to reimburse migrant workers the high recruitment fees which they pay have gone unfulfilled. This chapter have discussed the laws in Qatar related to the employees in details.

The above study has focused on the exceptional special circumstances contextualisation of Qatar migrant labour policy and practice. To analyse the topic effectively the researcher considered human rights and its impact on the migrant labour policies and practices. However, as per OPEC Review (1976:4), in 2005, with the mutual agreement between authorities, it has been observed that Qatar constitution was divided into three parts legislative, executive and judiciary. It has been concluded that various problems were raised in Qatar courts and no one is practicing proper rules and regulations. Also, the disagreement was observed among controlling bodies. After, initiatives of separation of powers in the constitution, the authorities should eliminate inefficiency in implementing it and take further decision for the development of Qatar. The assurance was taken by the supreme councils and

amendments were designed by constitutions to make sure that judiciary follows all code of conduct (Thirlway, 2014:67).

Further, it has been concluded that law was required for each point from court decision to business practices. The amendment was designed for all operations in Qatar and corporate law developed for the safety of the migrants in Qatar. However, the authorities considered corporate law of the USA as their business law is successful. But, they were influenced by the Sharia law as it is part of their religion. Similarly, the Adlia court structure has been designed by management to resolve issues of the Qatar residents and civilians. The court is following specifically all laws that are being developed by the government of Qatar without the influence of any other body. In Adlia law practice difference can clearly be observed between among the Sharia and modern law.

Moreover, it has been concluded with the help of the above study that regulation design proper policies for migrant labour. The government of Qatar set a standard of working for labour and it should be maintained by the employer of the companies. The decision has been taken to provide benefit to both employer and employees. Both employees and employer are obligated to follow a specific framework and perform the task under the law. To develop the relationship and improve workplace activities, it has been mentioned that the Arabic language should be used in a contract which is highlighted under labour law No. 14, 2004 (Qatar Labour Law, 2018). But, further, it has been highlighted that for foreign worker secondary language can be used as they are not familiar with the Arabic language.

Similarly, the working hours have been set by the government that the workforce needs to perform the duty for eight hours and in Ramadan, it will decrease further and employees work for 6 hours. Majority of employees in Qatar are working on contract so the limitation of contract has been set. The contract can be designed for a maximum 5 years

under the light of Qatar laws (Elloise Neale, 2018). Further, it has been concluded that to resolve issues related to migrants and develop specific policies for them, Kafala system has been developed. The regulations of the Kafala system take decisions for migrants as they can switch job or leave the country by taking permission from Kafala management. These restrictions have been implemented for sustainable growth of Qatar (Patter Pattisson, 2013).

It has been concluded that multiple complaints have been received against the Kafala system as they are not performing their duties effectively. Government of Qatar is thinking of abolishing the system as criticism regarding violation of migrant human right is increasing day by day (Arif, 2015: 193).

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