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**COMBATTING THE KAFALA SYSTEM TO
ELIMINATE CONTEMPORARY FORMS OF
FORCED LABOR**

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Basic Overview of the Issue

The Kafala system, a sponsorship framework predominantly employed in several Middle Eastern countries, has long been criticized for fostering exploitative labor practices and modern forms of forced labor (Human Rights Watch, 2022). This system emerged initially as a legal mechanism within the Gulf states' judicial frameworks, designed to regulate foreign labor through a sponsorship model where employers serve as sponsors (kafeel) and hold responsibility for workers' legal and employment status. Through this arrangement, employers gain extensive control over workers' residency permits, legal documentation, and mobility rights, creating a foundation for potential exploitation.

Under this system, the sponsor's control over workers' mobility and legal status creates conditions ripe for exploitation. Workers cannot change jobs, leave the country, or seek legal recourse without their sponsor's explicit permission. This dependency has fostered severe power imbalances, leading to widespread human rights violations. The International Labour Organization (ILO), Human Rights Watch, and other monitoring bodies have documented extensive cases of wage theft, excessive working hours, physical abuse, and restrictions on freedom of movement (ILO, 2023).

According to UNDP statistics (2023), the system disproportionately affects workers from developing nations, particularly South Asia, Southeast Asia, and Africa, who comprise over 23 million migrant workers under the Kafala system across the Gulf region. This vulnerability stems from several factors: economic desperation in home countries, lack of legal protections in host countries, and complex recruitment networks that often involve substantial debt. Most workers migrate based on promises of decent wages and working conditions, only to find themselves entrapped in exploitative contracts with very limited avenues for redress. Women, particularly those employed as domestic workers, face heightened vulnerabilities, including physical and sexual abuse, which reflects the system's gender-based discrimination patterns (UN Women, 2023).

Despite growing international scrutiny and calls for reform, most attempts to modify or abolish the Kafala system have achieved only limited success. While some regional governments have initiated reforms in response to international pressure, these changes often exclude the most vulnerable workers, particularly domestic and agricultural laborers.



However, recent modifications in countries such as Qatar and Saudi Arabia demonstrate that reform is possible, as these nations have begun removing certain employer powers regarding workers' movement and employment changes (Amnesty International, 2023).

Explanation of Important Terms

Kafala System

A legal mechanism existing in several Middle Eastern countries that governs the relationship between migrant workers and their employers-sponsors. This system grants employers extensive control over workers' mobility and legal status, creating conditions that often lead to forced labor and exploitation (Cambridge Dictionary, 2023).

Forced Labor

Work performed under threat of penalty, punishment, violence, or financial coercion. The ILO defines it as situations where people are coerced to work through violence, intimidation, or more subtle means such as manipulated debt or retention of identity papers (ILO Convention No. 29, 1930).

Sponsorship (Kafeel)

The legal framework where an employer or entity assumes responsibility for a migrant worker's visa status, employment, and residency. This relationship creates significant power imbalances as the sponsor controls fundamental aspects of the worker's legal status (Oxford Dictionary of Law, 2023).

Migrant Worker

An individual who moves to another country for employment purposes. The UN Convention on Migrant Workers' Rights defines them as persons engaged in remunerated activity in a state of which they are not nationals (UN, 1990).

Human Trafficking

The recruitment, transportation, transfer, harboring, or receipt of people through force, fraud, or deception for the purpose of exploitation (UN Protocol to Prevent Trafficking in Persons, 2000).



Wage Theft

The unlawful withholding of wages or denial of benefits rightfully owed to a worker. Under labor law, this includes non-payment of overtime, minimum wage violations, illegal deductions, working off the clock, and not being paid at all (US Department of Labor, 2023).

Remittances

Financial transfers made by migrant workers to individuals in their home countries. These transfers represent a crucial economic lifeline for many developing nations, with some countries receiving up to 30% of their GDP through remittances from workers in Gulf states (World Bank, 2023).

Debt Bondage

A form of modern slavery where workers are forced to work to pay off a debt, often incurred through recruitment fees or travel costs. Under the Kafala system, many workers enter debt bondage by paying excessive recruitment fees, creating a cycle of financial dependency (ILO, 2023).

Detailed Background of the Issue

The Kafala system has its origins deeply rooted in the socio-economic transformations of the Gulf region during the mid-20th century. During the 1950s, the discovery of vast oil reserves triggered unprecedented economic growth, with Saudi Arabia's oil revenues increasing from \$56.7 million in 1950 to over \$1.2 billion by 1970 (OPEC, 2023). This dramatic economic expansion, coupled with ambitious infrastructure development projects, created a massive demand for labor that far exceeded local workforce capacity.

The labor shortage, combined with regional governments' determination to preserve demographic stability and existing social hierarchies, led to the creation of a distinctive sponsorship model. This approach stemmed from traditional Bedouin customs of patronage and protection, where tribal leaders would assume responsibility for visitors and traders. Gulf states adapted these customs into a formal legal framework that privatized migrant worker oversight, shifting responsibility from state institutions to individual employers. This effort to maintain existing hierarchies was driven by a desire to prevent significant demographic



changes that could challenge the political, cultural, and social dominance of the native populations. By restricting citizenship and permanent residency, governments sought to safeguard national identity and control over economic benefits, while also ensuring that migrant workers would remain temporary contributors to the labor market without long-term integration.

Historical Development and Expansion of the Kafala System

The Kafala system evolved from informal tribal customs into a comprehensive labor governance framework across the Gulf Cooperation Council (GCC) countries and parts of the Levant. Statistical evidence shows this evolution paralleled the region's economic transformation, with the foreign workforce in Gulf states growing from approximately 500,000 in 1960 to over 23 million by 2023 (UNDP, 2023).

Origins in Traditional Tribal Sponsorship

The system's roots in Bedouin hospitality traditions, where tribal sheikhs provided protection and assumed responsibility for traders and travelers, played a crucial role in shaping modern labor practices. This cultural foundation helped normalize the extensive control sponsors now exercise over workers. By the early 20th century, as Gulf states developed modern administrative systems, these informal customs became codified into national legal frameworks, though retaining their paternalistic character.

Economic Expansion post-World War II

The post-war period marked a turning point in the system's development. The discovery of oil reserves transformed Gulf economies dramatically: Kuwait's GDP grew by 730% between 1950 and 1970, while the UAE's oil production increased from zero to 1.2 million barrels per day by 1975 (World Bank Historical Data, 2023). To support this rapid development, Gulf states implemented formal labor importation systems. The Kafala framework became the primary mechanism for managing this influx, allowing governments to maintain strict control over demographic composition while meeting labor demands.

Institutionalization Across the Gulf and Levant

By the 1970s, countries throughout the region had embedded the Kafala system into



their legal frameworks. Each nation developed slightly different versions, but all maintained the core principle of employer dominance over migrant workers. This period saw the creation of two distinct labor markets: one for citizens with comprehensive legal protections and another for migrants with limited rights. For example, in Saudi Arabia, citizens enjoy an average income five times higher than migrant workers in similar positions, with guaranteed social benefits and labor protections that don't extend to foreign workers (ILO Labor Market Report, 2023).

Economic Dependency and Expansion in the 21st Century

As Gulf economies diversified beyond oil, reliance on migrant labor intensified. Modern megaprojects illustrate this dependency: Dubai's Burj Khalifa required over 12,000 workers per day during peak construction, while Qatar's World Cup infrastructure projects employed more than 30,000 migrant workers (Amnesty International, 2022). This expansion has created complex economic interdependencies, with migrant labor becoming essential to both sending and receiving countries. Remittances from Gulf states now exceed \$100 billion annually, providing crucial support to numerous developing nations (World Bank, 2023).



Figure 1: Construction workers at Qatar's World Cup Stadium Site (Georgetown Journal, 2023)

Legal Framework and Structural Components of the Kafala System

Unlike conventional labor systems where governments maintain primary oversight of foreign workers, the Kafala System framework effectively privatizes immigration control and worker supervision. According to World Bank data (2023), this system currently governs the employment of approximately 23 million foreign workers across GCC countries.

Sponsorship and Residency Ties

The core mechanism of the Kafala system begins with visa sponsorship, where employers must initiate and maintain a worker's legal presence in the country. This



process involves substantial financial investment from sponsors, typically ranging from \$1,000 to \$3,000 per worker for initial visa applications and processing. Sponsors must also handle registration with labor ministries, provide housing and medical insurance, and manage ongoing permit renewals. Data from the Gulf Labor Markets and Migration program (2023) indicates that sponsors' total initial costs range from \$3,000 to \$7,000 per worker, creating a mindset of "ownership" that often leads to restrictive practices. This financial investment frequently serves as justification for controlling workers' movements and employment conditions.

Visa Exit Requirement and Travel Restrictions

The system's control mechanisms extend beyond initial sponsorship to include strict exit regulations. In Saudi Arabia and Qatar, despite recent reforms, employers retain significant control over worker mobility. Employers must provide consent for exit visas in several GCC countries, and many continue to retain workers' passports despite this practice being illegal under international law. Workers must obtain employer permission to change jobs or terminate contracts, and their access to legal redress systems remains severely limited. According to Human Rights Watch (2023), these restrictions resulted in over 100,000 documented cases of workers unable to leave abusive situations in 2022 alone.

Restrictions on Job Mobility and Contract Termination

The system creates significant barriers to employment mobility, with recent ILO statistics (2023) revealing that less than 10% of workers successfully change employers during their contract period. Those who do manage to transfer employment often face waiting periods of three to six months, complicated by extensive documentation requirements and multiple approval processes. Workers who leave without permission face severe financial penalties, often amounting to several months' wages. While some countries have introduced reforms, these changes often exclude vulnerable sectors. Domestic workers, who comprise approximately 28% of the migrant workforce according to UN Women (2023), remain largely outside the scope of these improvements.

Limited Legal Protections and Enforcement Gaps

The exclusion of migrant workers from standard labor protections creates significant



vulnerabilities within the system. Only 40% of GCC countries extend full labor law coverage to domestic workers, and less than 30% of workers have access to effective grievance mechanisms (ILO, 2023). Labor disputes frequently extend beyond six months for resolution, during which time workers often lack income or legal status, leaving them vulnerable to homelessness, debt, or further exploitation (Human Rights Watch, 2022). The absence of collective bargaining rights and union representation further compounds these challenges, silencing workers' voices and preventing collective action (ITUC, 2023). A 2023 ILO study found that 72% of migrant workers face significant barriers in accessing legal remedies. Language barriers affect 85% of cases, while limited access to legal representation, fear of employer retaliation, prohibitive legal costs, and the risk of deportation during dispute resolution force many workers to abandon their claims altogether (ILO, 2023). This lack of recourse perpetuates cycles of abuse, as employers are rarely held accountable, and workers remain trapped in exploitative conditions (Amnesty International, 2023). Moreover, the absence of effective enforcement mechanisms, such as understaffed labor inspection departments and limited resources for monitoring workplace conditions, allows exploitative practices to persist unchecked (ILO, 2023). This systemic neglect not only exacerbates worker vulnerabilities but also undermines international labor standards, perpetuating the human rights violations inherent in the Kafala system (UNHCR, 2023).

Human Rights Violations and Indicators of Forced Labor

While aspects of the Kafala system are legal within host countries, the framework has led to widespread human rights abuses as defined by international standards. The International Labour Organization (ILO) identifies practices under the system, such as wage theft, excessive working hours, and mobility restrictions, as forced labor under Convention No. 29. According to the International Trade Union Confederation (ITUC, 2023), over 80% of migrant workers in the Gulf region face systemic vulnerabilities due to the asymmetrical power relationship between employers and workers. Women, especially domestic workers, are at heightened risk, experiencing sexual violence, isolation, and physical abuse. Despite legal bans, passport confiscation and withholding wages remain prevalent due to weak



enforcement mechanisms, further entrenching exploitation.

Several Gulf countries have attempted reforms to address inequities in the Kafala system, with mixed results. Qatar abolished exit permits for most workers and introduced a minimum wage in 2020, but Human Rights Watch (2022) reports ongoing issues like wage delays and contract substitution. Saudi Arabia's 2021 reforms allow private-sector workers to change employers without sponsor consent but exclude domestic workers, leaving them vulnerable (ITUC, 2023). Similarly, the UAE's Wage Protection System (WPS) aims to combat wage theft, though enforcement gaps persist. While these reforms mark progress, limited implementation and exclusion of key labor groups perpetuate systemic exploitation across the region.

Wage Theft and Non-Payment of Salaries

One of the most pervasive forms of exploitation under the Kafala system involves the systematic withholding of wages. According to Amnesty International's 2023 report, employers frequently withhold payment for periods ranging from several months to years, using unpaid wages as leverage to prevent workers from leaving. Workers who demand payment often face threats of termination or deportation, leaving them stranded without income or legal status. A comprehensive study by the Business and Human Rights Resource Centre (2023) documented that construction workers in Qatar lost an average of four months' wages during the World Cup infrastructure projects, despite working excessive overtime in hazardous conditions at temperatures exceeding 45°C (113°F).

Physical and Psychological Abuse

The isolation inherent in the Kafala system, particularly in the domestic sector, creates environments where abuse flourishes without oversight. The UN Special Rapporteur on Contemporary Forms of Slavery (2023) documented that domestic workers frequently endure physical violence, psychological manipulation, and severe restrictions on their movement and communication. Recent investigations in Lebanon revealed that during the country's economic crisis, over 65% of surveyed domestic workers reported being locked inside employers' homes, with many experiencing physical abuse and starvation. Sexual harassment and assault remain prevalent, with migrant women facing heightened vulnerability due to their isolation and dependency



on employers for both housing and legal status.

Passport Confiscation and Restricted Movement

Passport confiscation stands as one of the most explicit indicators of forced labor under the Kafala system. Despite being illegal under both international law and most domestic legislation in Gulf states, a 2023 ILO survey revealed that 81% of migrant workers have their passports held by employers. This practice effectively imprisons workers within both the country and their specific employment situation, as they cannot travel, access government services, or seek new employment without these documents.

Excessive Working Hours and Dangerous Conditions

Migrant workers, especially in the construction and agricultural sectors, routinely face dangerous working conditions and excessive hours that violate international labor standards. A joint study by the ILO and WHO (2023) found that workers in Gulf construction sites regularly work 12-16 hour days in extreme temperatures, often without adequate rest periods or safety equipment. In the agricultural sector, workers face exposure to hazardous pesticides and dangerous machinery without proper protective gear or training. The cumulative toll of these conditions is severe: between 2015 and 2022, over 10,000 migrant workers died in Gulf countries from work-related



Figure 2: Migrant worker at construction site under Kafala system (BBC, 2020)

causes, with heat stress and exhaustion being primary factors. Lack of access to healthcare, together with negligence by employers, has left many workers both disabled and dead, leaving their families back home to receive no compensation for the loss.

Impact on Migrant-Sending Countries and Broader Regional Implications

The implications of the Kafala system extend far beyond the Gulf states and Levant, creating profound economic and social impacts in migrant-sending countries across South



Asia, Southeast Asia, and East Africa. World Bank data (2023) shows that the top five remittance-dependent countries affected by this system are Nepal, Bangladesh, the Philippines, Ethiopia, and India. While these remittances provide crucial economic support, they come at significant human and social costs that create long-term challenges for both sending and receiving nations.

Economic Dependence and Remittances

Remittances from migrant workers under the Kafala system have become essential to many developing economies. In Bangladesh, remittances accounted for 6.9% of GDP in 2022, with over 60% of these funds originating from Gulf countries. Nepal's dependence is even more pronounced, with remittances representing 24% of the nation's GDP in 2021, making it particularly vulnerable to changes in Gulf labor policies. The Philippines has established a sophisticated infrastructure around Gulf migration, with more than 2.2 million Overseas Filipino Workers sending home \$33.5 billion in 2022, approximately 8.9% of the country's GDP (Asian Development Bank, 2023). However, this economic dependence creates systemic vulnerabilities. When workers face wage theft or exploitation, entire communities back home suffer. The World Bank (2023) estimates that for every dollar withheld from a migrant worker, their home community loses approximately \$3.70 in potential economic activity. This multiplier effect deepens poverty cycles in sending countries, particularly in rural areas where remittances often represent the primary source of investment in education and small businesses.

Social Implications and Disintegration of Family

Long-term family separation under the Kafala system creates severe social disruptions in sending countries. Research by the International Organization for Migration (2023) reveals that children in households with migrant parents show higher rates of educational disruption and psychological distress. In rural communities of Nepal and Bangladesh, the absence of working-age adults has led to a 45% increase in women-headed households, fundamentally altering traditional social structures and creating new economic pressures on those left behind. The financial burden of Gulf migration often creates debt cycles that span generations. A study by the Asia Foundation (2023) found that Ethiopian and Nepalese families typically borrow



between \$3,000 and \$5,000 to cover recruitment fees and travel costs. With average interest rates exceeding 36% annually in informal lending markets, many families remain indebted even after years of remittance income. This debt burden often forces multiple family members to seek Gulf employment, perpetuating cycles of migration and exploitation.

Exploitative Recruitment Practices and Debt Bondage

The recruitment process itself has become a major source of exploitation. The ILO (2023) reports that recruitment agencies in sending countries charge fees that typically amount to 6-12 months of a worker's expected salary, despite this practice being illegal in many jurisdictions. These agencies often operate through complex networks of sub-agents, making regulation difficult and accountability nearly impossible. In Bangladesh alone, over 2,000 unregistered recruitment agencies operate alongside 1,200 licensed ones, creating a shadow economy that profits from worker vulnerability.

Human Trafficking and Irregular Migration

The Kafala system's restrictive nature fuels human trafficking and irregular migration networks across South Asia and East Africa, with desperate workers avoiding the formal channels of recruitment. The restrictive nature of the Kafala system has

fostered the growth of irregular migration channels. UNODC data (2023) indicates that approximately 15% of workers enter Gulf states through unofficial routes, placing them at even greater risk of exploitation. Ethiopian domestic workers entering Lebanon through irregular channels face exploitation rates 300% higher than those using official pathways. Similarly, the use of tourist visas for labor migration, particularly common among Nepali workers entering Gulf states through India, has created new forms of vulnerability that traditional labor protections cannot address.



Figure 3: Protest against Kafala system by domestic workers (Agenzia Fides, 2019)



Major Parties Involved

Saudi Arabia

As the pioneer and largest implementer of the Kafala system, Saudi Arabia hosts over 13 million migrant workers who constitute approximately 75% of its private sector workforce (Ministry of Labor, 2023). The Kingdom's relationship with the Kafala system is deeply rooted in its economic transformation following the 1950s oil boom, when rapid development necessitated massive labor importation. Under Vision 2030, Saudi Arabia's ambitious modernization program, the country continues to rely heavily on migrant labor for projects like NEOM, a \$500 billion mega-city development employing over 120,000 foreign workers. Recent reforms in 2021 allowed private-sector workers to change employers without sponsor consent after one year of employment. However, Human Rights Watch (2023) reports that these changes exclude 3.6 million domestic workers and agricultural laborers. The country maintains stringent control over its migrant workforce through mechanisms including the Wage Protection System and the Nitaqat (Saudization) program, which often prioritize demographic engineering over worker protection.

Qatar

Qatar's implementation of the Kafala system gained unprecedented international scrutiny during preparations for the 2022 FIFA World Cup. Beyond the widely reported construction of sports facilities, Qatar's broader development required a massive workforce expansion, with migrant workers now comprising 88% of its population. The country invested over \$200 billion in infrastructure projects between 2010 and 2022, during which time investigations documented widespread labor violations affecting thousands of workers. Under international pressure, Qatar introduced significant reforms in 2020, including the removal of exit permit requirements and establishment of a non-discriminatory minimum wage of 1,000 Qatari riyals (\$275) per month. However, Amnesty International (2023) reveals that enforcement gaps persist, with 42% of surveyed workers still experiencing wage delays and passport confiscation.

United Arab Emirates (UAE)

The UAE's relationship with the Kafala system is characterized by its rapid urban



development and diversification efforts. Foreign nationals constitute over 80% of its workforce, with the construction and service sectors particularly dependent on migrant labor. The country introduced a wage protection system in 2009 and implemented reforms in 2022 allowing greater job mobility for private sector workers. Despite these changes, the UAE faces ongoing criticism regarding workplace safety and living conditions. The International Labor Rights Forum (2023) documented that workers in Dubai and Abu Dhabi continue to live in overcrowded accommodations, with an average of eight people sharing a room designed for four. The country's domestic worker sector, employing over 750,000 people, remains particularly vulnerable to exploitation.

Ethiopia

Ethiopia is one of the largest labor-exporting countries to Gulf Cooperation Council (GCC) states, particularly for domestic work, with an estimated 500,000 Ethiopian workers employed in the Gulf region (ILO, 2023). Most Ethiopian migrants are young women seeking employment as domestic workers, yet they face significant vulnerabilities under the Kafala system, including wage theft, physical abuse, and limited legal protections. Diplomatic tensions have risen in recent years due to the mistreatment of Ethiopian workers in GCC states. For example, widespread reports of abuse in Saudi Arabia led to the Ethiopian government temporarily banning domestic worker migration to the region in 2013, though the ban was lifted in 2018 under pressure from employers and recruitment agencies. Despite these measures, a 2023 Amnesty International report found that Ethiopian workers in Lebanon and Saudi Arabia continue to suffer from conditions amounting to forced labor.

Lebanon

Lebanon presents a unique case study of the Kafala system operating within a failing state context. The country hosts approximately 250,000 domestic workers, predominantly from Ethiopia, the Philippines, and Bangladesh. The 2019 economic crisis severely impacted this population, with the Lebanese pound losing 90% of its value, effectively reducing migrant workers' wages to unsustainable levels. Recent attempts at reform, including a 2020 standard unified contract for domestic workers, failed due to opposition from recruitment agencies and employers' syndicates. According to the ILO (2023), 95% of domestic workers in Lebanon remain excluded from basic labor law protections, with limited access to justice



mechanisms.

Kuwait

Overall, Kuwait is a country with a large population of migrant workers employed in its construction, domestic, and retail sectors. Partial labour reforms in the country have resulted in health insurance schemes and the creation of a wage protection mechanism. The Kafala system, particularly strict exit permit policies and job changing restrictions remain. In recent years, mistreatment and abuses of household workers have affected diplomatic ties between Kuwait and other countries which export labor to it, such as the Philippines.

Philippines

The Philippines is one of the most significant labor-exporting countries, with more than 2.2 million OFWs working in the Gulf-regions, many of them in domestic work and hospitality. The Philippine government is very active in pursuing migrant worker rights to the extent of imposing temporary bans on deploying workers to countries like Kuwait and Saudi Arabia following high-profile abuse and murder cases. The Philippines is still pushing for bilateral agreements to better protect workers under the Kafala system.

United States of America (USA)

The United States, while not directly implementing the Kafala system, played a pivotal role in its development through its involvement in Middle Eastern oil exploitation and geopolitical relationships. Following World War II, the U.S. partnership with ARAMCO (Arabian American Oil Company) catalyzed Saudi Arabia's economic transformation. U.S. oil companies' massive investments between 1950-1970 accelerated Gulf states' need for foreign labor, indirectly contributing to the Kafala system's formalization (Middle East Economic Survey, 2023). In the contemporary context, the U.S. maintains significant influence through its strategic partnerships with Gulf states. The State Department's annual Trafficking in Persons Report consistently highlights concerns about labor practices under the Kafala system, yet bilateral security and economic interests often overshadow labor rights advocacy. For instance, during the \$110 billion arms deal with Saudi Arabia in 2017, labor reform conditions were notably absent from negotiations despite documented worker abuses (Congressional Research Service, 2023).



Chronology of Important Events

Date	<i>Description of Event</i>
1938	Discovery of oil in Saudi Arabia by U.S. company ARAMCO marks the beginning of economic transformation that would later necessitate the Kafala system (International Energy Agency, 2023).
16 October 1950	Gulf states formally codify the Kafala system to manage migrant labor for oil-driven development, establishing the legal framework that would govern foreign workers.
6 October 1973	The oil boom following the OPEC embargo leads to unprecedented expansion of Gulf states' reliance on migrant workers under the Kafala system.
1 April 2009	Bahrain announces reforms allowing migrant workers to switch jobs without employer consent, becoming the first Gulf state to initiate significant changes to the Kafala



	system.
3 March 2013	Saudi Arabia launches the Wage Protection System to combat widespread wage theft among migrant workers.
1 May 2016	International reports reveal severe abuse of domestic workers under the Kafala system, prompting global criticism and calls for reform.
8 November 2017	Qatar signs a landmark agreement with the ILO to reform its labor laws and limit Kafala practices.
13 January 2020	The UAE introduces reforms allowing workers to change jobs without kafeel consent, marking a significant shift in worker mobility rights.
14 March 2021	Saudi Arabia allows private-sector workers to switch jobs without employer approval, though domestic workers remain excluded from these



	reforms.
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Relevant International Documents

- Global Compact for Safe, Orderly and Regular Migration, 7 August 2023 (A/RES/73/195)
This UN agreement provides a framework to protect migrant workers and address labor exploitation, directly targeting systemic issues like those under the Kafala system.
Link: <https://documents.un.org/doc/undoc/gen/n23/234/11/pdf/n2323411.pdf>
- International Labour Organization (ILO) Protocol to the Forced Labour Convention (P029), 11 June 2014
- *This protocol supplements ILO Convention No. 29, reinforcing global efforts to prevent forced labor and protect migrant workers from exploitation.*
Link: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3174672
- Resolution on the Protection of Migrants, 16 December 2022 (A/RES/77/172)
Adopted by the UN General Assembly, this resolution addresses the protection of migrant workers, highlighting their rights and vulnerabilities under systems like Kafala.
Link: <https://undocs.org/en/A/RES/77/172>

Past Attempts to Resolve the Issue

Reform or abolition of the Kafala system has been underway for more than a decade, driven by international pressure, advocacy by human rights organizations, and demands



from migrant-sending countries. Bahrain became the first Gulf country to introduce reforms in April 2009, permitting migrant workers to change jobs without their employer's consent, though this excluded domestic workers and suffered from weak enforcement (ILO, 2020). Qatar implemented significant reforms in 2020, including the removal of exit permit requirements and a minimum wage, yet Amnesty International (2023) revealed that 42% of surveyed workers still faced wage theft and passport confiscation due to inadequate enforcement. Similarly, Saudi Arabia allowed private-sector workers to change jobs without sponsor approval after one year, but these reforms did not cover domestic or agricultural workers, leaving them vulnerable to exploitation (Human Rights Watch, 2023). The UAE introduced a Wage Protection System in 2009 and expanded job mobility in 2022, yet issues such as unsafe living conditions and restricted legal recourse persist (International Labor Rights Forum, 2023). Despite these initiatives, reforms across the region often exclude the most vulnerable workers, including domestic laborers, and suffer from enforcement gaps, leaving the fundamental structure of the Kafala system intact. This resistance to systemic change underscores the deep entrenchment of the Kafala system in Gulf economies, where reliance on migrant labor often outweighs international calls for human rights protections.

Hosting the 2022 FIFA World Cup in Qatar triggered global scrutiny of its labor practices, leading to significant but limited reforms. An agreement was signed by Qatar in November 2017 with the International Labour Organization on the path to labor reforms. By 2020, Qatar had dropped its exit visa requirement for most migrant workers and brought in a nondiscriminatory minimum wage. Investigations, however, by both Human Rights Watch and Amnesty International outlined how these reforms have done little to stem extensive wage theft, passport confiscation, and unsafe living conditions, especially among subcontracted workers. Saudi Arabia, the region's single biggest destination for migrant labourers, also issued similar reforms in March 2021, entitling employees to change employment without their boss' permission one year into work. The reforms did not reach domestic workers, who remain susceptible to exploitation, confinement, and physical abuse. Saudi Arabia's Wage Protection System, initiated in 2013, was meant to guarantee timely payment of salaries to workers, but loopholes and poor enforcement continued to undermine its effectiveness. The Kafala system, which governs the domestic labour market of Lebanon, places migrant workers in an extremely precarious position, further exacerbated by the



consequences of the economic collapse in 2019. When, in 2020, the Lebanese Ministry of Labour tried to impose a standard employment contract for domestic workers, resistance by recruitment agents and employers succeeded in blocking such proposals, thus far frustrating any reformist dynamic. This denies access to Lebanese labor protection policies and exposes the complexity of pursuing reform in fragile states.

Such organizations from the international community, like the ILO and the United Nations Development Programme, play a very important role in keeping these calls for reforms alive. ILO's Fair Recruitment Initiative also wants better labor standards across the GCC states, but systematic resistance against systemic reforms hinders comprehensive reforms at best. Sending countries have also acted in response to abuse: Temporary labor bans imposed by the Philippines, Nepal, and Ethiopia have been among such measures, but they rarely bring about lasting change as economic necessity drives workers to return under similar conditions. However, wide enforcement gaps, corruption, and resistance by employers remain substantial obstacles in bringing this issue closer to being resolved, despite this incremental progress. The Kafala system will not stop the exploitation of workers until structural changes are made that address the gross power imbalance between employer and worker; therefore, international attention and continued advocacy remain needed.

Solution Alternatives

A critical solution to dismantling the exploitative structures of the Kafala system is the abolition of exit visa requirements and restrictions on job mobility for all workers, including those in domestic and agricultural sectors. While partial reforms have been introduced in Qatar and Saudi Arabia, they often exclude the most vulnerable laborers, leaving domestic workers at significant risk of abuse. Comprehensive reforms should ensure that all migrant workers are able to leave the country or change employers without permission from their employers, so that they can escape exploitative conditions. Binding international agreements through agencies like the International Labour Organization might force governments to completely eliminate these mobility restrictions.



Strengthening and expanding the wage protection mechanisms is another important measure. While Saudi Arabia and the UAE have introduced WPS, it is still applied inconsistently, and loopholes allow wage theft. A more effective solution at the level of wage payment would be real-time monitoring, severe penalties against employers in case of non-compliance, and direct oversight by independent labor bodies. Furthermore, making sure that workers have access to personal bank accounts that employers cannot control would help prevent wage confiscation under the current system. These can be further ensured through third-party audits of companies employing migrant labor on a mandatory basis, making sure accountability spreads across sectors.

Legal exclusion of domestic workers from labor protection must be addressed in order to ensure their rights. Domestic workers are among the most isolated and prone to exploitation, often working long hours with little oversight. In this vein, countries should heed the example of Jordan's 2017 reforms, which established limits on working hours, provided rest days, and gave legal avenues for filing complaints. Integrating domestic workers into the current labor structures would provide them with equal protection under the law, reducing abuses and mistreatment drastically.

Migrant-sending countries must also be strong advocates. This includes negotiating bilateral labor agreements with host countries, whereby governments from source countries such as Nepal, the Philippines, and Ethiopia can ensure international labor standards are applied to their working citizens abroad. Such agreements would include provisions for non-exploitative recruitment, access to legal assistance, and even emergency repatriation where extreme abuse is found. When sending countries unite under regional coalitions, they can collectively pressure Gulf nations to reform Kafala, strengthening the bargaining power of migrant workers globally.

Ultimately, the complete dismantling of the Kafala system will require collaboration between host countries, migrant-sending nations, and international organizations. Establishing independent labor courts, anonymous complaint mechanisms, and national anti-exploitation bodies will provide workers with safe avenues for seeking justice. Public awareness through campaigns driven by non-governmental organizations and human rights groups can further highlight the abuses inherent in Kafala, which can build momentum for large-scale reform. These solutions should look to address structural inequalities at the heart



of the system-to create a more just, equitable labor environment for the millions of migrant workers across both the Gulf and Levant.

Useful Links

- "Lebanon's Abusive Kafala (Sponsorship) System" – Human Rights Watch
<https://www.hrw.org/news/2022/01/04/lebanons-abusive-kafala-sponsorship-system>
- "The Kafala System: Modern Slavery or a Labor System under Repair?" – Forum Global Human Rights
<https://www.forumglobalhumanrights.com/post/the-kafala-system-modern-slavery-or-a-labor-system-under-repair>
- "Is Saudi Arabia's Kafala System Truly Reformed?" – Human Rights Foundation
<https://archive.hrf.org/is-saudi-arabias-kafala-system-truly-reformed/>
- "Unveiling Exploitation of Migrant Workers in Kuwait" – Americans for Democracy & Human Rights in Bahrain
<https://www.adhrb.org/2023/11/unveiling-exploitation-of-migrant-workers-in-kuwait>
- "Workers Not Slaves: Human Rights Violations Under the Kafala System" – Global Human Rights Defence
ghrd.org/document/workers-not-slaves-human-rights-violations-under-the-kafala-system
- "Qatar: Significant Labor and Kafala Reforms" – Human Rights Watch
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