

Rising Scholar: A Cycle of Slavery: Migrant Labor and Human Rights Violations in the United Arab Emirates

Although the United Arab Emirates is currently a pinnacle of modernization, boasting landmarks such as the famous Burj Khalifa, the world's tallest building, and The Dubai Mall, a sprawling megacomplex of over 13 million square feet, thirty years ago the state had none of its acclaimed infrastructure. Since its founding in 1971, the United Arab Emirates has rapidly morphed into a post-industrial society supported by an influx of migrant workers who supplement the native Emirati labor supply. Workers are admitted in to the country through the government-directed migration policy, the *kafala system*, and funneled into low-skill industries, with two of the most common being the construction and domestic service sectors.¹ Construction workers, due to a lack of government protection, are then subjected to hazardous living and working environments by their companies to minimize costs. Likewise, domestic servants were not legally protected until 2017, and continue to suffer abuse at the hands of employers. Through a combination of insufficient laws and enforcement, the UAE government allows for the exploitation of migrant workers to prompt economic development and provide cheap labor for elite private citizens and major construction corporations, in effect creating a cycle of modern slavery. Immigrant workers are trapped in this cycle of slavery, indebted to different money lenders, and left vulnerable to exploitation due to the lack of legal protections. To explore this issue, this paper will first provide some historical background before examining the state-sponsored migration system, which is the foundation for public and private sector exploitation of migrants. The conclusions of this analysis offer explanations for why the UAE government

allows such human rights abuses and the consequences of state-building through a distinct subclass of individuals.

Historical Context

Established on December 2, 1971, The United Arab Emirates is a constitutional federation of seven emirates. Each of these regional bodies possesses significant autonomy and is headed by a single official called an emir. Together, the seven emirs form the Federal Supreme Council (FSC), the United Arab Emirates' most powerful legislative-executive organization, which holds the power to select the president. Zayed bin Sultan al Nahyan served as chief executive of the United Arab Emirates since the federation's founding up until his death in 2004, when power transferred to Khalifa bin Zayed Al Nahyan, the current president.

It was under these two executives that the United Arab Emirates achieved its economic modernization. Beginning in the 1970s, a sudden spike in oil prices allowed the government to use its oil reserves, which accounted for 10 percent of the world's supply, to increase investment in physical infrastructure and social services. This modernization caused a shift in the population demographic as the number of expatriates skyrocketed. In 1968, prior to government-led development, migrants made up 36.5 percent of the total population of approximately 180,000. As the economy grew, foreign workers came to account for 75 percent of the nearly 1.8 million population in 1995, a disparity that continued to grow throughout the 2000s.²

The majority of these migrants come from south and southeast Asia, fleeing crippling poverty and without economic prospects. In 1995, roughly 40 percent of migrant workers in the United Arab Emirates were from India and 20 percent were from Pakistan. Bangladesh, Sri Lanka, and the Philippines each made up 5 percent of migrant labor. Often on the verge of starvation or needing to support family members, male low-skilled immigrants leave their homes

to find work in construction sites or factories, while women turn to work in private residences. An estimated 17 percent of migrant workers end up in the construction sector, while over 60 percent of all migrants emigrating to the United Arab Emirates have only received a high school education or lower.³

Migrant workers who choose to labor in the United Arab Emirates often do so not only as a result of desperate conditions, but also trickery from recruiters. Recruitment agencies travel to workers' home states, intentionally targeting areas that have a surplus of labor and are incredibly poor. Once there, they advertise the high-paying positions and advancement opportunities that are supposedly available in the United Arab Emirates, which the workers have no means to verify. Faced with the choice between tough competition at home or the promise of glamor abroad, many individuals are then dupped to use whatever means necessary to reach the United Arab Emirates, bearing the financial and physical risk of the travel themselves.⁴

To work in the United Arab Emirates, migrant laborers must then follow the *kafala* system, a migration system used in Gulf Cooperation Council (GCC) countries that establishes a strict legal relationship between domestic employers and foreign workers through a set of controlling practices.⁵ Although the UAE government has acknowledged that the system limits worker freedoms, they claim that it is part of a plan centered around the “demographic imbalance theory,” that states the government must fight the gradual loss of the Emirati identity due to the size of foreign populace. The UAE government has repeatedly used this excuse that they are protecting indigenous culture to justify why the system cedes power disproportionately to UAE employers in comparison to their worker counterparts.⁶ The UAE government has several unstated reasons for maintaining the *kafala* system in spite of backlash from the international community. Primarily, the current regime's legitimacy largely depends on its ability to provide a

high standard of living for the state's elite upper class. Secondly, the *kafala system* is an effective means of ensuring social order among a population that the state views as potentially volatile. Migrant workers also lack the opportunity to fully integrate into Emirati society because there are no official pathways for long-term residency or citizenship. This preserves government revenue as allowing more permanent residents, especially from impoverished backgrounds, may force the state to expand welfare services. The lack of integration establishes a social barrier between Emiratis and noncitizens, exemplified by how migrant workers are often denied entry into the same malls that they built.⁷

The Kafala System and Recruitment Fees

Even prior to arriving in the United Arab Emirates, migrant workers face oppressive protocols that are designed to subjugate them to Emirati control and increase their vulnerability. First, workers must take out hefty financial loans to secure passage into the state through disreputable agencies and money lenders in their countries of origin. Next, after acquiring transportation, the workers are subjected to the *kafala system*, which grants native Emiratis and permanent residents broad powers over the migrant population. As a result of these systems, migrant laborers arrive in the United Arab Emirates both financially-desperate and legally powerless, allowing private firms and wealthy citizens to exploit workers for personal gain.

To reach the United Arab Emirates, workers must obtain funds to pay recruitment agencies, which place the workers and their families in debt to predatory money lenders. Workers pay these agencies fees up to 10,000 US dollars to secure transportation into the country. This often forces migrants into heavy debts, which they believe they will be able to pay off through their employment. In actuality, when the workers find that their positions do not pay as advertised, they have no choice but to reside in the country longer to earn enough money to

compensate the recruitment agencies.⁸ For example, in 2009, Sahinal Monir, a 24-year-old Bangladeshi worker, arrived in the United Arab Emirates in need of money to support his family. Monir paid 2,300 euros (2,568.44 US dollars) to a recruitment agency that promised him a job in the United Arab Emirates with a monthly salary of 400 euros (446.69 US dollars). Upon arrival, Monir was paid approximately 90 euros (99.26 US dollars) a month.⁹ Other UAE migrant workers borrow money from sources who pose threats to workers' families and individual safety if they cannot be paid off. Another Bangladeshi worker, interviewed by *The Independent*, described this situation, saying, "We have been robbed of everything. Even if somehow we get back to Bangladesh, the loan sharks will demand we repay our loans immediately, and when we can't, we'll be sent to prison."¹⁰ These recruitment fees lay the groundwork for a cycle of slavery by placing workers in untenable financial strains prior to reaching the United Arab Emirates. They serve as the first step in a process designed to hold migrants in their jobs. Recruitment agencies also conveniently benefit the government as well because they bolster employers' control, while remaining outside of the government's jurisdiction in the migrants' home countries.

After migrant workers secure transportation into the state, the *kafala system* subjects them to Emirati control through rigid employment regulations. All foreign employees are forced to sign a contract that binds their legal status to their employers, which explicitly ties UAE residency to employment. Consequently, employers are able to expel their workers at any time without paying owed wages by terminating their contract. If the migrant resists deportation, he or she can be fined or imprisoned.¹¹ By giving employers such control, the state allows them to leverage deportation as a threat against unproductive or disobedient workers. Another condition of the *kafala system* restricts foreign laborers to work solely for one UAE employer, preventing

them from freely marketing their skills. Employers are then able to dictate hours, wages, conditions of work, and terms of release that run contrary to those initially promised, knowing that migrants have no ability to seek employment elsewhere within the state.¹² Migrant workers often enter into these agreements unknowingly after signing documents in either Arabic or English that they cannot read.¹³ Through failing to hold employers accountable, the *kafala system* creates a paternal relationship between employer and worker, fostering an environment where workers can be easily exploited for economic gain. Thus, companies are able to maximize the productivity of each laborer without concerns of worker turnover, which reduces their incentive to provide employment benefits or adhere to safety regulations.

Due to the heavy recruitment fees, migrant workers are immediately placed in economic jeopardy upon their arrival in the country. Then, through the *kafala system*, the government relegates these workers to second-class residents by reducing their legal standing, which fosters an environment where the workers' rights are at risk. Overall, this allows construction companies and elite private citizens to easily exploit their workers to gain profit — the first step in a vicious cycle of slavery.

Construction Workers and Human Rights Abuses

After workers gain access to the United Arab Emirates through the *kafala system*, they funnel into low-level employment industries of which the construction and domestic service sectors are especially common. Internationally renowned for its massive construction projects, the United Arab Emirates has a large demand for physical labor. Foreign companies are attracted to the country because its relaxed labor laws create potential for rapid economic gain. Both the government and these companies share the desire to develop infrastructure. While the government wants to encourage prosperity, satiating its wealthy citizenry and preserving the

regime's legitimacy, the companies aspire to make money quickly. The drive for infrastructure development produces consequences for the migration population as the government and construction companies' policies and practices align to neglect workers' interests, making them vulnerable to further exploitation.

Clearly lacking political clout, workers are rendered voiceless by the 1980 and 2007 UAE Labor Laws, which prevent workers from legally challenging their employers. Article 112 of the 1980 Labor Law states: "If the employee has been charged with premeditated crime, such as his involvement in... offenses such as the abuse of honesty, breach of trust or strikes, the said employee may be temporarily suspended from work."¹⁴ Consequently, workers cannot collectively bargain against their employers through strikes or protests.¹⁵ This law clearly benefits the companies at the workers' expenses because it silences worker interests and prevents self-advocacy. Regardless of the legislation, in 2006, 8,500 construction workers of the Belgian company Besix tried to raise their wages of 4 US dollars per month through orchestrating one of Dubai's largest strikes. That night, police officers arrested fifty of the strike's leaders, and the majority of the protestors returned to work the next morning. Although the strike lasted for five days, it ultimately failed because neither the workers' conditions nor pay changed.¹⁶ The Besix labor strike demonstrates how all forms of collective action are promptly shut down by the UAE government and ineffective in securing more equitable labor practices. Thus, construction companies are freed from the responsibility of addressing workers' interests, who are left without avenues for self-expression and stripped of the ability to ensure corporate accountability.

The rights of workers are then compromised by weakly enforced government legislation and politically powerful construction corporations who can manipulate protective policy to their advantage. In 2005, the UAE Ministry of Labor banned work between 12:30 p.m. and 4:30 p.m.

during July and August where, in some sections of the state, heat indexes can reach temperatures of over 130 degrees Fahrenheit (54.44 degrees Celsius). In response, construction companies successfully lobbied the government to reduce the break by an hour and a half, from 12:30 p.m. to 3:00 p.m.¹⁷ In this instance, the clout of private companies minimized a law to the disadvantage of the workers, despite clear health concerns. Other companies, discontent with intrusive policy, chose to either avoid the labor break, rescheduling their shifts from 3:00 p.m. to 2:00 a.m., or ignore the law altogether. In fact, the government's enforcement of this policy was so poor that federal inspectors reported that in July and August of 2005, over 60 percent of inspected firms disregarded the law but not a single one was fined until 2009 when investigators discovered that seventy-three major construction companies were in violation without punishment.¹⁸ Once again, the government clearly recognized that workers needed legislative protection but lacked the enforcement necessary to make such legislation effective. To successfully support migrant workers, the UAE government must remain committed to institutionalizing and enforcing protective policies even when they conflict with the interests of politically influential firms.

Migrant workers are further denied advocacy resources by the counterproductive UAE Ministry of Labor, whose overtly complex bureaucracy prevents workers from filing cases against employers. The process of filing legal complaints is costly and convoluted because all workers must pay a 1500 dirham (408.37 US dollar) fee and possess the ability to communicate in either Arabic or English. Although 500 dirhams (136.12 US dollars) of this fee is waived when a worker brings a case against his employer, it must be paid in full if the worker loses, which is a significant burden for financially-stricken migrant workers. In other instances, local government officials introduce obstacles to prevent workers from filing a complaint. In 2006,

Gulf News reported that thirty-eight Southeast Asian workers could not afford to register a complaint due to a 20 dirham (5.44 US dollars) typing charge. To circumvent the expense, the men brought in a handwritten complaint, which was rejected by the Ministry of Labor. The workers were attempting to disclose that they had not been paid in five months; therefore, paying the typing fee was impossible.¹⁹ These high fees allow employers to protect themselves by withholding payments to stop workers from pursuing legal recourse. Furthermore, the UAE Ministry of Labor's clear inaccessibility and unnecessary bureaucracy indicates a failure on the state's behalf to protect workers' rights and ensure fair labor standards for all.

As protective labor laws go unenforced by the government and workers have no legal support system, migrants frequently face physical abuse as well as widespread illegal practices such as passport confiscation, the seizures of legal documents, and the withholding of wages. After reports of passport abuse in 2002, the UAE Ministry of Interior issued a public statement, clarifying that "it is not allowed for any party to detain the passport except by the official parties with a judicial order or according to the law."²⁰ Although the Ministry of Interior was attempting to address issues of passport abuse, its response was ineffective due to the lack of enforcement and the severity of the crisis. Similarly, the state-level government, through the 2007 UAE Labor Law, has made clear the regime's stance on these forbidden practices without committing to definite action. Article 56 of the Labor Law criminalized the withholding of wages by stating, "Workers that are employed on a yearly or monthly wage basis shall be paid at least once a month; all other workers shall be paid at least once every two weeks." The frequency of such violations, however, highlights either a lack of state capacity or deliberate neglect of the problem, which feeds human rights violations. Article 60 in the same law banned incomplete or deducted payments.²¹ Although the government maintains a facade of commitment to protecting

worker rights, the labor laws are frequently unenforced and punitive measures are rarely pursued against firms found in violation. These practices are then left unchallenged, and employers use them to ensure that laborers remain in their positions of work.²² All three practices create multiple advantages for the employers—they dissuade workers from approaching local authorities, motivate increased productivity, and allow employers to freely exploit laborers beyond their contractual obligations. These practices also strip workers of their financial resources and identification, which enhances their vulnerability and effectively traps them in the United Arab Emirates. Thus, migrants often must remain in the state far longer than expected, working to offset slashed and delayed payments that provide sustenance for their families. Family members and children, due to the irregularity and incompleteness of the pay, may then be forced to seek similar jobs to survive. This constant pattern of deprivation lends itself to a vicious cycle of human labor trafficking and modern-day slavery where families barely have the means to survive and must look for employment with potentially nefarious companies or governments. For example, a journalist from the *Middle East Report* encountered thirty-five workers who were abandoned in the United Arab Emirates. Their company owed the men a combined 68,075 US dollars and had removed their passports, which rendered them illegal. While ten men were able to contact their embassies and return home, the remaining workers were stranded in the country, desperate to avoid immigration officials who could fine or imprison them.²³ As a consequence of stolen funds and passports, these workers were also deprived of their legal identity before the international community, which made all economic and migratory activity impossible.

On the job site, employers prioritize revenue rather than their workers' health, giving rise to horrific conditions and long hours. During the heat of summer, workers can face shifts up to

fourteen-hours long without breaks.²⁴ A UAE worker, interviewed by a reporter from *The Independent*, testified to this and stated:

You have to carry 50kg bricks and blocks of cement in the worst heat imaginable... This heat — it is like nothing else. You sweat so much you can't pee, not for days or weeks. It's like all the liquid comes out through your skin and you stink. You become dizzy and sick but you aren't allowed to stop, except for an hour in the afternoon.²⁵

The worker's account exemplifies how employers lack adequate concern for their workforces, which manifests in serious health repercussions. He points to the rigid employment schedule where any lapse in productivity can be heavily penalized, which prompts him to sacrifice his physical health for the sake of the company. The workers' testimony also suggests that company officials and supervisors willingly jeopardized their workers' safety to increase returns on the companies' investment. In these situations, migrant workers become replaceable economic tools rather than people, and their human rights are regularly compromised.

When officially off of the job, workers are met with squalid living conditions in company-sponsored camps, which, due to insufficient government regulation, are rampantly overcrowded and disease-ridden. In the UAE's worst cases, a group of twenty or more men will sleep in a forty-square foot room with no form of temperature control.²⁶ A case study of Sonapur, Dubai's largest work camp, described how the conditions were essentially unlivable—the sewage system was broken, there was no air conditioning system, and the drinking water was improperly desalinated.²⁷ Another worker, living in a camp sponsored by the UAE construction company Arabtec, detailed the conditions and stated, "The latrines are so filthy we cannot use them, we are so disgusted. The roads [within the camp] are full of garbage and waterlogged."²⁸ As a result of these degrading living environments, construction companies, which are responsible for maintaining housing, are able to cut expenditures, while workers are kept socially segregated from Emirati citizens. Their experience starkly contrasts with the glitz and glamor of

daily Emirati life, effectively rendering migrant workers as a “hidden population” within the superficially prosperous state. In 2008, conditions grew to be so poor that government inspectors from Dubai’s Permanent Committee for Labor Affairs found 70 percent of worker accommodations violated hygiene and safety standards.²⁹ However, the fines for these infractions amounted to only 545 US dollars for every third violation and paying them was a cheaper alternative than actually removing the sewage.³⁰ These inadequate fines represent another breakdown in the government’s attempts to protect migrant workers. Legislation was clearly ineffective because it did not provide sufficient financial motivation for companies to provide humane living conditions. Hence, companies could cut costs through bypassing health standards and paying relatively minor fines, thereby shirking the responsibility to maintain adequate housing. The resulting living conditions, which facilitate the spread of disease and the decline of mental health, eventually prompt many workers to commit suicide.³¹ Situations such as these represent the ultimate failure on behalf of the state, which neglects its obligation to protect the most vulnerable members of the populace.

To hide the conditions in both workers’ residences and job sites from the global community, the UAE government is deliberately opaque about the migrant labor crisis in the country. Employers frequently withhold statistics on the deaths and injuries of their workers from the Ministry of Labor, while worker suicides are often miscategorized as “accidents.” For example, in 2005, an Indian consulate registered 971 Indian worker deaths in Dubai alone which contradicts the 39 deaths of all nationalities reported by the Dubai government that year.³² After these statistics were leaked to the public, the government told the consulates to stop recording information on the deaths of their citizens.³³ In crafting a false narrative of the labor situation, the government absolves themselves of any blame and composes the facade of stability. This, in

turn, allows the state to remain aloof from the ongoing crisis within its borders, hindering any reform to ineffective and counterproductive government policies.

Both the government and construction companies' policies and practices cause human rights abuses in the workers' living and working environments. The UAE Ministry of Labor and the 1980 and 2007 Labor Laws represent the interests of employers, which allows construction companies to take advantage of their workforces. Finally, to silence all public criticism, the government and construction companies refuse to provide adequate data that could prove the severity of the current crisis. Migrants workers are left unable to self-advocate which results in their entrapment in a pattern of unnoticed and unacknowledged abuse.

Domestic Servants and Human Rights Abuses

While men primarily work in the construction industry, the domestic service sector attracts their female counterparts. Wealthy Emiratis and other residents generate a high demand for cooks, nannies, and cleaners, who are seen as status symbols.³⁴ The women who fill these jobs usually reside in the homes of their employers and are entirely dependent upon them for basic necessities such as food and clothing. Until 2017, domestic workers were excluded from legal protection, which allowed employers to deny them freedom of movement and their basic human rights through exerting sexual and physical control.

By failing to classify over 300,000 domestic workers as part of the labor force until 2017 in both the 1980 and the 2007 Labor Laws, the UAE government ensured that workers could not be afforded any legal protection because their working conditions could not be regulated. Article 3 of the General Provisions section of the 2007 Labor Law explicitly states: "The provisions of this Law shall not apply to the following categories: domestic servants employed in private households, and the like."³⁵ As a result, domestic workers were deprived of the rights possessed

by other employees. The absence of legal protection forged a master-slave relationship between employer and worker where the employer possessed total dominance. As such, employers remained free to manipulate their domestic servants into performing tasks beyond the scope of their contracts or without sufficient pay.

Not only does UAE legislation disregard the rights of domestic servants, but the government's laws and practices place greater emphasis on returning escaped domestic servants to their places of work rather than opening up channels for victims of abuse to speak out, which leaves them powerless. The state's laws that stop absconders dissuade victims of abuse from fleeing from their places of work or residency due to fears that they would be prosecuted for contract violations.³⁶ In the past, government officials have gone as far as classifying runaway maids as "threats to national security," instituting full police searches for these women and distributing their pictures through mass media.³⁷ The implementation of laws against absconders, in cases such as these, betrays workers because the local government clearly prioritizes capturing runaways over ensuring the safety of women in private residences. The nature of the law also blindly trusts employers, enabling private citizens to exploit their workers without fear of consequence. This biased enforcement also sows distrust between domestic servants and law enforcement, turning vulnerable women away from using legal resources to seek justice.

Since the UAE government's laws and their flawed implementation do not adequately protect domestic servants, employers are then able to strip away the workers' basic human rights through physical and sexual abuse. General health risks that domestic servants face include musculoskeletal injuries, overexposure to chemicals and cleaning products, chronic fatigue, depression, anxiety, and death. There are frequent reports of beatings, kickings, and burnings among other forms of torture such as rape and sodomy.³⁸ *The Khaleej Times*, a Dubai-based

newspaper, reported that in 2010 a Filipina maid was locked inside her home, beaten with brooms and dustpans, starved, and deprived of her salary for three years. In a statement made to the press, the maid claimed that she was only given food once a day and had to work despite intense fatigue and hunger.³⁹ The maid's account reveals that domestic servants suffer far beyond the lack of labor rights. Physical assault dehumanizes workers by creating a state of insecurity in their places of residence and work. In these situations, not only are domestic servants victims of forced labor, they often become trapped in a cycle of sexual exploitation. *Human Rights Watch*, an international non-governmental advocacy organization, interviewed domestic servants who reported having been forced to sleep under stairwells or on the bare floor and were locked into their houses and threatened into working. Many of these women work between sixteen and twenty hours a day, while earning less than 15 to 30 cents per hour.⁴⁰ The workers' extreme poverty creates a cycle of enslavement, similar to the one faced by construction workers, where a domestic servant cannot quit her job, earn enough money to return home, or support her family. The resulting financial strain strengthens employers' bargaining power because they know that laborers have no other options and are fighting to save their family members, which reinforces the master-slave relationship. The balance of power is further shifted in favor of the employers because they understand that they control the future of the migrants' families.

Due to their exclusion from legal protection until 2017 with the passage of Federal Law Number 10, domestic workers were rendered isolated and powerless, which allowed employers to strip away their human rights and freely exert physical and sexual control. The government consistently prioritizes the interests of private citizens, while criminalizing runaway servants who are often victims of horrific abuse. Thus, the servants are trapped with limited resources and left dependent on government and employers who face no accountability. Detached from their

families and confined in residences with inadequate knowledge of the country itself, these women fall victim to constant abuse, which manifests into a cycle of servitude and enslavement.

Conclusion

The UAE government, through insufficient laws and poor policy enforcement, allows for construction companies and wealthy private citizens to take advantage of migrant laborers in order to improve the United Arab Emirates' economy and increase the overall standard of living for the elite, which creates a cycle of slavery. Through the *kafala system*, workers are immediately placed in jeopardy when they enter the country and, consequently, are vulnerable to exploitation. Both construction companies and private citizens possess total control over their workers' wages, working conditions, and legal status, which leads to rampant human rights abuses. Although the state-level government does have policy in place to protect against these violations, the harsh realities workers face demonstrates how the effectiveness of a state's laws is ultimately determined by their implementation. The UAE government provides a unique case study that questions the priorities of a government and analyzes the balance between its ethical and economic considerations. For many native Emiratis, the tradeoff between foreign workers' rights and infrastructural development can be considered a success as it powered a remarkable transformation of industry. Yet for others, especially those in the international community, the cost of this growth is unacceptable. Through the compelling accounts of workers who have suffered, it is clear that the UAE government must account for the wellbeing of hundreds of thousands of its workers, even if they are not classified as citizens. Those who view the United Arab Emirates as a model of fast economic growth and rapid industrial development must recognize that, at its core, it is a nation built on the back of the slave labor of desperate migrants.

ENDNOTES

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