

Mirage in the Desert Oasis

Forced Labor in Dubai and the United Arab Emirates

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One hundred forty-three of the 192 countries in the world are involved in human trafficking. Though our civilization is currently flirting for the second time with globalization, enhanced technologically and scientifically from its first experiment in the pre-World War I era, it nevertheless carries the vestiges of its most primitive beginnings. If the lasting stone monuments of the ancient world were built by slave labor, it seems that the modern world is experiencing a forced labor of its own. Approximately 600,000 to 800,000 men, women, and children are sold across international borders annually, while millions more are sold within their own borders to feed the demands of industry and the sex market. Of the people trafficked across international borders, 80 percent are women and girls and 50 percent are minors, according to the 2005 Trafficking in Persons Report (TIP).

This phenomenon of trafficking, while global, can be witnessed most particularly in the confluence of wealth and people that is Dubai, UAE. After its transformation from desert, Dubai is now known throughout the world as a leading financial center of the Middle East, enjoying prestige and fascination worldwide as well as a dynamic construction campaign at home. Fifty percent of the world's cranes are currently active in the Emirate, servicing projects totaling roughly US\$100 billion, twice the foreign investment of rising star China. Home to the world's only seven star hotel and a string of man-made island creations, Dubai's glitter and wealth hides a more subtle aspect of its impressive growth: the forced labor of migrant workers in both construction and domestic work. And while the emirate has turned its attention to this issue, it must face the reality that behind its shiny façade, the majority of its population is not free.

Migrant Workers and Forced Labor

The International Labor Organization (ILO) estimates that around 12.3 million men, women, and children worldwide are enslaved in bonded labor, child labor, forced labor, sexual servitude, and involuntary servitude. The ready supply of vulnerable populations for human trafficking is a logical result of the post-War economy: as the world grows ever richer, the schism between the wealthy and the impoverished widens. Trafficking victims often come from deep poverty. Some are sold outright by their families. Other families are

fooled into believing that their children are recruited for programs that will provide them with food, clothing, and opportunities. In the areas of origin for most victims, 50 to 60 percent of the population makes an average salary of US\$1 per day. An industry of economic extremes, trafficking generates an estimated US\$9.5 billion in revenue each year. Human trafficking is most frequently associated with sexual servitude, which includes forced prostitution of children as well as women. The aspect of forced labor in human trafficking, however, is less recognized and acknowledged.

Of the 100 to 125 million people living outside their country of birth, the ILO estimates that 120 million of them are migrant workers. The

TIP 2006 cited the Philippines, Indonesia, Bangladesh, and Sri Lanka as leading suppliers of migrants—poorer countries where the opportunity cost of leaving home to find work is low. The leading demanders of migrants by contrast are wealthier Asian and Middle Eastern countries, mainly Saudi Arabia, the United Arab Emirates, Malaysia, and Kuwait. Combined, these countries demanded 13.5 million migrant workers. Dubai, with a population that is only 20 percent Emirati and 80 percent foreign born, with nearly 50 percent of the total population originating in South Asia,



An aerial view of the marina area of Dubai. The emirate's vigorous construction campaign rests on the forced labor of migrant workers, who often toil under squalid conditions and deadly heat.

is a *mélange* of nationalities. Indeed, it is estimated that 160 countries are represented in the city. In search of income to send back in the form of remittances, men primarily from India, Bangladesh, and Pakistan arrive in Dubai to join the construction industry. In 2005, there were 304,983 recorded migrant workers in the city. On the street, Hindi and Urdu are heard as frequently as Arabic.

Yet the pathway these men follow to find employment in Dubai belies a more unlawful trend. “Demand” countries like the UAE typically send recruiters to areas with a high supply of eager laborers, promising benefits and advocating available positions, but the scrupulousness of these recruiters and the monitoring of work site conditions are not easy to enforce. A number of common themes runs through forced labor as a form of human trafficking. A current growing phenomenon found in Asia and the Middle East is labor trafficking through legal recruitment. Migrant workers under this category are not undocumented. Rather, they are legitimately recruited in their own country and transported to wealthy “demand” countries, after which they are coerced into situations of forced labor or bond labor.

Several factors transform this legal transaction into a form of slavery. Recruitment fees, although banned by international covenant and illegal in many “supply countries,” are demanded of foreign workers under the title of “job placement fee” or “employment fee.” Often in the shocking range of US\$4,000–11,000, the fees are paid to the labor recruiter or to the company hiring the workers abroad. The recruiters, who already receive a commission for their work, doubly benefit from the advanced fees. Though UAE law charges employers a fee for each foreign laborer brought into the country and requires that the recruiters pay the migrant’s plane ticket from the country of origin to the Emirates, employers openly flout this law, instead placing the burden of these charges on the migrants. An interview conducted by Human Rights Watch quoted a recruiter as saying, “We will collect these fees from candidates and pay it to construction companies who apply for their visa. It is of course illegal and I can’t put it on a written contract; it’s done in cash. We do it all the time.”

By charging low-skilled, low-income workers before they commence employment, employment agencies are vastly increasing the likelihood of debt incurrence among their contract workers. Debt, which can take between two and three years to pay back (if wages are paid at all), has been cited as a precursor to involuntary servitude among migrant workers, though it must be combined with other forms of exploitation and abuse to be classified as trafficking. Thus, the fate of migrants is nearly determined before they even enter the jobsite.

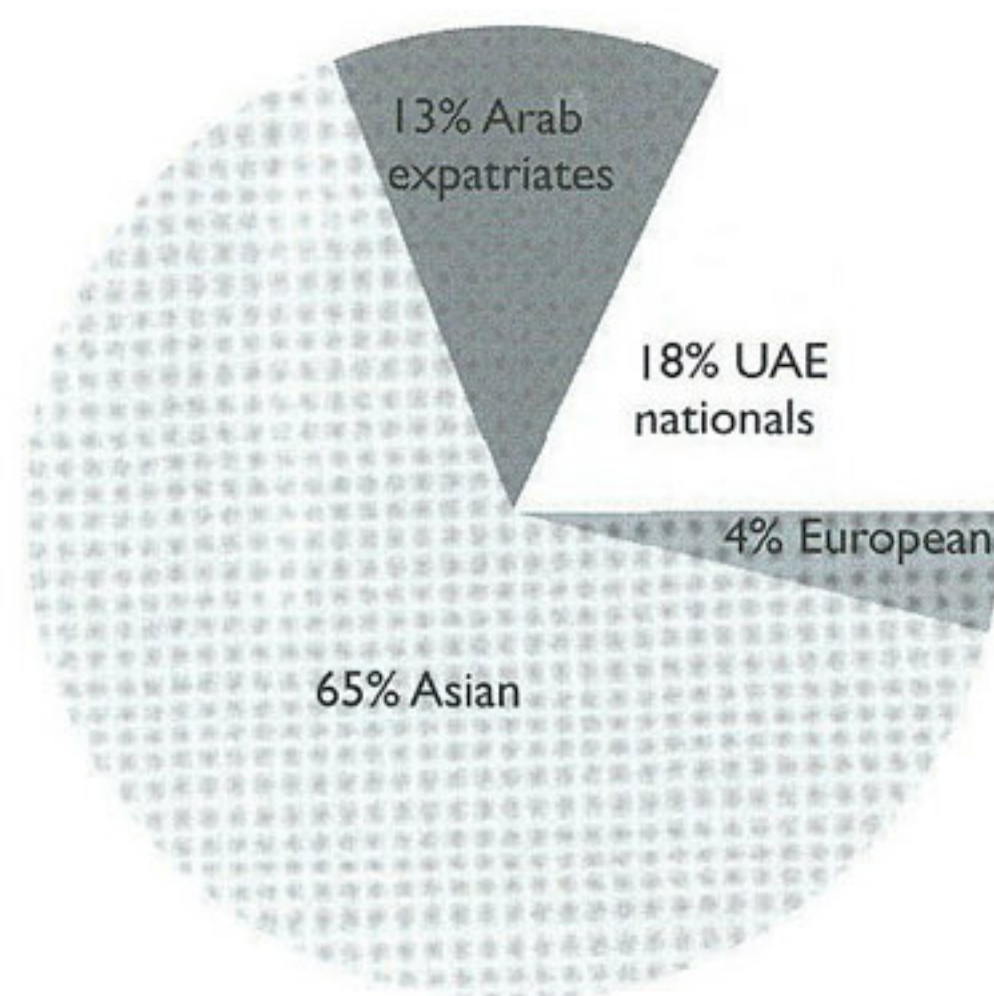
Once laborers have arrived in Dubai, labor agencies or employers can administer a variety of tactics that will transform their workforce into involuntary slaves. Often, the employers will violate the conditions of employment outlined in a contract. Should the migrant worker protest, he may be threatened with physical violence, loss of wages, or discharge from his position. The fears of losing a job, and

by extension the right to remain in Dubai, are exceedingly real for migrant workers who lack knowledge of the host country’s language. Employers use this situation to their advantage by restricting access to the outside world. Passports, airline tickets, and identification papers are frequently confiscated upon arrival at the worksite—though these actions are prohibited by UAE law—leaving the migrants virtually shackled to their employers. Without identification, faced with a language barrier, and subject to acute poverty, migrant workers have no choice but to endure forced involuntary labor and servitude on a monthly salary of anywhere from US\$100 to US\$250.

And while the employers’ threats listed above seem grave, they remain among the grievances cited by nearly all laborers in Dubai, regardless of their obedience or insolence. Low wages, withheld wages, safety concerns, and poor housing are “custom” in Dubai. In a country with an average salary of US\$2,100 per month, laborers, though fleeing the dollar-a-day life in their home country, are nonetheless burdened with minimal salaries. The UAE does not provide a minimum wage, though a 1980 mandate dictates that it should by law. And yet, those who receive low salaries are more fortunate than those who receive none at all, another illegal “custom” in Dubai. Employers often justify their decision to deny wages by comparing the action to a form of collateral—a security to guarantee that their employees will remain on the job. This practice has become so prevalent that many workers have protested against the withholding of wages only when the time period has exceeded one and a half or two month periods.

Migrant Majority

Ethnic composition of the United Arab Emirates



Foreigners constitute over 80% of the UAE’s population of 4.6 million. The country’s private sector depends almost entirely on foreign workers. Migrant workers from South Asia, who compose 50% of the population, have endured harsh working conditions.

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Human Rights Watch, 2008

In addition to wage issues, foreign migrant laborers in Dubai face extreme work and living conditions which are dangerous for their health and mental well-being. The Dubai chapter of the World Safety Organization has cited heat-related illness as the principal health-related issue faced by laborers. With temperatures soaring to highs of 120 degrees Fahrenheit (49 degrees Celsius) combined with intolerable humidity, Dubai takes advantage of its lower tourism rates during the summer months to increase construction. Yet this decision leaves workers with a high risk of heat stroke and dehydration. In July and August of 2004, 5,000 construction workers were brought to Rashid Hospital. And while the Ministry of Labor responded to this matter in 2005 by banning outdoor work from 12:30pm to 4:30pm during July and August, pressure from contractors led to a shortening of the rest period to only 3:00pm.

For sixty hours a week, migrant laborers often work under these conditions with only one day's rest. When the day ends, the migrants find that for themselves, the globalized, unified world that enabled them to secure employment

to endure, women choose to view their employment as a temporary remedy to a desperate circumstance.

It is not only the women who seek work: employers also prefer female labor. Women are assumed to be more simple-minded and obedient. They are less likely than their male counterparts to rebel against adverse working conditions. From a multi-national corporation's perspective, female workers are preferred because the pay for women is less than the pay for men. A hallmark of globalization is the aim toward efficiency and cheap input; the ready supply of women and the eager demand by corporations meet happily in the arena of forced labor and modern day slavery.

But Dubai is not catering to women for factories. Instead its wealthy Emirati citizens cull *foreign women for domestic work*. Much like their male counterparts, domestic workers are often recruited through legal means, registering for visas under a sign reading "Dubai Cares," which hangs in the arrivals lounge of Dubai International Airport. Hailing primarily from India, Sri Lanka, Bangladesh, Ethiopia, and the Philippines, these women are desperate and impoverished,

“A hallmark of globalization is the aim toward efficiency and cheap input; the ready supply of women and the eager demand by corporations meet happily in the arena of forced labor”

in another country is condensed to the factory and dormitory that houses migrant workers, frequently provided by the employers. These structures, always overcrowded, are sometimes surrounded by barbed wire, can lack a connection to water and sewage systems, and are located off-site on the edge of the desert. Sometimes, “home” may be several hours away from the work site. Food is either available through food allowances or through access at a canteen provided by the employers. Suicides are not unheard of among the migrant worker community, with 84 in 2005, up from 70 the previous year.

Domestic Workers

Despite the hardships of Dubai's male migrant construction workers, these men still benefit from a community. Dubai's women migrants, by contrast, find themselves isolated, alone, and often abused as domestic workers.

Though a significant portion of trafficking victims are not the decisionmakers in the transaction, a current global phenomenon involves women consciously deciding to seek employment abroad. While cultural dictums expect women to manage the household, approximately one-third of households worldwide lack a male breadwinner. It is the woman's responsibility, therefore, to provide for her family. Mothers and young girls take the initiative to migrate, carrying with them the prospects of eventually earning a better income, fleeing a life of misery, or supporting a family. Though many are aware of the harsh conditions they will be forced

depending on their new home for a better life and money to send back to the family. However, once a domestic worker arrives at the house, she is legally under her employer's complete control, since the sponsoring employer also holds the strings to her visa. This fact is especially significant to the situation of domestics, for UAE labor laws, like those in countries such as the United States, do not recognize domestic workers as members of the labor force and thus grant the employer complete responsibility and control over the new arrival.

Though exceptions certainly exist, domestic workers frequently endure any number of hardships, included the oft referenced forced confinement, restricted communication with those *outside the home*, physical and mental abuse, oppressive debts, and work under threats. Together, these circumstances define another hidden genre of forced labor in Dubai. And yet, unlike their construction worker counterparts, these women suffer the additional burdens of communalism and sexual harassment.

Debts and wages become a major theme of the domestic's situation. Often, these women enter Dubai with exorbitant fees and debts, which place them in a position in which they feel obligated to continue working until their salary can become their own. It is unclear how much domestic workers are paid, though research has revealed that in Dubai, and the UAE in general, wages are often based on the nationality of the woman. A report by Human Rights Watch quoted a source which revealed that monthly

salaries for Filipinas range between US\$250 to 300 and for Sri Lankans and Africans between US\$100 to 150, the result of a general perception that Filipinos are a sign of greater status for the household as the more intelligent and better educated of the migrants. These salaries pay for work which averages to 15 hours each day, often with no specified day or hour of rest.

In addition to long hours at low pay, domestic workers suffer a spectrum of abuses. Psychological abuse is certainly the most common, with verbal insults and threats pervading the households. Additionally, migrant domestics suffer a range of deprivations, whether it is a lack of sleep, insufficient food, and poor living conditions. Eleven of the 26 Filipina domestic workers interviewed in the UAE in 2006 by Human Rights Watch recorded a deprivation of sufficient nutrition. Rosa Alvarez, a Filipina domestic worker, was quoted as saying, "I don't want to die from starvation and too much work. Breakfast was water and bread, there was no lunch. They would say I can only eat bread. I lost five kilograms [eleven pounds] in three months." Finally, sexual harassment and assault, spawned by the already precarious position of these women in isolation in their homes and hampered by finances and threats against their person, occurs widely throughout. With nowhere to run and language barriers against them, these women have little form of protest.

Attempts to Curtail Trafficking and Abuse

In response to unrest and allegations in recent years, the UAE has done a fair job in providing the formal legal structures designed to prevent most forms of trafficking. Much of the attention paid to trafficking in Dubai relates to the sex trade. Indeed, the reasons cited for the UAE's placement on the Tier 2 Watch List by the TIP 2008 related to its failure to demonstrate an increased effort to eliminate the trade in 2007, with particular emphasis on sex trafficking.

With regard to labor, the UAE has since 1980 included a provision requiring a minimum wage law. Its Labor Law Number 8 of 1980 is a federal law subject to continued amendments and modifications by ministerial resolutions regulating labor relations across the UAE. These laws enumerate legal terms of recruitment, maximum working hours, and age limits. It cites the rights to annual leave, overtime, occupational safety measures, and healthcare provided by employers. Notably, though the Ministry of Labor imposes the federal law, the individual emirates can adopt their own agencies of enforcement, and such is the case in Dubai. In

2007, the UAE government hired over 200 new inspectors for a total of roughly 425 labor law enforcement inspectors trained for three months in labor law, labor violations, and identifying trafficking.

Internationally, the UAE is a member of the ILO and has ratified six of the eight central ILO conventions. It has ratified conventions relating to the elimination of forced labor, of discrimination regarding employment, and of child labor. It has also ratified conventions relating to hours worked, labor inspections, and nighttime work for women. These



A migrant worker in Dubai sleeps on a sidewalk near a construction site. Despite laws that nominally guarantee workers' rights, enforcement of these rights is woefully lacking, while records of abuse are rarely maintained.

acts represent a growing recognition among the Dubai and UAE governments that the situation of migrants demands a response. Quoted by the New York Times in 2007, Emirates' labor minister Ali bin Abdulla Al Kaabi stated, "I'm not saying we don't have a problem. There is a problem. We're working to fix it." Nevertheless, hesitations remain, and Al Kaabi made it very clear that "We want to protect the minority, which is us"—the Emirati are 20 percent of Dubai's population.

And indeed, the situation in Dubai has proved that simple paper laws are not enough to enforce the rights of migrants. The UAE has chosen not to ratify ILO Conventions 87 and 98, which provide Freedom of Association and Protection of the Right to Organize and the Right to Organize and Collective Bargaining, respectively. It has chosen not to ratify these, despite the fact that the 1998 Declaration of the Fundamental Principles and Rights at Work provides that all ILO members implement a worker's fundamental rights, which includes a right to assemble and strike. Additionally, wage disputes, though provided with a legal outlet, are generally considered a private matter. Laborers rarely receive the ear of the government. Mohammad Saleh Al Madani, acting head of the Civil Cases Unit of Dubai Court

as of 2006, addressed the shortcomings of the Minister of Labor's ability to protect laborers and to maintain records of abuse, quoted in a Dubai publication in 2006, arguing that "the Ministry of Labor has no coordination with the Dubai courts or an action plan to protect laborers' rights. It also lacks information about the companies' status. Even when the ministry submits the laborer's files, we find many important documents missing, such as labor contracts." The situation is even more acute with regard to women in domestic labor situations, where the UAE remains woefully deficient in its capacity to protect. It is true that the UAE allows that within the first three months of the work contract, the employer and employee have the right to report problems or request changes in their working condition to the recruiting agency. Nevertheless, it is "custom" that recruiting agencies discourage this practice, even choosing not to disclose information about work rights to their female migrant domestic workers.

If codified laws are not sufficient, it is clear that socio-cultural shifts are necessary to alter the situation for laborers.

of All Migrant Workers and Members of Their Families as well as the ILO conventions listed above. The international community, meanwhile, should assist both "supply" countries and "demand" countries in preventing trafficking and monitoring flows of migrants.

Implications of the Global Economic Downturn

Though reports out of Dubai in October 2008 declared that Dubai was safely weathering the global economic crisis, by November, other reports were suggesting a different story. Major property developers have begun handing out pink slips and reevaluating their demands for recruiters as the Dubai share index dropped four percent in one day and foreign investors withdrew 90 percent of their funds held in UAE banks. Faced with these circumstances, in addition to rising inflation and a decrease in tourism, airline profits, and oil sales, Dubai officials and CEOs have been reassessing their building and growth plans for the emirate, recognizing, as chief executive of Dubai-based Deyaar Development Co. Markus Giebel noted in the *Herald Tribune*, that "what

“The people of Dubai must be made aware that the conditions of their workers...violate a basic human dignity.”

There is currently little NGO and civilian involvement in the struggle for greater rights. The people of Dubai must be made aware that the conditions of their workers, both in construction and domestically, violate a basic human dignity. Greater activism, whether by some of their own or by the workers themselves, can eventually lead to a revolution in perception which will accept the ideas espoused in the *Universal Declaration of Human Rights* that all people are equal in dignity. So long as the country of origin determines the wage of a domestic worker, there is little hope for protection from the people.

Concurrently with the transformation in popular mindset, the government must step in with a stronger arsenal to implement justice. The Courts must keep clearer records of commercial behavior in the Emirate. The government must increase the capacity of its investigative apparatus. It can no longer be sufficient for officials to excuse away their absences by citing minor achievements, as does 2006 head of the Work Permit Department in the Ministry of Labor, Abdulla Saeed Saif Bin Suloom Alfalasi, who contended that "We have set up a hotline for workers to report complaints. What more can we do? We are not angels." Domestic workers must be considered part of the work force and granted these rights. Additionally, the UAE should consider ratifying the following conventions: the International Labour Organization's Convention No. 155 on occupational safety and health, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention on the Protection of the Rights

happens in Dubai is very linked to the financial crisis. There is actually no way to swim against the stream."

Perhaps, amid its planning and evaluating, Dubai will realize that the economic downturn will affect more than the affluent Emiratis under its purview. If the wealthy must take a fall, then the hundreds of thousands of migrant construction workers will certainly feel the crunch, stuck in a country not their own, perhaps still tied to jobs that will be or are now delayed, their passports confiscated and their wages withheld. Though Dubai may choose to grant fewer visas to foreign workers in the coming years, it is still left with the mass of migrants already within its borders.

Poor and desperate, Dubai's laborers have, in recent years, demonstrated an as yet unseen activism and confidence in protest, despite the prohibition against labor unions. In 2006, thousands of workers rioted in the streets of the city, demanding improved working conditions and wages. This incident, though unique in its magnitude, was not isolated, as workers across the Emirate have demonstrated increased unrest.

These demonstrations all occurred, of course, when Dubai was still in full bloom, before the financial meltdown. The economic crash seems to be running in the opposite direction of migrant construction workers' willingness to demand their rights. In an Emirate with 80 percent foreign-born inhabitants, many of whom are engaged in the recently stunted manual construction labor, one or two fewer glass or sailboat-shaped skyscrapers may be the least of Dubai's worries. ■