

HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW IN 2018

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QATAR

State of Qatar

Head of state: **Tamim bin Hamad bin Khalifa Al Thani**

Head of government: **Abdullah bin Nasser bin Khalifa Al Thani**

Qatar acceded to two major international human rights treaties, but included reservations that limited their effect, particularly with regards to the rights of women and migrants. It also passed a political asylum law. The government made some positive reforms in relation to migrant workers, including the partial removal of the requirement for an exit permit and the introduction of a labour dispute mechanism. However, migrant workers continued to be at risk of exploitation and abuse. Freedom of expression remained unduly restricted. A new law was issued allowing the children of Qatari women married to non-Qataris to acquire permanent residency, but they were still unable to acquire Qatari nationality. More generally, women continued to face discrimination in law and practice. Courts issued death sentences; no executions were reported.

BACKGROUND

The diplomatic crisis between Qatar and its Gulf neighbours of Saudi Arabia, Bahrain and the United Arab Emirates (UAE) persisted. Sanctions imposed by these states against Qatar separated multinational families, cut short international students' education, eliminated cross-border jobs, and caused a rise in food prices in Qatar that was detrimental for low-income classes, especially migrant workers.¹

Qatar contested before the International Court of Justice sanctions imposed by the UAE, arguing that the UAE's order for all Qataris to leave the country violated its obligations under the Convention on the Elimination of All Forms of Racial Discrimination. In July, the court issued provisional orders for the UAE to allow former Qatari residents to complete academic studies, access courts and reunite with family members in the UAE.

Several hundred members of the al-Ghufran clan of the al-Murra tribe remained stateless. They continued to face severe socioeconomic marginalization and their children were born stateless.

LEGAL DEVELOPMENTS

Qatar acceded to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in May. However, its inclusion of reservations significantly reduced the scope of the treaties' human rights protection. Some of these reservations undermined the object and purpose of these treaties. For example, Qatar rejected Article 3 of the ICCPR on "the equal right of men and women in the enjoyment of all civil and political rights" because it "contravenes" the provision of the Constitution that states that only male descendants of the Al Thani dynasty may inherit rule over the state. Similarly, it rejected Article 3 of the ICESCR on "the equal right of men and women in the enjoyment of all economic, social and cultural rights" and Article 23(4) of the ICCPR on "equality of rights and responsibilities" in marriage. Qatar also stated upon accession that it would interpret as it chose provisions concerning inhuman treatment, freedom of conscience and the right of religious minorities to practise their faith. Another reservation concerning migrant workers' right to unionize impinged on freedom of association.

Qatar passed a political asylum law in September, a positive move weakened by problematic aspects such as the broad discretion granted to the Minister of Interior over asylum applications, the risk of impunity associated with the law's

¹ Amnesty International, *One year since the Gulf crisis, families are left facing an uncertain future*, 5 June 2018, www.amnesty.org/en/latest/campaigns/2018/06/one-year-since-gulf-crisis-qatar-bahrain/

exclusion provisions, and the power of the Minister of Interior to deport refugees if they engage in “political activity” in Qatar.

MIGRANTS’ RIGHTS

The government introduced some positive reforms in relation to migrant workers, who made up more than 90% of Qatar’s workforce. However, they continued to be at risk of exploitation and abuse. Despite new legislation relating to exit permits, the sponsorship system continued to tie migrant workers to their employers by limiting their ability to change jobs without the employer’s permission during the period of their contract, which could be up to five years.

On 18 March, labour dispute resolution committees, a fast-track judge-led mechanism, became operational. While it increased the speed with which workers’ labour complaints were considered, cases were not settled within the three-week period specified in the law, with hundreds of cases taking over three months to be finalized. Workers whose companies were facing financial trouble were still unable to reclaim unpaid wages.

On 29 April, the International Labour Organization (ILO) opened an office in Doha as part of a three-year technical co-operation agreement under which the Qatari government committed to revising its laws in line with international labour standards and with the guidance of ILO experts.

On 28 October, Law No. 13 of 2018 entered into force. It partially removed the exit permit requirement, allowing the vast majority of migrant workers covered by the Labour Law to leave the country without seeking their employers’ permission. However, the law retained some exceptions, including the ability of employers to request exit permits for up to 5% of their workforce, depending on the nature of their work. Exit permits were still required for employees who fell outside the remit of the Labour Law, including over 174,000 domestic workers in Qatar and all those working in government entities.

Domestic workers, mostly women, continued to be particularly at risk of exploitation and abuse despite the domestic workers law passed in 2017. The law failed to protect domestic workers adequately, both in terms of falling short of international standards and poor enforcement. Some domestic workers were able to successfully claim their unpaid wages at the labour dispute resolution committees.

Unlike Qatari nationals, migrant workers were still unable to form or join trade unions, and the government’s reservations to the ICCPR and ICESCR suggested that this was unlikely to change in the near future

On 30 October, the Emir established the Workers’ Support and Insurance Fund to provide, among other things, funds to pay workers who won their cases before labour dispute resolution committees but failed to recover the money from companies. The fund was not yet operational by the end of the year.

Third-party auditors of projects for football’s World Cup in 2022 in Qatar showed that abuses such as contract substitutions and excessive working hours remained present in a significant majority of contractors they investigated. At least 78 migrant workers from India, Nepal and the Philippines employed by MENA Mercury, an engineering company working on projects linked to the World Cup, were stranded for months in Qatar living in squalid conditions without money after the company failed to pay them. The workers, many of whom had accumulated large debts due to exploitation by recruitment agents, were still waiting for their unpaid wages at the end of the year.

FREEDOM OF EXPRESSION

Freedom of expression remained restricted in law. For example, Article 138 of the Penal Code still provided for the punishment with imprisonment of anyone insulting the flag of Qatar or one of its allies and Article 278*bis* of the law continued to authorize the closure of newspapers running fundraising advertisements by groups without a fundraising permit.

In January, two members of the Federation of Nepali Journalists attending an event in Doha on freedom of the press were arrested and deported.

Najeeb al-Nuaimi, a lawyer who represented the writer Mohammed al-Ajami while he was imprisoned for a poem critical of the ruling family, remained banned from travelling.

WOMEN’S RIGHTS

Women continued to face discrimination in law and practice. Family law discriminated against women, including by making it much harder for women than men to seek a divorce, and placing women at a severe economic disadvantage if they sought a divorce or their husband left them.

In September, a new law was issued allowing the children of Qatari women married to non-Qataris to acquire permanent residency. However, they were still unable to acquire Qatari nationality because of discriminatory provisions in the nationality law.

Women remained inadequately protected against violence, including within the family.

DEATH PENALTY

New death sentences were issued against foreign nationals convicted of murder. No executions were reported.