



**Universal Periodic Review Submission
Qatar
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Unlike most other Gulf states, Qatar has not experienced serious domestic unrest. Yet, the human rights climate remains problematic, particularly for the large and growing migrant worker population. They continue to experience serious rights violations, including forced labor and arbitrary restrictions on the right to leave Qatar that expose non-citizens of all backgrounds and nationalities to exploitation and abuse by employers. Qatar's record on freedom of expression declined further with the announcement of a draft cybercrime law.

Migrant Workers' Rights

Qatar is upgrading its infrastructure in preparation for the 2022 FIFA World Cup, but authorities have yet to implement reforms that are needed to afford foreign migrant workers adequate protection against serious rights abuses, including forced labor and trafficking. Since Qatar's previous UPR in 2010, Qatar has not taken any steps to reform legislation that facilitates these abuses and has therefore failed to implement the UPR recommendations that it accepted to "ensure that its domestic laws guarantee the protection of the human rights of migrant workers, including their right to freedom of movement and the right to an adequate standard of living" and to "reform the sponsorship system in order to protect employees in the event of conflict."

According to official 2013 statistics, Qatar has a population of 1.7 million, of whom only 10% are Qatari nationals. Other credible sources put the total population at over 2 million. The number of economically active foreign nationals increased by 122,000 – almost 10% - in the 12 months from April 2012 and is expected to rise further in response to the demands of Qatar's burgeoning construction sector.

Workers typically pay exorbitant recruitment fees and employers regularly take control of their passports when they arrive in Qatar. The *kafala* (sponsorship) system ties a migrant worker's legal residence to his or her employer, or "sponsor." Migrant workers commonly complain that employers fail to pay their wages on time or at all, but they are barred from changing jobs without their sponsoring employer's consent other than in exceptional cases and with express Interior Ministry permission.

Migrant workers are prohibited from unionizing or engaging in strikes, although they make up 99 percent of the private sector workforce.

Many migrant workers live in cramped, unsanitary conditions, especially those working without documentation.

Workers can become undocumented when employers report them as having absconded, or when they fail to pay to renew workers' annual ID cards. A lack of proper documentation leaves workers at

constant risk of arrest and detention or deportation, and at even greater risk of labor exploitation. Authorities rarely, if ever, bring criminal prosecutions against employers for violating Qatar's labor or trafficking laws.

In May 2013, the Qatar Foundation, a quasi-governmental institution with significant interests in property development, announced a code of conduct relating to workers' conditions that it requires contractors and sub-contractors on its projects to respect. Another quasi-governmental institution, the 2022 Supreme Committee, plans to follow suit for projects related to the World Cup. While these codes, if properly enforced, increase the likelihood that conditions for workers on certain projects will meet international minimum standards, they are no substitute for appropriate and enforced state-led regulation and they will not protect the majority of Qatar's low-paid migrant workers from exploitation and abuse.

The situation of domestic workers remains an issue of grave concern. Domestic workers are not covered by Qatari labor law, and a regional unified contract for domestic workers, expected to be approved in October, falls well short of the minimum standards outlined in the recently adopted ILO Domestic Workers' Convention.

All foreign workers must obtain an exit visa from their sponsor in order to leave Qatar. This exit visa requirement is not needed to prevent foreigners fleeing court cases in Qatar, as the Interior Ministry has separate powers to impose travel bans on non-citizens facing criminal charges or civil claims in Qatar's courts. There are also concerns over the arbitrary manner in which Qatar imposes indefinite travel bans against individuals accused of criminal or civil offences by their employers.

The exit visa requirement and the authorities' use of arbitrary travel bans means that Qatari employers can prevent their foreign employees from leaving Qatar indefinitely, power they may use unfairly to secure concessions from foreign employees with whom they are in dispute. Formerly highly-paid expatriates trapped in Qatar in 2013 included the French professional footballer, Zahir Belounis, and three former employees of the Al Jazeera Children's Channel.

Recommendations:

- Immediately abolish the exit visa system for foreign workers.
- Ratify the ILO Domestic Workers Convention.
- Set out a timetable for reform of the *kafala* system of sponsorship-based employment.
- Respect the right of workers to bargain collectively by not obstructing the formation of unofficial workers' organizations or prosecuting their leaders.
- Ratify core labor conventions, in particular ILO Conventions No.87 and 98 on Freedom of Association and Collective Bargaining.

Freedom of Expression

In its 2010 UPR, Qatar accepted the recommendations to "lift restrictions on the rights to freedom of opinion and expression, and to take steps to promote freedom of the press in all forms of media." It has failed to do so and the provisions of a 2012 draft media law will restrict media freedom and curtail freedom of expression if they are implemented.

In February, an appeal court reduced to 15 years the life imprisonment sentence imposed on poet Mohammed Ibn al-Dheeb al-Ajami, a Qatari national, in November 2012, by a court in Doha. The court convicted him of incitement to overthrow the regime after he recited poems critical of Qatar's Emir. In June 2013, the Emir abdicated, handing power to his son, Sheikh Tamim al Thani.

In May, Qatar's cabinet approved a draft cyber-crimes law, but it remained unclear when it would be enacted. The authorities did not consult the state-funded Doha Center for Media, whose role is to promote media freedom in Qatar, when preparing the draft law and they did not disclose its full contents. According to state media, however, it "punishes anyone who infringes on the social principles or values or otherwise publishes news, photos, audio or visual recordings related to the sanctity of the private and familial life of persons, even if they were true, or infringes on others by libel or slander via the Internet or other information technology means." As yet, authorities have also not enacted a problematic draft media law of 2012 that would expose journalists in Qatar to prohibitive financial sanctions if they criticize any Gulf Cooperation Council states.

Provisions of Qatar's penal code are inconsistent with international free speech standards. Article 134, for example, prescribes a penalty of up to 5 years' imprisonment for anyone who is convicted of criticizing the Emir or the vice-Emir.

Recommendations:

- Amend articles of the draft media law and the draft cybercrime law that are inconsistent with international standards of freedom of expression.
- Amend article 134 of the penal code, which criminalizes criticism of Qatar's rulers and release from jail persons imprisoned solely for expressing their right to freedom of expression.

International Justice

Despite playing an increasingly prominent role on the international stage, Qatar is not yet a state party to the Rome Statute of the International Criminal Court.

Recommendation:

- Qatar should ratify the Rome Statute and fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national court.