

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report -

Universal Periodic Review:

THE STATE OF QATAR

I. BACKGROUND INFORMATION

The State of Qatar has not ratified either the *1951 Convention on the Status of Refugees* or its *1967 Protocol* (hereinafter jointly referred to as the *1951 Refugee Convention*). Qatar has not adopted any national protection mechanisms for asylum-seekers and refugees.

Qatar is not a State party to the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*. Its national legal and administrative framework does not fully comply with international standards, and contains gaps that may give rise to statelessness.

The State of Qatar hosts 80 refugees (55% female and 31% children), and 57 asylum-seekers (46% female and 37% children). They are mostly of Iraqi origin.

The functional responsibilities for all aspects related to refugee status determination in the country are carried out by UNHCR. Despite the absence of a national framework regulating issues related to asylum, the State of Qatar generally respects international refugee protection standards.

UNHCR conducts both refugee status determination and resettlement interviews with persons in need of international protection staying in Qatar. UNHCR also intervenes with the Ministry of Foreign Affairs and other relevant entities on behalf of refugees at risk of deportation, when necessary.

There are practically no prospects for the naturalization and local integration of the refugees that are under UNHCR's mandate. Refugees are only allowed to stay in the country temporarily, pending the identification of another durable solution, such as voluntary repatriation or resettlement. With the absence of local integration prospects or voluntary repatriation in the foreseeable future, resettlement is used by UNHCR in a strategic manner and as a tool for protection, mainly for persons who have been identified as having legal problems in Qatar, in particular those who are at risk of losing their legal residence as a result of work termination. Granting a permit for refugees to stay in Qatar beyond the legal residence period requires a special request from UNHCR and is

temporary, pending the finalization of resettlement procedures to a third country. Selection missions by resettlement countries are facilitated to examine cases in Qatar. The departure of accepted refugees to their resettlement countries is facilitated through close collaboration between the Ministry of Foreign Affairs and UNHCR.

II. ACHIEVEMENTS AND BEST PRACTICES

UNHCR commends the humanitarian spirit shown by the State of Qatar in contributing to the humanitarian relief of refugees. UNHCR welcomes the Government's achievements in the following areas:

1. Humanitarian Relief

UNHCR renews its recognition to the State of Qatar's commitment to humanitarian principles and its pledge to continue providing necessary support to UNHCR's different activities.

2. Human trafficking in persons

UNHCR values its cooperation with the Qatar Foundation for Combating Human Trafficking, its cooperation and conducting annual forums on combating human trafficking since 2010 that address the issue of human trafficking.

UNHCR commends the Government's increasing efforts to address this issue, particularly through the passage of an anti-trafficking law in October 2011 that prohibits all forms of trafficking and prescribes sufficiently stringent penalties, as well as improved identification of trafficking victims. Furthermore, in the late 2010, the Qatari Government launched its "National Plan for Combating Human Trafficking for 2010-2015." The Qatari Government also improved its protection measures to proactively identify victims of trafficking through implementation of a national referral mechanism.

3. Human Rights

UNHCR commends the positive developments with the Qatari National Human Rights Committee (NHRC), in organizing a series of regional training sessions since 2010. In 2012, UNHCR signed a Memorandum of Understanding (MoU) with the NHRC. The MoU addresses three main issues: a capacity-building programme on international refugee law, production of UNHCR-NHRC publications and information sharing.

4. Capacity Building

Qatar facilitated the organization of refugee law training activities conducted by UNHCR for law enforcement personnel, including officers from the Ministry of Foreign Affairs, the Ministry of the Interior, Immigration Department, airports and police force. Such activities have enhanced the capacity of authorities to identify persons in need of international protection and to refer them to UNHCR.

5. Child Registration

Qatar is to be commended for adopting an array of legal provisions designed to enhance protection for children born out of wedlock, as well as for those whose parentage is

unknown (commonly referred to as *foundlings*, and who in many instances may also be the children of unwed parents). These include the right to inherit property from the mother or her relatives in cases where the mother's identity is known, but the father has not acknowledged paternity¹, and the right to financial assistance for foundlings.² In its report to the Committee on the Rights of the Child, Qatar has further noted that children born out of wedlock are also legally entitled to education and health care.³

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Accession to the 1951 Refugee Convention and establishment of a national asylum framework

UNHCR has not yet signed a memorandum of understanding with the Government of Qatar. All non-citizens in Qatar fall under the scope of the national immigration laws (Expatriate Law) with regard to their legal status in the country, including refugees and asylum-seekers registered with UNHCR. National immigration laws stipulate that work sponsorship is an essential pre-requisite for becoming a legal resident in the country and that deportation is a possible consequence of overstaying a legal residence permit.

Accession to the *1951 Refugee Convention* and its *1967 Protocol* greatly facilitates UNHCR's task of mobilizing international support to address refugee situations that may arise in any country. Moreover, accession to the 1951 Convention, and establishment of a national legal framework would provide a clearer basis for the Government of Qatar to provide refugees with international protection. This would formally recognize the Qatari solidarity towards refugees and underline the importance attached by Qatar to cooperating with the international community in efforts to find solutions for refugees. It would also allow the Government to deal with issues related to asylum in a structured manner, thus complementing Qatari obligations under international human rights instruments, as well as provisions in its Constitution.

UNHCR believes that it is necessary to broaden the base of State support for the international refugee instruments, ensuring that the protection provided to refugees is more universal in scope and the burdens and responsibilities of governments are equitably distributed and consistently applied. In this context, UNHCR further supports the recommendations made by the Committee against Torture,⁴ the Committee on the Elimination of Racial Discrimination⁵ and the Committee on the Rights of the Child⁶, which all encouraged the Government of Qatar to accede to the 1951 Convention and to adopt refugee legislation.

¹ Article 297, Inheritance of an Illegitimate and Li'aan Child, Law No. 22 of 2006 Promulgating the Family Law.

² Article 85, Foundling Child Support, Law No. 22 of 2006 Promulgating the Family Law.

³ See Qatar's Second Periodic Report to the Committee on the Rights of the Child, CRC/C/QAT/2 (2008).

⁴ Committee against Torture, CAT/C/QAT/2, 49th session, 19 November 2012, paragraph 21 (c), at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fQAT%2fCO%2f2&Lang=en

⁵ CERD/C/QAT/CO/13-16, 80th session, paragraph 17.

⁶ Committee on the Rights of the Child, CRC/C/QAT/CO/2, 52nd session, 14 October 2009, paragraph 59.

It is also worth noting that during the Ministerial Intergovernmental Event on Refugee and Asylum seekers (7-8 December 2011 in Geneva), Qatar pledged to “renew the State of Qatar’s commitment to the noble humanitarian principles of the UNHCR”⁷ to this effect, Qatar had pledged to continue providing necessary support to UNHCR’s different activities.⁸

Recommendations:

- Accede to the 1951 Convention and its 1967 Protocol;
- Adopt national asylum legislation;
- Ensure full respect of the principle of *non-refoulement*.

Issue 2: Human Trafficking

Refugees and asylum-seekers are particularly at risk of falling victim to trafficking or smuggling due to the vulnerable and volatile situations they often face. The social situation of asylum-seekers and refugees in Qatar and the absence of special programs to facilitate their local integration in the country make refugees, particularly refugee women, especially vulnerable to human trafficking for sexual exploitation.

In line with its *Guidelines on the application of Article 1A(2) of the 1951 Refugee Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*,⁹ UNHCR stresses the need for mechanisms to ensure the identification of victims of trafficking, as well as referral mechanisms to the appropriate authority responsible for assessing possible needs for international protection in an age- and gender-sensitive procedure, in order to respond to their specific needs and to prevent *refoulement*. In this connection, it is important to ensure that “individuals who have been trafficked and who fear being subjected to persecution upon a return to their country of origin, or individuals who fear being trafficked, whose claim to international protection falls within [the 1951 Convention and/or its 1967 Protocol] are recognized as refugees and afforded the corresponding international protection.”¹⁰

Therefore, a proper referral system to the refugee status determination procedure should be established, to ensure that the victim’s right to seek and be granted asylum is fully and duly respected. In particular, the Government should adopt proper measures, including the development of standard operating procedures, to facilitate their prompt identification and referral to the asylum system, when appropriate. RSD procedures ensure that asylum

⁷ UN High Commissioner for Refugees, *Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011*, October 2012, page 107, available at: <http://www.refworld.org/docid/50aca6112.html>

⁸ Ibid.

⁹ UN High Commissioner for Refugees, *Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked*, 7 April 2006, HCR/GIP/06/07, available at: <http://www.unhcr.org/refworld/docid/443679fa4.html>

¹⁰ Ibid, para 5.

claims from victims of trafficking are fairly and appropriately examined, in line with international standards. Additionally, specialized programmes and policies to protect and support victims who cannot return to their countries of origin should be adopted.

In this context, UNHCR wishes to refer to the concluding observations of the Committee Against Torture, which requested the Government of Qatar to “*to ensure systematic procedures to identify victims of trafficking among vulnerable groups, such as those arrested for immigration violations or prostitution, and to provide protection for victims and their access to medical, social rehabilitative and legal services, including counseling services, as appropriate.*”¹¹

Although the Government of Qatar has increased its efforts to address the issue of human trafficking as previously mentioned, the Government did not report any clear efforts to investigate, prosecute, or punish trafficking offenses during the reporting period, leading to gaps in fully addressing human trafficking.

Recommendations:

- Accede to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by land, Sea and Air* to supplement the UNCTOC;
- Implement the Anti-Trafficking law of 2011;
- Establish appropriate mechanisms aimed at early identification, referral, assistance and support for victims of trafficking;
- Establish an effective referral system to ensure that the victim’s right to seek and be granted asylum is fully and duly respected; and enhance coordination among all relevant institutions.
- Provide protection for victims of trafficking and ensure their access to medical, social, rehabilitative and legal services, including counselling services;
- Create adequate conditions for victims to exercise their right to make complaints, conduct prompt, impartial and effective investigations into all allegations of trafficking and ensure that perpetrators are brought to justice and punished with penalties appropriate to the nature of their crimes.

Issue 3: Prevention of Statelessness and Protection of Stateless Persons

The State of Qatar is neither a party to the 1954 Convention relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness. Accession by Qatar to the international statelessness instruments would establish a stronger framework to prevent and reduce statelessness and avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons.

The *1954 Convention relating to the Status of Stateless Persons* ensures minimum standards of treatment for stateless persons in respect to a number of fundamental rights.

¹¹ Committee against Torture, CAT/C/QAT/2, 49th session, 19 November 2012, paragraph 20.

These include, but are not limited to, the right to education, employment, housing and public relief. Importantly, the 1954 Convention also guarantees stateless persons a right to identity and travel documents and to administrative assistance. The *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties that address the right to a nationality. An increase in the number of State parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and ensuring full enjoyment of a number of these rights.

The Committee against Torture (CAT) as well as the Committee on the Rights of the Child (CRC) recommended the State of Qatar in their respective concluding observations to “*consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.*”¹²

Notwithstanding article 35 of the Permanent Constitution of the State of Qatar that guarantees equality of persons before the law, Qatar’s nationality law still does not afford women equal rights as men to confer nationality to their children.¹³ Qatar has ratified CEDAW, but made a reservation to Article 9(2), restricting the ability of women to pass their nationality to their children and resulting in inequality between men and women as regards nationality rights. As a result of this inequality, children born from mixed marriages involving non-Qatari fathers and Qatari mothers are unable to acquire Qatari citizenship.¹⁴ Furthermore, the children of such relationships are not automatically entitled to a residency permit.

Depriving Qatari women of the right to confer nationality on to their children directly affects the best interest of the child, which is a core principle of the CRC. Accordingly, a number of UN Treaty Bodies have recommended reforms to remove gender-discriminatory provisions from the legal framework on nationality.¹⁵ Qatar’s National Human Rights Commission has noted that amending the nationality law to ensure women can confer nationality to children on an equal basis as men is an important step to enhancing the rights of both women and children, and has therefore also advised

¹² Committee against Torture, CAT/C/QAT/2, 49th session, 19 November 2012, paragraph 21 (c), and Committee on the Rights of the Child, CRC/C/QAT/CO/2, 52nd session, 14 October 2009, paragraph 59.

¹³ Article 1, Law No. 38, 2005 (limiting the acquisition of nationality by descent to the children of Qatari fathers).

¹⁴ In such cases, children can only acquire citizenship when the child’s father is stateless or of unknown nationality or where paternal filiation has not been established.

¹⁵ See CERD/C/QAT/CO/13-16, 80th Session 9 March 2012, at para. 16 (“*Recalling its General Recommendation 30 (2005) on discrimination against non-citizens and especially its paragraph 16 on reducing statelessness and in particular among children, the Committee recommends that the State party revise its nationality laws to allow Qatari women to transmit their citizenship to their children without discrimination.*”); CRC/C/QAT/CO/2, 52nd Session, 14 October 2009, at paras. 33, 34 (“*In accordance with articles 2 and 7 of the Convention, the Committee urges the State party to critically review its Nationality Act in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction.*”); CRC/C/15/Add.163 at para. 13).

removing Qatar's reservation to Article 9 of the CEDAW.¹⁶ In responding to these concerns, the State party noted that Article 2 of the Law No. 38 of 2005 establishes that priority consideration for naturalization shall be afforded to applicants with Qatari mothers.¹⁷ Under this provision, however, the applicant must still meet all naturalization requirements including regular residence in Qatar for 25 consecutive years; thus precluding the acquisition of nationality during childhood.

In 2009, the Committee on the Rights of the Child expressed concern regarding the situation of children born out of wedlock in Qatar.¹⁸ The Committee therefore recommended that Qatar adopt “a proactive and comprehensive strategy to eliminate *de jure* and *de facto* discrimination on any grounds and against all children”, with a view to ensuring the enjoyment of all rights outlined in the Convention by all children in its jurisdiction.¹⁹ These rights include the right to registration at birth.²⁰ In practice, however, the implementation of these provisions may be impeded by gaps in child registration, which UNICEF has identified as general pre-requisite to accessing public benefits.²¹

Recommendation:

- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- Amend the Citizenship Law to grant Qatari women the right to confer their citizenship on their children on an equal basis as men;
- Remove the reservation to Article 9(b) of CEDAW that restricts granting equal rights to women with respect to the passing of nationality to their children.
- Ensure comprehensive birth registration to enhance child protection for all children.

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Division of International Protection
UNHCR
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¹⁶ See National Human Rights Committee, The State of Qatar, Annual Report On Human Rights & Activities of the Committee For the year 2005 AD – 1426 AH; National Human Rights Committee, The State of Qatar, NHRC's Seventh Annual Report On Human Rights Status In The State of Qatar, 2009.

¹⁷ See Qatar's 2007 Report to the Committee on the Elimination of Racial Discrimination, CERD/C/QAT/13-16; Qatar's 2008 Report to the Committee on the Rights of the Child, CRC/C/QAT/2.

¹⁸ Committee on the Rights of the Child, 52nd Session, 14 October 2009 (CRC/C/QAT/CO/2 at para. 25).

¹⁹ *Id.* at para. 26.

²⁰ It is notable in this regard that significant gaps in birth registration remain throughout the broader Middle East and North Africa Region, including the Gulf States. According to UNICEF, 19 per cent of children in the MENA region are without birth registration. UNICEF, Progress, Jan. 2013. http://www.childinfo.org/birth_registration_progress.html. UNICEF's data includes Djibouti, Sudan, and Iran in the MENA region, while excluding Israel and Mauritania.

²¹ See UNICEF, Birth Registration: Rights from the Start, Innocenti Digest No. 9 (March 2002).

ANNEX

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures' Reports

- Universal Periodic Review:

STATE OF QATAR

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and Special Procedures' reports relating to issues of interest and persons of concern to UNHCR with regards to Qatar.

Committee against Torture

CAT/C/QAT/2, 49th Session

19 November 2012

Overarching considerations regarding implementation

7. The Committee regrets that, despite its repeated requests, most of the statistical information it requested was not provided. The absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment by law enforcement, security and prison personnel, expulsions of immigrants and asylum-seekers, access to detention records, trial duration, rehabilitation and compensation, and trafficking and sexual violence, severely hampers the identification of compliance or non-compliance with the Convention requiring attention.

7. The State party should compile and provide the Committee, in its next periodic report, with information on complaints, investigations, prosecution and convictions in cases of torture and ill-treatment, expulsions, length of trials of alleged perpetrators of torture and ill-treatment, rehabilitation and compensation, trafficking and sexual violence, and the outcomes of all such complaints and cases. To this end, statistical data should be disaggregated by gender, age, ethnicity status, nationality, relevant to the monitoring of the Convention.

Fundamental legal safeguards

10. While noting that article 39 of the Constitution and articles 40, 112 and 113 of the Code of Criminal Procedure provide some legal safeguards to detainees, the Committee is concerned that these provisions are not always respected in practice, in particular, for non-citizens, and do not cover all fundamental safeguards required by the Convention, in particular the right to have an independent medical examination upon deprivation of liberty. The Committee also expresses its concern at the lack of information on detention registers as well as the lack of monitoring of the implementation of safeguards, in

particular given that the State party stated that it has documented no cases in which the authorities failed to properly register detainees during the reporting period. While noting the provisions in the Criminal Procedure Code requiring persons to be charged or released within 48 hours, the Committee remains concerned that detention without charge may be extended by the Attorney General for 16 days. Of further concern are reports on persons detained without charge or trial, *inter alia*, the case of Mr. Mohamed Farouk al-Mahdi, undertaken by the UN Working Group on Arbitrary Detention (A/HRC/WGAD/2010/25) (arts. 2 and 16).

10. The State party should promptly take effective measures to ensure that all detainees, including non-citizens, are afforded, in practice, all fundamental legal safeguards from the very outset of detention, including the rights to promptly receive independent legal assistance and a medical exam by an independent doctor, to contact relatives, and to appear before a judge within a time limit in accordance with international standards. The State party should also take steps to ensure effective monitoring of the adherence of all personnel to the laws governing safeguards, and discipline or prosecute those who fail to provide them to persons deprived of their liberty as required by law. The State party should ensure that all detainees, including minors, are included in a central register. The State party is encouraged to introduce systematic video and audio monitoring and recording of all interrogations, in all places where torture and ill-treatment are likely to occur, and provide the necessary resources to that end.

Migrant workers

18. The Committee is deeply concerned about reports of widespread torture or ill-treatment and abuse of migrant workers, in particular under the sponsorship system (*kafeel*), constraints to lodge complaints against their employers as well as the lack of information on cases in which sponsors were punished for torture or ill-treatment of migrant workers. The Committee notes the concerns raised by the Committee on the Elimination of Racial Discrimination (CERD/C/QAT/CO/13-16, para.15) that despite the legal provisions prohibiting conduct such as passport and wage withholding by sponsors, the fundamental nature of the sponsorship system increases the dependency of the migrant workers on sponsors rendering them vulnerable to various forms of exploitation and abuses. In addition, the Committee regrets the absence of labor legislation that protects domestic work, while noting that a draft law on domestic workers is presently under review. The Committee regrets the lack of information provided by the State party on complaints of violence made by migrant domestic workers during the reporting period and whether these led to investigations and prosecutions of perpetrators, particularly in light of information before the Committee reflecting numerous allegations by migrant workers of physical abuse, sexual violence, rape and attempted rape (arts. 2, 12, 14 and 16).

18. The State party should strengthen its efforts to provide legal protection to migrant workers, including female domestic workers, in its territory against torture, ill-treatment and abuse and guarantee access to justice. In that regard, the State party should:

- (a) Adopt, as a matter of urgency, labor legislation covering domestic work and providing legal protection to migrant domestic workers against exploitation, ill-treatment and abuse;
- (b) Consider abolishing the sponsorship system for all migrant workers, as recommended by [the Special Rapporteur on trafficking in persons, especially in women and children \(A/HRC/4/23/Add.2, para.95\)](#); and
- (c) Provide data of complaints of ill-treatment of migrant workers filed with authorities, the action taken to solve cases, remedies provided to victims as well as the punishment imposed against employers responsible.

Trafficking in persons

20. While welcoming various measures undertaken by the State party, in particular, the Qatar Foundation for Combating Human Trafficking, such as the adoption of the Arab Initiative against Human Trafficking, the Committee is concerned that Qatar continues to be a destination country for men and women subjected to forced labor and forced prostitution. The Committee also regrets the lack of information on the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking. The Committees, while noting the promulgation of the Law No.15 of 2011 on trafficking, is concerned that, as raised by the Qatar NHRC in its 2011 Annual Report, article 5 of the aforementioned Law allows for the return of victims to their countries without ensuring an assessment of risk upon return (arts. 2, 3, 4 and 16).

20. The State party should take all necessary measures:

- (a) To effectively implement the current laws combating trafficking, including Law No.15 of 2011;
- (b) To ensure systematic procedures to identify victims of trafficking among vulnerable groups, such as those arrested for immigration violations or prostitution, and to provide protection for victims and their access to medical, social rehabilitative and legal services, including counseling services, as appropriate; and
- (c) To create adequate conditions for victims to exercise their right to make complaints; and conduct prompt, impartial and effective investigation into all allegations of trafficking and bring perpetrators to justice and punished with penalties appropriate to the nature of their crimes.

Refugees and non-refoulement

21. The Committee is concerned at the absence of national legislation and procedures explicitly regulating expulsion, refoulement and extradition consistent with the requirements of article 3 of the Convention. The Committee regrets the lack of information on the case of forced return of Ms. Eman al-Obeidi, who had been allegedly raped by Libyan soldiers, to Libya, even though she had been recognized as a refugee by the Office of the United Nations High Commissioner for Refugees. Furthermore, the Committee notes that in spite the humanitarian measures by the Qatari authorities in helping some refugees, the State party has not yet ratified international instruments relating to the protection of refugees and asylum-seekers (art. 3).

21. The State party should:

- (a) Adopt national asylum legislation and procedures providing effective protection to asylum-seekers and refugees against refoulement to a State where are substantial

grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment, in accordance with article 3 of the Convention;

(b) As indicated in paragraph 7 of this document, provide disaggregated data on the precise number of asylum applications received, the number of asylum-seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin, the number of deportations with an indications of the number of deportations relating to asylum-seekers, and the countries to which deportations have been carried out; and

(c) Consider acceding to the 1951 Refugee Convention and its 1967 Optional Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Redress, including compensation and rehabilitation

24. The Committee is concerned at the lack of comprehensive information and statistical data on reparation and compensation, including rehabilitation, for victims of torture and other cruel, inhuman or degrading treatment or punishment in the State party. The Committee note with concern the extremely low number of cases of compensation and rehabilitation for victims, in particular, domestic workers. For the period from 2007 to 2012, the State provided compensation to eight domestic workers and the Qatar Foundation for Combating Human Trafficking provided rehabilitation for 12 victims (art. 14).

24. The State party should strengthen its efforts to provide victims of torture and other ill-treatment with fair and adequate reparation and compensation, including rehabilitation. The State party should include migrant workers and persons subjected to trafficking in redress programs, and ensure that they have access to effective remedies, for torture and ill-treatment including compensation and rehabilitation.

The Committee draws the attention of the State party to the recently adopted General Comment (CAT/C/GC/3) on article 14 of the Convention which explains the content and scope of the obligations of States parties to provide full redress to victims of torture.

Committee on the Elimination of Racial Discrimination

CERD/C/QAT/CO/13-16, 80th Session

9 March 2012

Positive Aspects

7. The Committee also welcomes the State party's efforts to ensure stronger protection of human rights and implementation of the Convention, including the establishment of;

(a) Qatari foundation to Combat Human Trafficking;

Data collection

9. The Committee regrets the lack of disaggregated and detailed statistical data on the ethnic and racial composition of the population, including Qatari nationals as well as migrant workers in Qatar.

9. In accordance with its General Recommendation No. 4 (1973) on the demographic composition of the population and paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party provide disaggregated information on the racial and ethnic composition of the population, including non-citizens, as well as statistical data regarding socio-economic status of different groups in its next periodic report in order to assist the Committee to effectively assess the achievements made by the State party in implementing the Convention.

Labour Code and migrants

12. The Committee notes that article 9 of the Labour Code stipulates that all contracts, other documents and instruments provided for under the Labour Code shall be in Arabic. The Committee is concerned that the majority of workers who are foreigners may have difficulty understanding the documents, which effectively prevents them from making informed consent regarding their employment. (Art 5)

12. The Committee requests clarification of article 9 of the Labour Code and recommends that the State party revise the provision to ensure that contracts and other documents under the Labour Code concerning their employment are provided in the languages of the migrant workers.

Sponsorship programme and migrants

15. The Committee welcomes the efforts made by the State party to improve the sponsorship programme to provide a stronger protection to migrant workers. However, the Committee is concerned that despite the legal provisions prohibiting conduct such as passport and wage withholding by sponsors, the fundamental nature of the sponsorship programme increases the dependency of the migrant workers on sponsors rendering them vulnerable to various forms of exploitation and abuses. (Art 5 & 6)

15. The Committee recommends that the State party ensure that the legal provisions protecting the rights and freedoms of the migrant workers under the sponsorship program are fully enforced and provide effective legal remedies to migrant workers whose rights are violated.

Nationality

16. The Committee notes with concern the discriminatory provision of the law on nationality, which prevents Qatari women who are married to non-citizens from transmitting Qatari nationality to their children, which has the potential to lead to stateless status of children. (Art 5).

16. Recalling its General Recommendation 30 (2005) on discrimination against non-citizens and especially its paragraph 16 on reducing statelessness and in particular among children, the Committee recommends that the State party revise its nationality laws to allow Qatari women to transmit their citizenship to their children without discrimination.

Refugees and IDPs

17. The Committee welcomes the humanitarian spirit demonstrated by the Government of Qatar in helping refugees fleeing Libya during the crisis in the country, as well as its efforts in helping Somali internally displaced populations and other populations needing

assistance. However, the Committee notes with concern that Qatar has not ratified the 1951 Convention relating to the Status of Refugees.

17. In this regard, the Committee recalls its General Recommendation 22 (1996) on refugees and displaced persons and requests more information on the legal framework protecting refugees and asylum seekers and recommends that Qatar ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocols.

Property ownership

18. The Committee notes with concern the restrictions imposed on migrant workers and foreign residents in buying and owning property in Qatar. (Art 5).

18. The Committee would like to receive more information on the protection of the right to property of migrant workers. In this regard, the Committee recalls its General Recommendation No. 30 (2005) on non-citizens and reiterates that article 5 of the Convention prescribes the obligation of the State party to prohibit and eliminate racial discrimination in the enjoyment of civil, political, economic, social and cultural rights.

Political rights

20. The Committee is concerned that certain political rights are not fully enjoyed by naturalized citizens on an equal basis with citizens born in Qatar. The Committee notes that although such legal restrictions are not practiced in reality, the mere existence of such restrictions poses a threat to full enjoyment of political rights of all citizens. (Art 5).

20. The Committee recommends that the State party revise its laws regarding political rights, such as the right to vote and the right to stand for election, to guarantee that such rights are fully enjoyed and exercised by all citizens without any discrimination based on race, colour, descent, or national or ethnic origin or any other status.

Committee on the Rights of the Child

CRC/C/QAT/CO/2, 52nd Session

14 October 2009

Data collection

17. The Committee notes with appreciation the provision of statistical data in the State party's report and the efforts made to collect and analyse statistical data regarding children. However, the Committee regrets the limited data concerning some areas covered by the Convention, for example, violence against children, child abuse and children of migrant workers.

18. The Committee recommends that the State party continue to strengthen its mechanisms for data collection by developing indicators consistent with the Convention in order to ensure that data are collected on all areas covered by the Convention and that they are disaggregated by age and sex, urban and other areas, and by those groups of children who are in need of special protection. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention.

Non-discrimination

25. While noting that the Constitution and other domestic laws are built on the principle of non-discrimination and ongoing efforts by the State party to promote the principle of equality between women and men, the Committee is concerned about the remaining laws such as the Family Act and the Nationality Act which perpetuate discrimination against women and girls in the Qatari society. Furthermore, discrimination against children born out of wedlock and children of migrant workers is an issue of particular concern to the Committee.

26. The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with article 2, by effectively reviewing its existing laws which are not in accordance with the principle of non-discrimination. The Committee recommends that the State party adopt a proactive and comprehensive strategy to eliminate de jure and de facto discrimination on any grounds and against all children, paying particular attention to girls, children with disabilities, children born out of wedlock and children of migrant workers.

Nationality

33. The Committee regrets that no sufficient follow-up has been given to its recommendation on the right to acquire a nationality in the previous concluding observations (CRC/C/15/Add.163, para. 41) and reiterates its concern that the Nationality Act does not confer de jure citizenship to children of Qatari women married to nonnationals, as it does where the father is Qatari.

34. In accordance with articles 2 and 7 of the Convention, the Committee urges the State party to critically review its Nationality Act in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction.

Preservation of identity

35. The Committee is concerned that the child born out of wedlock does not have the full right to know and be cared for by his or her parents in accordance with article 7 of the Convention and especially that no procedures are provided by law to fully guarantee this right.

36. In line with article 7 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative ones, to ensure that the child born out of wedlock has the full right to know and be cared for by his or her parents and that procedures are established by law to guarantee this right.

Refugee children

58. While noting the information provided in the State party's report and by the delegation during the dialogue that there are no refugee children in the State party, the Committee still remains concerned at the lack of legislative measures in this field.

59. The Committee recommends that the State party, taking into account that it is in the process of drafting the Children's Bill, take this opportunity to address the issue. The Committee further recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and adopt

national asylum legislation and procedures on asylum in accordance with international standards for asylum and international protection. It further recommends that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Children of migrant workers

60. While noting that the State party allows the establishment of private schools run by expatriate communities, the Committee remains concerned that the children of migrant workers employed in the private sector may not always have access to public schools. Furthermore, the Committee is concerned that children of migrant workers are more vulnerable to violations of their human rights.

61. The Committee recommends that the State party ensure access to public schools to all children, including to children of migrant workers employed in the private sector. It further recommends that the State party develop and implement policies and practices that will better protect and serve children of migrant workers. The Committee also recommends that the State party consider ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Sale, trafficking and abduction

66. The Committee notes the steps undertaken by the State party in combating human trafficking, including through the establishment of the National Office to Combat Human Trafficking in 2005, and the Qatari Shelter and Humanitarian Welfare Home. The Committee reiterates its concerns raised in its concluding observations (CRC/OPSC/QAT/CO/1), especially paragraphs 14 and 21, following the consideration of the initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in June 2006.

67. In light of article 35 and other related articles of the Convention, the Committee recommends that the State party:

(a) Continue to monitor data on trafficking of children and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects;

(b) Strengthen its procedures for the early identification of child victims of trafficking;

(c) Seek to establish bilateral and multilateral agreements and cooperation programmes with countries of origin and transit to prevent the sale, trafficking and abduction of children.