



QATAR

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 33RD SESSION OF THE UPR WORKING GROUP, 6-17 MAY 2019

FOLLOW-UP TO PREVIOUS REVIEW

Of the 183 recommendations it received at the 2014 UPR, Qatar accepted 118, rejected 38, and accepted another 27 saying they had already been implemented or were in the process of implementation.¹

Ratification of human rights treaties

Qatar accepted recommendations to accede to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and, in a welcome move, ratified both Covenants in 2018. However, in doing so the government lodged several sweeping reservations.² Through lodging these reservations, Qatar has refused to fully recognize equal rights for women, including in matters of personal status laws, and has also stated that it will interpret the term “punishment” in line with the *Islamic Shari’a*. This suggests that the government does not intend, as a state party to the Covenants, to address the fact that women do not have equal rights to inheritance, or to remove the death penalty and corporal punishment from the Penal Code currently applicable for crimes such as murder, banditry and adultery. Qatar also stated that it will interpret the scope of the right to form and join trade unions in line with the Labour Law,³ which prevents migrant workers - about 90% of the country’s population - from forming or joining unions, thereby violating their right to freedom of association.

Freedom of expression

Qatar has not enacted a new media law that respects freedom of expression, as committed to during the previous review, nor has it taken steps towards drafting such a law.⁴ On the contrary, it has passed new legislation regulating digital speech (Law No. 14 of 15 September 2014, Issuing the Law on Combating Cybercrime), which is overly broad and inimical to free expression. It has also preserved and expanded Article 138 of the Penal Code, which allows for the imprisonment of anyone insulting Qatar’s flag or the flags of allied states, and added Article 278 *bis*, 2, which authorizes temporary closure of newspapers for raising funds without permission.

Migrant workers

Qatar accepted several recommendations relating to reform of the *kafala* or sponsorship system and exit permit, including to “remove the requirement in the law on sponsorship for foreign nationals to obtain the permission of their

¹ Human Rights Council, Report of the Working Group on the Universal Periodic Review, 27th period of sessions, A/HRC/27/15, 15 August 2014.

² Reference: C.N.260.2018.TREATIES-IV.3, and Reference: C.N.262.2018.TREATIES-IV.4, 21 May 2018, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en and https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en

³ Reference: C.N.262.2018.TREATIES-IV.4, 21 May 2018, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en

⁴ A/HRC/27/15, recommendation 124.4 (United States of America).

current employer before moving jobs or leaving the country”.⁵ It has only partially implemented this recommendation, by removing the requirement for most, but not all (such as domestic workers), of Qatar’s migrant workers to obtain permission before leaving the country. Migrant workers still require the permission of their employers before moving jobs.⁶

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

The right to freedom of expression

Freedom of expression is restricted in Qatar and the media routinely exercises self-censorship. In September 2014, Qatar issued a vaguely-worded and overly broad cybercrime law, which gives the authorities license to ban websites that they consider threatening to the “safety” of the country and to punish anyone, including with prison sentences, who posts or shares online content that “undermines” Qatar’s “social values” or “general order”.⁷ These terms, however, are not defined in the law.

In November 2016, the website of Doha News, a prominent independent news outlet that for several years provided an important source of investigative reporting and a forum for discussion and debate, was blocked by Qatar’s two internet service providers. Government officials said that the action had been taken because of issues with the site’s license. The website moved its operations overseas to ensure there was no possibility of it violating Qatari law; however, it remains inaccessible to users in Qatar. This strongly indicates that the blocking of the site was in fact related to its independent reporting, including the publication in late 2016 of articles on sensitive social and cultural issues such as homosexuality. In late 2017, ownership of the site changed hands and the editorial team left.

A number of journalists have faced restrictions on reporting in Qatar, including in relation to migrant workers’ rights and the 2022 World Cup. In 2015, reporting crews from German broadcaster ARD and the BBC were detained, interrogated, and prevented from leaving the country for several days. In January 2018, a meeting of the Federation of Nepali journalists on press freedom held in Qatar was interrupted by police who arrested two journalists, interrogated them and then deported them.

The poet and prisoner of conscience Mohammed al-Ajami received a pardon from the Emir and was released in March 2016.⁸ He had been sentenced in February 2013 to 15 years in prison for “inciting to overthrow the ruling regime” and “insulting the Emir” because of the contents of his peaceful poems. In January 2017, a court imposed a travel ban on his lawyer, Najeeb al-Nuaimi, in relation to a civil legal dispute. The ban remained in place as of September 2018, restricting his right to freedom of movement. The unusually long period of the ban indicates that it may be politically motivated and relate to opinions peacefully expressed by Najeeb al-Nuaimi, including around the trial of Mohammed al-Ajami, many of which have been critical of the government.

Exploitation of migrant workers, including forced labour and human trafficking

The vast majority of the more than 1.9 million foreign workers in Qatar continues to be at serious risk of exploitation and abuse by their employers due to lack of protection in Qatar’s laws and policies.

⁵ A/HRC/27/15, recommendations 124.28 (Austria), and 124.71 (United States of America), and 124.72 (United Kingdom of Great Britain and Northern Ireland), and 124.75 (Australia), and 124.78 (Spain).

⁶ See Amnesty International, “Qatar: Partial abolition of ‘exit permit’ lifts travel restrictions for most migrant workers”, 5 September 2018, available at: <https://www.amnesty.org/en/latest/news/2018/09/qatar-exit-system-reform-first-step/>

⁷ Article 6 of Law No. 14 of 15 September 2014, Issuing the Law on Combating Cybercrime.

⁸ See Amnesty International, *Release of Qatari poet ‘long overdue good news’*, 16 March 2016, available at: <https://www.amnesty.org/en/latest/news/2016/03/release-of-qatari-poet-long-overdue-good-news/>

During 2017 and 2018, the government passed several new pieces of legislation related to migrant workers, including as part of a three-year Technical Cooperation Project agreed with the International Labour Organization (ILO) in October 2017.⁹ Taken together, these measures represent promising steps in the right direction. However, the authorities must move urgently to deliver more fundamental reforms. Qatar's *kafala* system of sponsorship-based employment remains firmly in place; under this system workers cannot change employers without their current employer's written consent for the duration of their contract, which can be up to five years. This places workers at risk of forced labour if they are subjected to exploitation in the workplace. Resigning and returning to their home countries is often not a viable option as the vast majority of migrant workers have debts to pay off loans taken out to pay for illegally imposed recruitment fees.

Law No. 13 of 2018, issued in September, significantly limits the powers of employers to stop the vast majority of migrant workers, i.e. those covered by the Labour Law, from leaving the country. However, the law keeps some exceptions in place, 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 are also still required for other employees, such as the 174,000 domestic workers who, despite their particular vulnerability, fall outside of the Labour Law and are therefore at additional risk.

In August 2017, Law No. 13 of 2017 established the Labour Dispute Resolution Committees, a judge-led "fast track" labour dispute mechanism aiming at improving access to justice by settling labour disputes within three weeks of a worker filing a complaint.¹⁰ The mechanism became operational in March 2018 and has improved the speed with which workers' labour complaints are considered; however, even when awarded decisions in their favour, some workers still face major hurdles in reclaiming any unpaid wages. In October 2017, the authorities announced their intention to establish a fund to provide salaries for unpaid workers. Once established, this fund should allow the government to deal with situations where companies run into financial trouble and are unable to pay their workers. Until then, hundreds of workers will remain stranded in Qatar enduring very difficult living conditions while waiting for their wages to be paid.

In November 2015, the government introduced the Wage Protection System, which mandates payment of wages by electronic transfer and aims at improving the government's ability to monitor crisis situations when companies stop paying their workers. However, Amnesty International has documented cases where hundreds of workers have been stranded for months without work, pay, or other support from their employers. In each of these cases, the relevant bodies within the Qatari authorities were aware of the issues from an early stage but failed to provide the workers with the support they needed.

Legal protection of domestic workers' labour rights, including paid holidays and a limit to working hours, were provided for the first time in Qatar, via Law No. 15 of 2017.¹¹ However, the law is not in conformity with international standards, including ILO Convention 189 on domestic workers. For instance, it places no limit on additional working hours, while a provision allowing domestic workers to agree to work beyond the legal limit is open to abuse. A small number of domestic workers have now been able to make complaints to the Ministry of Labour about their working conditions. However, the government's efforts to monitor and enforce the application of the domestic workers' law with employers remain limited and insufficient. Amnesty International has spoken to a number of domestic workers in Qatar who had faced abuse after the law was introduced, but who had no idea that a law regulating their working conditions even existed.

In October 2017, the government introduced a temporary minimum wage of 750 Qatari Riyals (around US\$200) per month for all workers and is considering setting a new one. The current rate is less than the QR900 per month minimum wage that Nepal's Department of Foreign Employment currently demands from Qatari companies seeking to employ its

⁹ See Amnesty International, "Qatar/UN: Agreement to tackle migrant labour abuse offers path to reform", 26 October 2017, available at: <https://www.amnesty.org/en/latest/news/2017/10/qatar-un-agreement-to-tackle-migrant-labour-abuse-offers-path-to-reform/>

¹⁰ Amnesty International, "Qatar: Long-delayed sponsorship system reform must be top priority for government of Qatar as ILO migrant labour project is officially launched", 27 April 2018, available at: <https://www.amnesty.org/en/documents/mde22/8306/2018/en/>

¹¹ Amnesty International, "Qatar: Two new laws on migrant workers signal degree of progress but major gaps remain", 25 August 2018, available at: <https://www.amnesty.org/en/documents/mde22/7002/2017/en/>

citizens.

The government has committed, as part of its agreement with the ILO, to work on the formation of worker committees and representative joint committees, to provide migrant workers with a greater voice. However, migrant workers in Qatar remain unable to form or join trade unions, in breach of their fundamental right to freedom of association. The government's lodging of a reservation to this effect, when it acceded to the ICCPR and the ICESCR, suggests it has no intention of changing this situation.¹²

Discrimination and violence against women

Women continue to face discrimination in law and practice. Family law discriminates against women, including by making it much harder for women to seek a divorce than for men, and placing women at a severe economic disadvantage if they seek a divorce or if their husbands leave them.

Laws that discriminate against women came particularly to the fore in the context of the Gulf crisis that began in June 2017,¹³ when the governments of Saudi Arabia, Bahrain, the United Arab Emirates (UAE), and Egypt severely restricted ties with Qatar as part of a political dispute. In line with citizenship and family laws across the Gulf Cooperation Council (GCC), the children of Qatari mothers and non-Qatari fathers are not automatically entitled to citizenship. So when the UAE, Saudi Arabia, and Bahrain called their nationals back from Qatar and prevented Qatari nationals from entering their territory many families were split up.

In September 2018, Law No. 11 of 2018 was issued, which allows for children of Qatari women married to non-Qataris to acquire permanent residency, although they are not able to pass on their nationality and citizenship to their children.

Women are not adequately protected against violence within the family. Despite promises in recent years by the government, there is still no law criminalizing domestic violence. Victims instead have to make general complaints of physical or sexual abuse under the Penal Code, which does not provide sufficient protection for domestic violence.

Migrant domestic workers face particular risks because they are isolated in the homes of their employers and face difficulties in reporting abuse. For example, in 2018 Amnesty International spoke to a domestic worker who had been subjected to sexual harassment by her employer, who was also forcing her to work every day of the week, for up to 20 hours a day. She did not report this to the authorities as she did not expect them to help and feared she would be reported as running away from her employer or be accused of theft.

Refugee protection

In May 2017, Qatar forcibly deported Saudi Arabian human rights activist Mohammad al-Otaibi to Saudi Arabia, where he was facing trial because of his human rights work, despite the risk of torture on return. Mohammad al-Otaibi had arrived in Qatar with his wife in February 2017 and was on his way to Norway when Qatari officials detained him at Doha airport. In January 2018, Mohammad al-Otaibi was sentenced to 14 years in prison.

In September 2018, the authorities passed Law no.10 of 2018 establishing a legal framework for the granting of political asylum to foreign nationals. The law provides for asylum seekers, their representatives, or UNHCR to apply directly to a newly established cross-departmental asylum committee. If asylum is granted, the refugees will be granted travel documents, housing, education, health care, and a monthly stipend until they find work. Their spouse and immediate family will be permitted to join them. While the passing of the law is a positive step, it raises serious concerns including

¹² Amnesty International, "Qatar finally joins two key human rights treaties but what does it really mean for migrant workers", 13 June 2018, available at: <https://www.amnesty.org/en/latest/news/2018/06/qatar-finally-joins-two-key-human-rights-treaties-but-what-does-it-really-mean-for-migrant-workers/>

¹³ Amnesty International, "Families ripped apart, freedom of expression under attack amid political dispute in Gulf", 9 June 2017, available at: <https://www.amnesty.org/en/latest/news/2017/06/families-ripped-apart-freedom-of-expression-under-attack-amid-political-dispute-in-gulf/>, see also Amnesty International, "Gulf dispute: Six months on, individuals still bear brunt of the political crisis", 14 December 2018, available at: <https://www.amnesty.org/en/documents/mde22/7604/2017/en/>

the limited scope of the definition of “refugee” used in the law and the discretion granted to the Ministry of Interior to limit the categories of people who may apply for asylum.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Qatar to:

Treaty reservations

- Lift the reservations lodged on acceding to the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, and bring national legislation fully in line with both Covenants.

Violations of the right to freedom of expression

- Remove provisions in the Law on Combating Cybercrime and the Penal Code criminalizing the peaceful exercise of the right to freedom of expression.

Exploitation of migrant workers, including forced labour and human trafficking

- Ratify the remaining ILO Core Conventions No. 87, 98, and 100, and ILO Convention No. 189 on Domestic Workers;
- Fundamentally change the *kafala* sponsorship system to reduce the risk of migrant workers being subjected to forced labour, including by removing the requirement for migrant workers to obtain the permission of their current employer before moving to a new job;
- Decriminalise “absconding”, i.e. the act of leaving a job without the employer’s permission;
- Completely abolish the exit permit requirement, including by removing the need for domestic workers, and others excluded from the Labour Law, to obtain the permission of their employer before leaving the country;
- Reform the Labour Law to respect the right of migrant workers to freedom of association, including the right to form or join trade unions in line with relevant ICESCR and ICCPR provisions and ILO Convention No. 87;
- Expedite the creation of a special fund to cover the unpaid wages of migrant workers and establish a permanent cross-departmental crisis function to deal with companies in financial difficulties;
- Bring the law on domestic workers in line with international standards, including ILO Convention 189 on domestic workers, by regulating working hours, overtime compensation, periods of daily and weekly rest, paid annual leave, and sick leave, in addition to imposing inspections of both recruitment agencies and employers;
- Strengthen the inspections regime to bring it in line with ILO Convention 81;
- Urgently review and increase the current minimum wage to enable all workers to enjoy an adequate and decent standard of living.

Discrimination and violence against women

- Repeal or reform laws that discriminate against women and girls to ensure that all legislation and policies, including the family law, laws and procedures relating to the authority of guardians over women, inheritance, nationality, and housing, fully conform to international human rights law and standards;
- Lift the reservations to the Convention on the Elimination of All Forms of Discrimination against Women or amend them in such a way that they are compatible with the object and purpose of the Convention;
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Remove discrimination against Qatari women in citizenship laws, including to allow them to automatically pass on their nationality;

- Criminalize domestic violence, including by ensuring that the definition includes all persons living in the same residence not only relatives, thereby protecting domestic workers;
- Develop a strategy to ensure that domestic workers can complain of violence, including sexual and other abuse, without fear or harassment, and that suspects are prosecuted where there is sufficient admissible evidence.

Refugee protection

- Accede to the 1951 Refugee Convention and bring national legislation fully in line with international refugee law and standards.