



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination Eightieth session

### Summary record of the 2151st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 29 February 2012, at 3 p.m.

*Chairperson:* Mr. Avtonomov

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article 9 of the Convention (*continued*)

*Combined thirteenth to sixteenth periodic reports of Qatar*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties  
under article 9 of the Convention** (*continued*)

*Combined thirteenth to sixteenth periodic reports of Qatar (CERD/C/QAT/13-16;  
CERD/C/QAT/Q/13-16)*

1. *At the invitation of the Chairperson, the delegation of Qatar took places at the Committee table.*
2. **Mr. Al-Thani** (Qatar) said that the report under consideration was the result of constant consultations with interested parties and the authorities responsible for implementing the International Convention on the Elimination of All Forms of Racial Discrimination, including the National Human Rights Committee. Since acceding to power, His Highness Sheikh Hamad Bin Khalifa Al-Thani had placed human rights at the heart of constitutional, political, economic, social and cultural reforms. The Qatar National Vision 2030, adopted in 2008, aimed to establish a society based on justice, equality and the protection of civil liberties and ethical and religious values. The national development strategy for 2011–2016 made provisions for education, health, environment, rights of migrant workers, empowerment of women, and children's rights.
3. Promotion and protection of fundamental rights and freedoms were guaranteed under the 2004 Constitution, which stipulated that Qatari citizens were equal before the law, and prohibited discrimination on grounds of gender, race, language or religion. The Constitution also enshrined the principles of the separation of powers, the primacy of the law, and the independence of the judiciary. It guaranteed economic, social, cultural, civil and political rights for all. Equality before the law, non-discrimination, freedom of the press, expression, association and religion and the right to education were constitutionally protected and could not be restricted. Qatar was a party to a number of international human rights instruments and, pursuant to article 68 of the Constitution, treaties had statutory force once they had been ratified and published in the *Official Gazette*.
4. Qatar had set up many institutions to promote and protect human rights, including the Human Rights Office at the Ministry of Foreign Affairs and the Human Rights Department at the Ministry of the Interior. Private institutions that served the public good, such as the Qatar Foundation to Combat Human Trafficking and the Qatar Foundation for the Protection of Women and Children, had also been established. The National Human Rights Committee, formed in 2002, was the country's independent national human rights institution and conformed fully to the Paris Principles. The Doha International Centre for Interfaith Dialogue had been established in 2007 to promote and spread a culture that favoured dialogue and peaceful coexistence. The goal of the Arab Democracy Foundation, set up in Doha in 2007, was to promote a democratic culture in the region. In 2007, the Amir had issued a decree endorsing the establishment of the Doha Centre for Media Freedom as a private institution to protect the public information system and provide assistance to journalists whose rights were violated in the performance of their duties, among other objectives. The mission of the Qatari Committee for the Alliance of Civilizations, established in 2010, was to promote the role of civilization in human development and foster solidarity and dialogue among peoples.
5. Under article 25 of the Constitution, everyone enjoyed the right to education, and the State guaranteed compulsory general education. The promulgation of Act No. 25 of 2001 had made education compulsory and free for all children, from primary school to the end of the first cycle of secondary education, or up to the age of 18. As a member of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Qatar had designed the National Plan for Education for All in 2003. The country provided universal education

without discrimination on the basis of sex, race, religion or other factors. The education system had been restructured to give more weight to citizens' fundamental rights. The Supreme Council for Education had been established in 2002 for the purpose of formulating national education policy. An initiative on the development of general education was under way to establish independent, Government-funded schools. Qatar was determined to integrate human rights in curricula, especially to combat racial discrimination, by promoting values such as respect for other cultures and cultural heritage. Government expenditures on education had risen from 19.6 per cent of the national budget in 2005 to 21 per cent in 2008. Access to health care without discrimination on grounds of race, religion, national origin, beliefs, language, age or disability, was guaranteed under the law.

6. In terms of legislation and institutions, Qatar had accomplished a great deal to better protect the rights of migrant workers. Workers' rights were protected by the Constitution, and the 2004 Labour Code established an array of rights and benefits, such as protection against occupational hazards, compensation for workplace accidents, the right to voluntarily terminate a work contract, and the right to remuneration of work. The legal framework had been supplemented and strengthened through Qatar's accession to several International Labour Organization (ILO) conventions, including ILO Discrimination in Respect of Employment and Occupation Convention, 1958 (No. 111) and ILO Forced or Compulsory Labour Convention, 1930 (No. 29). The Government had also concluded many bilateral agreements with labour-exporting countries to regulate hiring practices and employment of migrant workers and establishing the rights and obligations of workers and employers alike. The Qatar Foundation to Combat Human Trafficking had held media awareness-raising campaigns targeting employers.

7. Qatar's ratification of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions was proof of its determination to propagate values of tolerance, freedom of expression, equality and non-discrimination. Since the rapid growth of the Qatari population in recent years had impeded the implementation of certain provisions of the Convention, Qatar might seek assistance from the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, established in Doha in May 2009, to address a number of problems.

8. **Mr. Calí Tzay** (Country Rapporteur), after describing the demographic, geographic and economic situation in Qatar and recalling the general outline of its history, said that the State party had acceded to the main international human rights instruments and had adopted particularly liberal laws, although sharia law remained in use for family and inheritance matters and certain offences. The 2004 Constitution had fallen short of instituting a multiparty system, but had enshrined the freedoms of expression, association and religion and granted women many rights, placing them on a near equal footing with men, who made up more than 75 per cent of the population. Taking note of the establishment of the Qatar Foundation to Combat Human Trafficking and the Qatar Foundation for the Protection of Women and Children, he would like to know the nature and results of the policies and action plans rolled out by the State party to combat trafficking and whether the laws focused more on preventing or punishing trafficking. He also wished to know if certain population groups, such as seasonal migrant workers — who made up two thirds of the population — or ethnic groups, were more vulnerable to trafficking.

9. It was regrettable that children born to a Qatari mother and a foreign father not only were not granted Qatari citizenship at birth — in violation of article 5 (d) (iii) of the Convention, on the right to citizenship, and the principle of equality that underpinned the Constitution — but that they also had to meet certain criteria for citizenship, such as fluency in Arabic by age 25, the minimum age to apply for naturalization. He would like additional information on the rights of persons who had obtained citizenship through marriage or naturalization, including voting rights and the right to work in the civil service,

which appeared to be contingent upon the length of their residency in the country. He further lamented the State party's failure to establish a definition of discrimination in keeping with that of the Convention and to make it a criminal offence, and urged the State party to consider rectifying the situation and punishing racial discrimination in employment. He asked whether migrant workers always needed a third party to sponsor them, a requirement which paved the way for abuse; whether they could terminate their contracts early; and, in that event, whether they had to leave the country.

10. Noting that no complaints for racial discrimination had been filed in the State party, he recalled that according to Committee doctrine, no complaints did not mean that there was no discrimination in a country, but that sometimes interested parties were not familiar with the law and with their rights or did not trust the judicial system. Given the numerous Libyan and Somali refugees in Qatar, the State party should consider acceding to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto and adopting a national law on asylum to give asylum seekers and refugees the requisite protection, in keeping with international norms. It would be useful to know the number of stateless persons in the country and why they were stateless.

11. Since article 68 of the Constitution stipulated that international instruments had statutory force once ratified and published in the *Official Gazette*, it would be interesting to learn whether the Convention could be directly invoked before the courts, whether the judiciary and legal personnel were familiar with its principles, and how human rights were taught in schools. He would like additional information on the provisions prohibiting racist propaganda, and the decision issued by the Minister of Information and Culture in 1992 on media censorship criteria.

12. He would like clarification on reports that foreigners enjoyed effective land or home ownership rights in only 3 districts as opposed to the 18, as mentioned in paragraph 123 of the report, and confirmation that migrant workers were prohibited from joining trade unions. More details on the situation of Qatari women, in particular with regard to the right to transmit their citizenship to their children, would be welcome.

13. He asked how the Human Rights Office at the Ministry of Foreign Affairs differed from the Human Rights Department at the Ministry of the Interior and how the two bodies implemented the Convention. Also, how many of the complaints mentioned in paragraph 106 of the report concerned acts of racial discrimination? Given that article 52 of the Constitution stipulated that all persons legally residing in the State were entitled to protection of their property and person, he would like information on foreign nationals in an irregular situation. In that connection, he referred the delegation to the Committee's general recommendation No. 30 on discrimination against non-citizens, which obliged States parties to guarantee equal enjoyment of economic, social and cultural rights for Qatari and foreign nationals. Lastly, he requested further details on legal aid for foreign nationals and migrant workers, on measures to inform them of the remedies at their disposal, and how to gain access to a lawyer and legal aid.

14. **Mr. Murillo Martínez** asked how many persons in Qatar were stateless because they had a Qatari mother and a foreign father, and how the State party intended to put an end to employers' unlawful confiscation of foreign workers' passports, thereby restricting their freedom of movement and prohibiting their early termination of a contract. He would appreciate clarifications on access to housing, where foreigners appeared to be discriminated against. He would be interested to learn how many of the 14 per cent of persons of other nationalities living in the country were of African descent, and what positive measures the State party had taken for them as part of the International Year for People of African Descent.

15. **Mr. Saidou** asked whether men and women enjoyed the same inheritance rights and whether a woman could open a bank account or initiate adoption procedures without her husband's consent.

16. **Ms. Dah** noted Qatar's remarkable economic development since consideration of its last periodic report in 2002 and its thirty-third place ranking in the United Nations Development Programme's (UNDP) Human Development Index. She commended Qatar on achieving most of its Millennium Development Goals. She regretted, however, that one third of the report was devoted to general information, with no immigration statistics disaggregated by national and ethnic origin, gender or form of employment. She would be interested to know what proportion of the foreign workforce comprised domestic workers. The Qatari delegation might bring the Committee up to date on the draft legislation on domestic workers. While noting that several articles of the Criminal Code criminalized hate speech and prohibited material likely to provoke confessional, racial or religious strife, she recommended re-examination of current criminal provisions in that area along the lines of article 4 of the Convention.

17. She would like further information on the legal framework for the status of refugees and, more specifically, on the protection measures in place for refugees in the State party. She wondered whether, in fact, two types of citizen existed in Qatar; Qataris by birth, and naturalized citizens. Lastly, did the State intend to amend legislation to remedy the alarming inequalities between men and women regarding transmission of their nationality to their children?

18. **Mr. de Gouttes**, observing that insulting revealed religions, with Christianity and Judaism considered on an equal footing to Islam, and publishing material likely to stir up discord in society at large or provoke confessional, racial or religious strife were criminalized under the criminal legislation in force in Qatar, said that the current criminal legislation did not fully comply with the article 4 provisions and should be amended. He wished to know how many of the 609 complaints and petitions to the Ministry of the Interior in 2008 related to acts of racial discrimination.

19. He invited the delegation to provide more information on the conclusions of the domestic workers' survey conducted by the Qatar Foundation to Combat Human Trafficking and on the sponsorship scheme for migrant workers established under the 2009 Act on the entry, exit, residence and sponsorship of migrant workers. Did Qatar intend to make the declaration under article 14 of the Convention recognizing the Committee's competence to receive and consider individual complaints?

20. **Mr. Diaconu** said that article 6 of the Qatari Constitution which read "the State shall observe international treaties and covenants and shall take steps to implement all the international treaties to which it is a party" should be amended to state that all international instruments ratified by the country were effectively implemented. He wished to know whether the Ministry of the Interior Human Rights Department had received complaints of acts of racism or racial discrimination and, if so, their outcome. He would appreciate more information on the measures taken to protect female migrant domestic workers and how the Qatar Foundation for the Protection of Women and Children addressed the needs of foreign nationals and their children. It would also be useful to know whether the children of migrants were accepted in schools on an equal footing with Qatari children and whether the concept of the right of residence existed in Qatari law.

21. **Mr. Lindgen Alves**, noting that in 2009 Qatar's per capita GDP rose to \$74,882 and the country was ranked thirty-third in the United Nations Development Programme's (UNDP) Human Development Index (HDI), said that the vast majority of the Qatari population was Sunni Muslim. He would appreciate information on the role of Wahhabism, a radical movement claiming Sunni orthodoxy, in the application of sharia law. He also

wished to know whether the right to religious freedom, guaranteed by the Qatari Constitution, included the right not to practise any religion or belief.

22. **Ms. Crickley**, concerned about discrimination against women in Qatar, asked the delegation to say whether measures had been taken or planned, to protect female domestic workers against discrimination, instability and marginalization, and what provisions were in place to guarantee equal treatment for migrant workers in employment as a whole?

23. **Mr. Amir** asked whether Al-Jazeera television could broadcast programmes on the Committee's work in order to raise its profile among the general public and to benefit from the channel's popularity and significant resources, used to actively combat the Islamophobia anti-Arab prejudice that existed widely in the Western world.

24. **The Chairperson**, speaking as a member of the Committee, asked whether Qatar planned to ratify the ILO Domestic Workers Convention, 2011 (No. 189); and which school of sharia law (*madhhab*) was predominant in Qatar; and whether foreigners, be they Muslims or non-Muslims, could be tried by sharia courts. Could in such a case consent be obtained in advance? Lastly, he would like the delegation to indicate whether Qatar had ratified the Arab Charter on Human Rights and other instruments adopted by the League of Arab States on racial discrimination and whether it might envisage granting citizenship to the 1,500 Bedoon who remained stateless despite having long lived in the country.

25. **Ms. Al-Sulaiti** (Qatar) said that human rights were taught in schools and that tolerance, openness to other peoples and cultures and the prohibition of racial discrimination were a specific component of the curriculum. An extensive human rights education plan had been developed, and was aimed at all children in primary and secondary education, focussing on promoting respect for different cultures and civilizations. The relevant Government authorities and NGOs had jointly undertaken efforts to raise awareness of the Convention among children, teachers and the general public. Youth organizations had been set up to foster human rights awareness among young people, notably regarding the prohibition of racial discrimination. All children had access to education, regardless of race, origin or ethnicity. As a result of the Government's school attendance policy, primary school attendance had increased to 96.7 per cent. Thanks to subsidies and land and buildings being made available, there were 500 schools across the country. Private establishments had also been given resources to recruit foreign teachers. Qataris comprised 70 per cent of the teaching staff.

*The meeting rose at 6 p.m.*