



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined seventeenth to twenty-first periodic reports of Qatar*

1. The Committee considered the combined seventeenth to twenty-first periodic reports of Qatar (CERD/C/QAT/17-21), submitted in one document, at its 2683rd and 2684th meetings (see CERD/C/SR.2683 and 2684), held on 27 and 28 November 2018. At its 2702nd and 2703rd meetings, held on 11 December 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined seventeenth to twenty-first periodic reports of the State party, but regrets that the document was submitted with two years' delay. The Committee welcomes the open and constructive dialogue with the high-level delegation and wishes to thank the delegation for the information it provided during the consideration of the reports. The Committee also welcomes the participation of the National Human Rights Committee and its contribution to the dialogue with the State party.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party since the consideration of the previous report:

(a) Adoption of Decision No. 18 of 2014 of the Minister of Labour and Social Affairs concerning adequate housing for workers;

(b) Adoption of Act No. 12 of 2015 amending certain provisions of Decree Law No. 17 of 2010 on the organization of the National Human Rights Committee;

(c) Adoption of Act No. 21 of 2015 regulating the entry, exit and residence of migrant workers;

(d) Adoption of Act No. 1 of 2017 amending certain provisions of Act No. 21 of 2015 concerning the entry, exit and residence of migrant workers and the freedom of individuals to leave the State;

(e) Adoption of Act No. 15 of 2017 on domestic workers;

(f) Adoption of the Permanent Residency Card Act of 2017;

(g) Adoption of Act No. 11 of 2018 on organizing political asylum.

* Adopted by the Committee at its ninety-seventh session (26 November–14 December 2018).



4. The Committee welcomes the accession of Qatar, in 2018, to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights. It notes with regret, however, the State party's reservations to both Covenants, which might hinder the application of those instruments by the State party.

C. Concerns and recommendations

Data collection

5. The Committee notes the data provided by the State party on economic participation disaggregated by sex and nationality. However, it regrets the continued absence of comprehensive statistics on the ethnic composition of the population, in particular of Qatari nationals, and on the national origin of migrant workers, including disaggregated economic and social indicators (arts. 1 and 5).

6. **Recalling the guidelines for reporting under the Convention (CERD/C/2007/1), the Committee recommends that, in its next periodic report, the State party provide disaggregated data on the ethnic composition of the population, including migrant workers, as well as statistics on the enjoyment of economic, social and cultural rights, disaggregated by ethnic group and by national origin, in order to provide the Committee with an empirical basis for evaluating the equal enjoyment of rights under the Convention.**

Legal framework for combating racial discrimination

7. The Committee is concerned that, although there are equality and non-discrimination provisions in the Constitution, the State party has not yet adopted a definition of racial discrimination that is in line with article 1 of the Convention (arts. 1, 4 and 5).

8. **The Committee, recalling its general recommendation No. 14 (1993) on article 1 (1) of the Convention, recommends that the State party incorporate into national law a definition of racial discrimination that is in line with that article.**

National human rights institution

9. While welcoming the fact that the Global Alliance of National Human Rights Institutions granted the National Human Rights Committee of Qatar A status in 2015 and that its members were granted immunity by the adoption of Act No. 12 of 2015, the Committee is concerned that the National Human Rights Committee does not have sufficient human and financial resources to effectively discharge its mandate (art. 2).

10. **The Committee recommends that the State party ensure that the National Human Rights Committee has sufficient human and financial resources to carry out its mandate to promote and protect human rights, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

Complaints of racial discrimination and access to justice

11. The Committee regrets the lack of information on and examples of where the Convention has served as the legal basis for court decisions. The Committee also regrets the lack of detailed information on racial discrimination complaints filed in the State party. The Committee welcomes information on mechanisms for examining labour-related complaints submitted by migrant workers, such as the Committee for the Settlement of Labour Disputes. However, it regrets the lack of detailed information on, for example, the numbers, types and outcomes of complaints filed by migrant workers. The Committee reminds the State party that a low number of complaints does not signify the absence of racial discrimination in the State party, but may, rather, signify that barriers exist with regard to invoking the rights under the Convention before the domestic courts, including lack of public awareness of those rights and of the methods available for seeking judicial remedies (arts. 6–7).

12. **Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee requests information in the State party's next periodic report on cases of racial discrimination and cases where the Convention has been invoked in national courts, including statistical data on the number and types of complaints of racial discrimination and on the number of prosecutions and convictions of perpetrators, disaggregated by the age, gender, ethnic and national origin of the victims, and information on compensation granted to victims. The Committee recommends that the State party undertake public education campaigns on the rights under the Convention and on how to file complaints of racial discrimination and labour violations in particular among non-citizens, including migrant workers and domestic workers, and continue efforts to ensure access to judicial remedies.**

Racist hate speech and hate crimes

13. The Committee regrets the lack of comprehensive information on measures taken to ensure that legal provisions addressing racial and religious discord are in line with article 4 of the Convention. It further regrets the lack of detailed information on the adoption, implementation and impact of legal provisions prohibiting hate crimes and hate speech (art. 4).

14. **The Committee, recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, urges the State party to ensure that the provisions of its Criminal Code are fully in line with article 4 of the Convention. The Committee recommends that, in its next periodic report, the State party provide detailed information about the adoption of legislation on hate crime and hate speech in full compliance with article 4.**

Migrant workers

15. The Committee welcomes recent legislative measures taken to protect the rights of migrant workers, such as Act No. 21 of 2015 regulating the entry, exit and residence of migrant workers and Act No. 13 of 2018 abolishing the exit permit requirement for migrant workers. However, the Committee is concerned that:

(a) Although recent legislation abolishes the sponsorship (*kafalah*) system, the legislation promulgates certain provisions that are similar to this system, which allow it to persist in practice;

(b) There is a lack of information demonstrating that legislation to protect migrant workers is routinely enforced and that employers are penalized for violations;

(c) Migrant workers reportedly continue to face abuse and exploitation, such as non-payment or late payment of wages;

(d) Although the confiscation of passports is prohibited, in practice it still occurs with impunity;

(e) Migrant workers are reportedly paid different salaries depending on their country of origin;

(f) Migrant workers are reportedly not guaranteed the right to family reunification;

(g) Although migrant workers are legally allowed to change employers, if the length of time is not specified in their contracts, they must wait for a period of five years, which is disproportionate and may lead to abuse;

(h) There is a lack of information and examples of how complaints of work-related injuries and other complaints submitted by migrant workers are effectively resolved (arts. 5–7).

16. **The Committee recommends that the State party:**

- (a) **End the sponsorship system and related practices that expose migrant workers to abuse and exploitation;**
- (b) **Ensure that all measures to protect migrant workers are fully enforced and violators punished, and provide information on the implementation of such measures in its next periodic report;**
- (c) **Protect migrant workers from abuse and exploitation, and ensure the timely payment of their wages;**
- (d) **Ensure that passports are not confiscated and that employers who violate this provision are punished;**
- (e) **Ensure that, for equal work, there are no wage differentials among migrant workers depending on their country of origin;**
- (f) **Guarantee the right of migrant workers to family reunification;**
- (g) **Reduce the length of time employees must wait before changing employers when this is not specified in their contracts;**
- (h) **Ensure migrant workers have full access to complaint mechanisms and appropriate remedies for violations of their rights, and provide information on the resolution of complaints in its next periodic report.**

Migrant domestic workers

17. The Committee welcomes the steps taken by the State party to safeguard domestic workers' rights, including the adoption of Act No. 15 of 2017. However, it remains concerned that migrant domestic workers remain excluded from the greater protection guaranteed by the Labour Code. The Committee is also concerned by reports that migrant domestic workers continue to face difficult working conditions, and that the new law lacks implementation provisions and information on how workers can claim their rights if these are violated. The Committee is further concerned at the lack of information on the existence and implementation of measures to protect women migrant domestic workers from rape and sexual abuse (arts. 5–7).

18. **Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party:**

- (a) **Ensure that the employment of migrant domestic workers be regulated under the Labour Code;**
- (b) **Ensure that all existing legal provisions to protect migrant domestic workers from abuse and exploitation are enforced effectively;**
- (c) **Ensure that all victims of abusive and exploitative labour practices have access to complaint mechanisms and judicial recourse;**
- (d) **Ensure the protection of women migrant domestic workers from rape and sexual abuse;**
- (e) **Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization;**
- (f) **Provide detailed information in its next periodic report on the implementation of laws to protect migrant domestic workers from exploitative labour practices, including data on the numbers, types and outcomes of the complaints filed by migrant domestic workers.**

Situation of minority women

19. The Committee is concerned that minority women face multiple and intersecting forms of discrimination on the basis of ethnic origin and gender, including barriers in access to employment, education, health care and justice (arts. 2 and 5).

20. **Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party**

eliminate all barriers faced by minority women in access to employment, education, health care and justice. To this end, it recommends that the State party incorporate a minority-women perspective in all gender-related policies and strategies.

Situation of naturalized citizens

21. The Committee remains concerned that, by law, naturalized citizens do not enjoy certain rights on an equal basis with citizens born in the State party, including the right to housing, the right to work in the civil service and certain political rights (arts. 5–7).

22. The Committee recommends that the State party guarantee all rights to naturalized citizens on an equal basis with citizens born in the State party, without discrimination.

Situation of non-citizens

23. The Committee notes the adoption of the Permanent Residency Card Act, which gives permanent residency card holders equal rights with nationals to own property and access education and health care. However, it remains concerned about reports of discrimination against non-citizens, including restrictions on migrant workers and foreign residents buying and owning property, and at reported discrimination against non-citizens in access to employment, education, housing and health care.

24. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party eliminate barriers against non-citizens and ensure equal access to employment, education, housing and health care, and the equal right to buy and own property without discrimination.

Nationality rights

25. The Committee notes that the Permanent Residency Card Act grants permanent residency to children of Qatari women who are married to non-citizens. However, it remains concerned that Qatari women still cannot transmit their nationality to their children.

26. The Committee recommends that the State party amend its laws to allow Qatari women married to non-citizens to transmit their nationality to their children from birth, without discrimination.

Statelessness

27. The Committee is concerned by reported cases of citizens being deprived of citizenship in the State party, which may lead to a risk of statelessness.

28. The Committee recommends that the State party take measures to protect against statelessness. The Committee recommends that the State party ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Refugees and asylum seekers

29. The Committee welcomes the adoption of Act No. 11 of 2018 on organizing political asylum. However, it is concerned that its article 8 allows rejected asylum seekers to appeal to the prime minister but not before a court, and that its article 11 prohibits asylum seekers and refugees from engaging in political activity. It remains concerned that the State party has not yet ratified the Convention relating to the Status of Refugees (arts. 5–7).

30. Recalling its general recommendation No. 22 (1996) on article 5 of the Convention on refugees and displaced persons, the Committee recommends that the State party ensure judicial appeals procedures for asylum seekers and allow asylum seekers and refugees to have access to basic rights. The Committee recommends that the State party ratify the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.

Civil society organizations

31. The Committee regrets the reportedly difficult registration procedures for civil society organizations and the restrictions on their ability to participate in political activities.

32. **The Committee recommends that the State party ensure an open space for the operation of civil society organizations, and remove registration procedures and limitations on their ability to operate, with a view to facilitating the work of human rights defenders.**

Human rights training

33. The Committee notes the initiatives adopted by the State party regarding human rights training and awareness-raising, including the human rights programme for students, teachers and school administrators as well as the initiatives of the National Human Rights Committee. However, the Committee remains concerned about the prevalence of racist stereotypes and stigmatization in the State party (art. 7).

34. **The Committee recommends that the State party increase its efforts to provide human rights training, to raise public awareness of the importance of ethnic and cultural diversity and the fight against racial discrimination, and to continue to raise awareness, particularly among law enforcement officials, members of the judiciary, prison officers, lawyers and teachers.**

D. Other recommendations

Ratification of other treaties

35. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have a direct bearing on the subject of racial discrimination, such as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Follow-up to the Durban Declaration and Programme of Action

36. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, and that it report to the Committee accordingly.**

International Decade for People of African Descent

37. **In the light of General Assembly resolution 68/237, the Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted in the framework of the International Decade for People of African Descent, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Consultation with civil society

38. **The Committee recommends that the State party consult and expand its dialogue with civil society organizations working in the area of human rights protection, in particular in combating racial discrimination, in connection with the implementation of the present concluding observations and the preparation of the next periodic report.**

Amendment to article 8 of the Convention

39. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

40. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the Committee's competence to receive and consider individual communications.

Common core document

41. The Committee encourages the State party to submit a core document and to regularly update it, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

42. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its follow-up to the recommendations contained in paragraphs 10 (national human rights institution) and 16 (a), (c) and (d) (migrant workers) above.

Paragraphs of particular importance

43. The Committee also wishes to draw the attention of the State party to the particular importance of its recommendations in paragraphs 12 (complaints of racial discrimination and access to justice), 16 (migrant workers), 18 (migrant domestic workers), 22 (situation of naturalized citizens) and 26 (nationality rights) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Dissemination of information

44. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next periodic report

45. The Committee recommends that the State party submit its combined twenty-second and twenty-third periodic reports, as a single document, by 21 August 2021, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.