



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Information received from Qatar on follow-up to the concluding
observations on its second periodic report***

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* The present document is being issued without formal editing.



Introduction

At its 73rd session (Geneva, Tuesday, 2 July 2019), the Committee on the Elimination of Discrimination against Women considered the second periodic report of the State of Qatar (CEDAW/C/QAT/2). On 17 July 2019, the Committee adopted the concluding observations. In paragraph 58 of the concluding observations, the Committee requested that Qatar provide information on implementation of a number of the recommendations set out in paragraphs 14(a), 14(d), 46(a) and 50(a) of the concluding observations document, within two years from date of discussion.

State response to the recommendations

Paragraph 14(a): Status of the Convention in national law:

- **Clarify the status of the Convention in its national law and adopt legislation incorporating its provisions into national law**

Comment:

Pursuant to article 68 of the Constitution, the Convention has the force of law and the State of Qatar is committed to applying its provisions. It was ratified by Decree No. 28 (2009), approving accession to the Convention on the Elimination of All Forms of Discrimination against Women.

Regarding the adoption of legislation incorporating the provisions of the Convention into national law, Qatar respects the international standards derived from international treaties and conventions and is taking action to amend national legislation to bring it into line with the Convention. This is affirmed by article 6 of the Constitution. Treaties and conventions ratified by Qatar thus have the force of national law and current legislation must be amended to harmonise it with such conventions. Furthermore, no subsequent legislation may be adopted that violates the provisions of these conventions. In all cases, reservations and declarations contained in the instrument of accession shall be observed.

One aspect of the incorporation of the Convention into national law is the possibility of pleading before national courts on the basis of the provisions of the Convention, in accordance with article 33 of the Civil Code. As such, each interested party has the right to invoke the rules affirmed by the Convention.

Paragraph 14(d): Creation of a constitutional court:

- **Take immediate measures to implement Act No. 12 (2008) to establish a fully functional constitutional court without further delay.**

Comment:

The relevant bodies in Qatar are taking the measures necessary to give effect to the said Act.

Paragraph 46(a): Domestic workers:

- **Take further legislative measures to ensure that domestic workers are granted the same legal protection as other migrant workers whose rights are covered under the Act No. 14 (2004), the Labour Act, and develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work.**

Comment:

On the judicial front, Qatar is taking action to provide appropriate judicial protection for all categories of workers, without discrimination, in terms of

empowerment, filing lawsuits, exemption from fees and the right to appeal and enforce rulings, as well as legal aid and interpretation services, if needed.

As regards the application in practice of employment legislation, the provisions of Act No. 15 (2017), on domestic employees, are consistent with international labour standards and International Labour Organization Convention C189 – Domestic Workers Convention, 2011 (No. 189). The following is an outline of the guarantees provided by law to protect female domestic workers, as these relate to the observations noted by the Committee:

- *Minimum wage:* Act No. 17 (2020) on setting a minimum wage, covers both workers and domestic employees. The minimum wage committee reviews the wages of workers and employees at least once a year, taking into account economic factors, including economic growth, competitiveness, productivity and the needs of workers, employees and their families. Decision No. 25 (2020) of the Minister of Administrative Development, Labour and Social Affairs sets the minimum wage for workers and domestic employees at QAR 1,000 per month. If the employer does not provide suitable accommodation and food for the worker or employee, the minimum housing allowance shall be QAR 500 per month and the minimum subsistence allowance shall be QAR 300 per month. It was decided that this Decision would come into force six months after date of publication in the Official Gazette (it was published in issue no. 15 (20 September 2020)).
- *Working hours and periods of daily rest:* Article 12 of Act No. 17 (2020) stipulates that maximum daily hours of work shall not exceed 10, unless agreed otherwise, interspersed with periods for worship, rest and meals, which shall not be counted as working hours.

Article 4 of the model contract of for domestic service adopted by Qatar provides for normal hours of work and periods of rest. The employee agrees to perform the agreed work for a period of eight hours per day, counted as normal hours of work, interspersed with periods for worship, rest and meals, which shall not be counted as working hours. An employee may be asked to work an additional two hours per day, taking maximum daily hours of work to 10. The relationship between employee and employer is governed by the contract, which sets normal hours of work at only eight per day. Accordingly, the employment relationship between domestic employee and employer is no different from the corresponding relationship between other kinds of workers and employers under the Labour Act. The nature of domestic work, however, is quite different from that of factory and site work, as domestic work is interspersed with substantial periods of rest. As such, the legislature did not believe it necessary to regulate specifically for periods of rest.

- *Weekly leave:* Article 13 of Act No. 15 (2017) stipulates that an employee shall be entitled to paid weekly leave of not less than 24 consecutive hours. The timing of the weekly leave shall be determined by agreement between the two parties and set out in the labour contract, with due regard to the nature of domestic work.
- *Sick leave, work-related injuries and maternity leave:* Article 7 of the same Act stipulates that it is forbidden to require an employee to work during his/her sick leave, daily rest periods or weekly leave. It further stipulates that the employer must provide appropriate health care, medication and medical supplies, if an employee is sick or has been injured during or because of the conduct of his work; the employee shall not be required to bear any of the costs thereof. Under article 19, an employee shall be compensated for work-related injury in accordance with the provisions of the Labour Act. Furthermore, to determine the terms, conditions and duration of sick leave, reference must be made to the

provisions of the Labour Act, as the general legislation governing individual employment relations. As regards protection of motherhood, a working woman is allowed 50 days of maternity leave on full pay plus one nursing hour per day for a full year, beginning when maternity leave ends. An employer may not terminate the employment contract on the grounds of a female employee's marriage or maternity leave and may not give notice of termination while she is on maternity leave.

Under Act No. 15 (2017) an employee may terminate the employment contract before it expires, while maintaining his right to end of service bonus, in the following cases: if the employer failed to meet his obligations under the labour contract or the law; if the employer or a person authorised by him cheated the employee over the terms of employment; if the employer or a member of his family abused the employee, harming him/her or putting his/her life at risk; or if the employer or member of his family learned of a serious threat to the employee's safety or health but did nothing about it.

- *Inspection*: State bodies may only enter homes to inspect the working conditions of domestic workers by an order of the Office of the Public Prosecutor, authorising entry in the event of complaint or abuse. The offices of agencies that recruit domestic workers and employees from abroad are inspected and checked periodically and without warning to monitor recruitment procedures and housing conditions to ensure that domestic workers are not being exploited and that their rights are protected.
- *Filing of complaints and fear of reprisal*: Article 18 of Act No. 15 (2017) stipulates that disputes arising between employer and employee shall be subject to Act No. 14 (2004, amended), the Labour Act, which allows domestic employees to resort to labour dispute resolution committees. The Ministry of Administrative Development, Labour and Social Affairs has opened a special section to receive complaints from domestic workers and settle disputes. The section receives complaints directly from domestic workers, as well as from embassies and via the Ministry's website or "Amerni" smartphone application. Complaints are registered the same day and an appointment is fixed with the employer for the following day to try and resolve the dispute amicably. If both parties accept the outcome, agreement is recorded in an official minute that has the force of an instrument of execution. If the parties are unable to reach agreement, the complaint is referred to a labour dispute resolution committee, ensuring that the dispute is resolved swiftly and the employee obtains his rights and claims as a matter of urgency.

The Ministry of Administrative Development, Labour and Social Affairs is keen to provide workers with legal assistance and the staff member in charge of the settlement process is in a position to provide the worker or employee with legal advice free of charge, with the help of a Ministry interpreter. Government offices are open to workers, including labour committees, in the afternoon. If the worker wishes to request a legal opinion, he can meet during official working hours with one of the legal experts of the Labour Relations Department, without needing to book an appointment in advance. The Ministry of Administrative Development, Labour and Social Affairs coordinates with embassy representatives to follow up disputes before dispute resolution committees, enabling them to appear before the committee on behalf of the domestic employee, should he/she wish to leave the country.

If the domestic employee (the complainant) believes that he/she has been subject to reprisal by the employer, acting in a criminal manner, the staff member in charge of labour complaints will advise him/her to contact the competent authorities (police or Public Prosecution). If the employer is proven to have acted unlawfully against the

employee in any way, the Human Rights Department of the Ministry of Interior shall change the worker's employer immediately, without the latter's consent.

The competent State bodies are seeking to introduce legal provisions to guarantee the basic rights of female domestic workers, ensure their access to justice and raise their awareness of litigation methods and complaint mechanisms. To this end, simplified legal information is made available to employees, employers and recruitment agencies and face-to-face meetings with workers and embassy labour attachés are held. The authorities are also active in the media, through newspapers, television, and social networking (Facebook and Twitter). Interviews are given to radio stations that broadcast in the languages of migrant workers and to newspapers aimed at a migrant worker readership. A number of workshops have been held to advise workers and domestic employees of their rights.

On 16 June 2020, the occasion of International Domestic Workers' Day, the Ministry issued two instruction booklets for employers and domestic workers, designed to inform them of their rights and obligations under the Constitution and national legislation, particularly Act No. 15 (2017), on domestic employees. The booklet aimed at workers, entitled "Know Your Rights", seeks to raise their awareness of the legal provisions relating to statutory working hours, rest periods, weekly and annual leave, occupational health and safety, compensation for work-related injuries, salaries, recruitment cost deductions, withholding of passport and the right to travel tickets and end of service benefits. The brochure for employers, "A Guide to Employing Foreign Domestic Workers," includes advice for employers and information on the rights of domestic workers and how to establish a fruitful working relationship. A short video was produced to raise awareness of the role of domestic workers in caring for families during the COVID-19 crisis and the need to look after their health, protect their rights, especially as regards daily periods of rest and paid weekly leave, and help them open bank accounts, send money home and keep in touch with family and friends.

- *The situation of female migrant workers held in detention and deportation centres, including pregnant women, women with children and victims of sexual violence:* Qatar has made unprecedented efforts, in both legislation and practice, to protect migrant workers, especially domestic employees, from all forms of abuse, exploitation and reprisal on the part of employers and has taken measures to ensure that they do not become victims of violence and human trafficking. Act No. 15 (2011), on combating human trafficking, guarantees protection for victims and gives them the opportunity to explain their situation and obtain advice about their rights. It requires them to be informed of the legal and administrative procedures to be followed to ensure that they can remain in Qatar until investigation and trial are complete. Furthermore, it guarantees them legal assistance.

Qatar is implementing these provisions on the ground by providing shelters to prevent migrant workers from becoming victims of forced labour. One such shelter is the Dar al-Aman al-Shamil (Aman) shelter, attached to the Foundation for Protection and Social Rehabilitation. It is an integrated shelter, providing a healthy social environment, all-round protection and rehabilitation for target groups, including victims of human trafficking (especially female domestic employees). The shelter also provides basic medical care, social services, psychological counselling, rehabilitation and reintegration for female workers who have fled their employers, as well as female and child victims of violence.

Similarly, the "Humanitarian Care Home" was opened recently with the aim of providing protection and social care for workers and domestic employees who need it. In particular, it provides help and protection for victims of human trafficking,

whom it seeks to rehabilitate and reintegrate into society. It also provides temporary accommodation, where workers can be looked after until their departure from the country is assured. In coordination with the competent State bodies, a mechanism has been developed to receive and house workers who have submitted complaints and procedures have been put in place to ensure their welfare from arrival at the shelter until their problems have been resolved. Workers can submit complaints via the website of the National Committee to Combat Human Trafficking or through the Security Department, as an ordinary criminal complaint.

There is also coordination with the security departments to put any case amounting to the crime of human trafficking before the National Committee to Combat Human Trafficking for legal measures to be taken immediately. The Home has capacity for approximately 200 victims, admitted on the basis of assessment by several authorities, principally the Ministry of Interior, the Office of the Public Prosecutor, the National Committee to Combat Human Trafficking and the Ministry of Administrative Development, Labour and Social Affairs.

A memorandum of understanding on human trafficking was signed with the United States of America and a number of measures have been taken to prevent human trafficking, in cooperation with the United States Embassy, the Federal Bureau of Investigation (FBI) and the United Nations Regional Office on Drugs and Crime. Furthermore, several campaigns have been organized to raise awareness of the different forms and types of trafficking. Booklets and brochures have been published and distributed to migrant workers to raise awareness of their rights and help them avoid falling victim to human traffickers.

Act No. 15 (2011), on combating human trafficking, provides severe penalties for offenders of between seven years' imprisonment and a maximum fine of QAR 250,000, and 15 years' imprisonment and a maximum fine of QAR 300,000. These penalties act as an effective deterrent to those who would engage in the practice of forced labour.

Qatar is committed to continuing the technical cooperation programme agreed with the International Labour Organization with a view to abolishing the *kafalah* (sponsorship) system and promoting and applying standards, principles and basic rights at work. Qatar continues to work toward achieving the immediate and strategic goals of the programme by focusing on the five core themes of: wage protection, labour inspection and occupational health and safety, a contractual employment system to replace the *kafalah* system, forced labour and promotion of the workers' voice.

In this context, it should be stressed that the *kafalah* system has been abolished: legislation adopted on 30 August 2020 removed the requirement for migrant workers to obtain the employer's permission if they want to change employer. Furthermore, Qatar has become the first country in the region to adopt a non-discriminatory minimum wage. Note that Qatar has already recognized the right of all categories of migrant worker to leave the country freely by doing away with the exit permit, thereby not only dismantling the *kafalah* system but abolishing it permanently, pursuant to recent amendments and the above-mentioned legislation.

Regarding equal provision of legal protection to domestic employees and workers subject to the Labour Act, it is worth recalling recently adopted legislation that covers all workers and domestic service employees alike:

- The exit permit was abolished pursuant to Act No. 13 (2018). That Act affirms the right of a migrant worker subject to the Labour Act to exit the country temporarily or leave it permanently, as long as the employment contract is valid. Decision No. 95 (2019) of the Minister of Interior, extended abolition of the exit

permit system to all workers not subject to the Labour Act, including domestic employees, who may now exit the country temporarily or leave it permanently during the period of validity of the contract of employment. A domestic employee must inform the employer at least seventy-two hours in advance of his/her intention to leave.

- Note that Qatar does not require a worker or domestic employee to remain outside the country for two years in order to obtain a new residence visa. Since implementation of the act regulating the entry, exit and residence of migrant workers on 13 December 2016, workers and employees enjoy full freedom of movement and travel without restrictions.
- Established under Act No. 17 (2018), the Workers' Support and Insurance Fund aims to pay the claims of workers and domestic employees in cases where labour dispute resolution committees have reached a decision, in order to avoid time-consuming procedures and ensure prompt payment of entitlements upon termination of service. The Fund also seeks to facilitate the repatriation process for workers and employees. Since its establishment, the Fund has paid the claims of a total of 5,744 workers, amounting to QAR 13,917,484.
- The current employer's "no objection" condition for a worker or domestic employee to change employer was abolished pursuant to Legislative Decree No. 19 (2020), amending certain provisions of Act No. 21 (2015), regulating the entry, exit and residence of migrant workers. Under article 21 (amended) of the new Act migrant workers, including domestic employees, may transfer to another employer in accordance with the rules and procedures determined by the Ministry of Administrative Development, Labour and Social Affairs.
- Under the new amendments to the Labour Act adopted pursuant to Legislative Decree No. 18 (2020), a worker may terminate his/her employment contract during the probationary period in order to transfer to another employer, on condition that the employer is notified in writing at least one month before date of termination of contract. The new employer is required to compensate the contracted employer the value of the airline ticket and recruitment fees, on condition that compensation does not exceed two months' basic wage. At the end of the probationary period, the worker may terminate the contract without giving reasons, as long as he notifies the employer at least one month in advance, if he has worked for the employer for less than two years, or two months in advance, if he has worked for the employer for more than two years. A worker may indicate his wish to change employer via the electronic notification system of the Ministry of Administrative Development, Labour and Social Affairs.
- The implementing regulation for the above-mentioned Act No. 21 (2015) was amended by decision of the Minister of Interior (14 September 2020). Article 65 of the amended regulation now states that a migrant worker may change employer in accordance with the relevant laws and regulations and under the following conditions:
 1. The appropriate administrative unit at the Ministry of Administrative Development, Labour and Social Affairs must be informed, in accordance with established rules and procedures.
 2. The migrant worker must hold a valid residence permit or one that has expired within 90 days, unless it has expired for reasons beyond his control.
- *Possibility of working for another employer outside basic working hours:* Legislative Decree No. 19 (2020) stipulates that a worker or domestic employee may work for another employer on top of his/her basic working hours, as long

as he/she obtains the permission of the Ministry of Administrative Development, Labour and Social Affairs and provided that both parties to the contract of employment consent.

Paragraph 50(a): Age of marriage for girls:

- **Raise the minimum age of marriage for girls to 18 years, remove all exceptions and ensure that women have the right to marry without the permission of a guardian.**

Comment:

Qatar expressed reservation to article 16(2) of the Convention on grounds of its violation of the provisions of Islamic sharia over the issue of the minimum age of marriage. Article 17 of Act No. 22 (2006), the Family Act, contains specific checks for the marriage of girls, including the attainment of legal age, agreement of the legal guardian and consent of both parties (spouses) to the contract. The competent judge then issues the marriage licence. Accordingly, neither in reality nor in court statistics do we find what is termed underage marriage in the State of Qatar.

With regard to a woman's right to marry without the permission of her legal guardian, legal guardianship involves drawing up the marriage contract in such a way as to preserve the woman's claim to her rights and help her make the appropriate choice, given the guardian's experience and his concern for her interests, as her father or next of kin. The decision is the woman's and she has the freedom to accept or reject the proposal of marriage. The legal guardian may not force her or refuse to conclude her marriage to the man she wishes. In fact, article 29 of the Family Act gives the judge the right to intervene and conclude the marriage.
