



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

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## Committee on the Elimination of Racial Discrimination Ninety-seventh session

### Summary record of the 2683rd meeting\*

Held at the Palais Wilson, Geneva, on Tuesday, 27 November 2018, at 3 p.m.

*Chair:* Mr. Amir

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

*Combined seventeenth to twenty-first periodic reports of Qatar*

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\* No summary records were issued for the 2681st and 2682nd meetings.

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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**

*Combined seventeenth to twenty-first periodic reports of Qatar (CERD/C/QAT/17-21 and CERD/C/QAT/Q/17-21)*

1. *At the invitation of the Chair, the delegation of Qatar took places at the Committee table.*
2. **Mr. Al-Muraikhi** (Qatar), introducing the combined seventeenth to twenty-first periodic reports of Qatar (CERD/C/QAT/17-21), said that the experience of interactive dialogue with the Committee and with other treaty bodies had helped Qatar in its efforts to promote human rights and had prompted a process of self-scrutiny with a view to the constant improvement of internal practices. In fact, speaking before the General Assembly of the United Nations recently, His Highness Sheikh Tamim bin Hamad Al-Thani had stated that the promotion of human rights was at the core of national priorities. The readiness of Qatar to abide by its obligations and to engage constructively with the Committee was manifested by the fact that the delegation was made up of representatives of six government departments: the ministries of foreign affairs, justice, the interior, education, public health, and administrative development, labour and social affairs.
3. The combined seventeenth to twenty-first periodic reports had been drafted by a committee constituted in line with the relevant recommendations of human rights treaty bodies and had then been submitted to the National Human Rights Committee for its comments and observations. The first part of the text illustrated the general human rights framework and the national population structure, including social and economic indicators showing that the country had achieved most of its development objectives. The second part provided details about measures to implement the Convention. Lastly, the report described the steps that had been taken to give effect to the Committee's concluding observations following its consideration of the combined thirteenth to sixteenth periodic reports, in 2012 (CERD/C/QAT/CO/13-16).
4. Considerable efforts had, in fact, been made to apply the Committee's 2012 recommendations, in particular by raising awareness about the Convention among government officials and by stimulating the ongoing process of legislative reform, which had its roots in the Constitution, the Qatar National Vision 2030 and the country's 2011–2016 and 2017–2022 national development strategies. Since the submission of the current report in 2017, Qatar had taken further steps to reinforce its human rights infrastructure, in particular by acceding to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights. With its accession to those two instruments, Qatar was currently a party to seven of the nine core international human rights treaties.
5. Qatar was experiencing a period of rapid development with unprecedented rates of growth and economic revival, thanks also to the vital role played by migrant workers. The State looked upon such workers as essential development partners and had introduced a number of legislative reforms with a view to promoting and protecting their rights. The legal framework for migrant workers had been amended, and laws had been passed regulating political asylum, domestic workers and permanent residency. In addition, a law had been enacted allowing non-Qataris to own real estate, and a support and insurance fund for workers had been established.
6. At the institutional level, the Council of Ministers had formed two committees in 2017. One was in the process of drafting a national human rights action plan, while the other was coordinating national efforts to monitor, prevent and combat all forms of human trafficking and was also drawing up a national action plan. The State was continuing to develop strategies for the empowerment of women, particularly with a view to their involvement in political life. Four women had been appointed to places on the Shura (Advisory) Council and, for the first time, a woman had recently been appointed as spokesperson for the Ministry of Foreign Affairs.

7. Since June 2017, Qatar had been suffering under unilateral coercive measures and a blockade imposed by other countries in the region. Those measures had not only separated families but also negatively affected human rights such as the right to freedom of movement, to work, to education, to health and to development. In particular, since the measures were specifically targeted against Qataris, they were discriminatory and in violation of international human rights instruments, first among them the Convention. The dire social consequences of the crisis and its impact on human rights had been confirmed in a report drafted by a technical team from the Office of the United Nations High Commissioner for Human Rights (OHCHR) following a visit in November 2017, and the Government of Qatar had written to nine special rapporteurs of the Human Rights Council asking them to intervene on its behalf.

8. He wished to draw the Committee's attention to a recent ruling of the International Court of Justice in a case that Qatar had brought against the United Arab Emirates regarding the application of the Convention. The Court had found that the United Arab Emirates should reunite families separated by the measures it had adopted on 5 June 2017, allow Qatari students affected by those measures to complete their education in the United Arab Emirates or to obtain their educational records in order to continue their studies elsewhere, and allow Qataris affected by the measures access to the judicial organs of the United Arab Emirates. Furthermore, Qatar had submitted a complaint to the Committee under article 11 of the Convention, against both Saudi Arabia and the United Arab Emirates.

9. Despite the adverse circumstances that his country was facing, he wished to assure the Committee that the political will to provide a climate supportive of human rights still existed and that Qatar would continue to do everything in its power to protect and promote human rights, also through its membership of relevant regional and international bodies.

10. **Mr. Al-Kuwari** (National Human Rights Committee) said that Qatar had given effect to some of the recommendations made by the Committee, particularly with regard to developing its legislative system, facilitating access to justice, achieving equality and improving conditions for migrant workers. Under new laws, holders of a permanent residency card had the same access to education and health care as Qataris. In addition, they were given priority access — after citizens — to posts in military and civil service, and they could undertake certain commercial activities without needing a Qatari partner.

11. Migrant workers could change employment once their original contract had expired and they were no longer required to obtain exit permits before leaving the country. Domestic workers, who had previously been excluded from the protection afforded under the Labour Code, had been granted the same rights as other workers. The newly established Appeals Committee for the Settlement of Labour Disputes acted as a fast-track mechanism for accessing justice.

12. The National Human Rights Committee had made certain recommendations to the Government. It had proposed amendments to the Nationality Act (Act No. 38 of 2005) in order to ensure equality between all citizens in access to public service posts and in the exercise of political rights. The Government had also been advised to amend the Housing Act (Act No. 2 of 2007), which contained a number of discriminatory provisions, and to give Qatari women married to non-Qataris equal rights to transmit their nationality to their spouse and children. The National Human Rights Committee had further recommended the creation, in line with the Convention, of a national human rights court or an independent body to examine allegations of discrimination.

13. Only a small number of the complaints that the National Human Rights Committee received specifically concerned racial discrimination. In one recent case, it had decided that the administrative obstacles faced by divorced women and widows amounted to discrimination, and it had proposed solutions. In another, in which students with disabilities had lodged a complaint against the Ministry of Education for banning a school bus from carrying non-Qataris, the National Human Rights Committee had again found that discrimination existed. It had written to the Minister requesting an immediate lifting of the ban and was still awaiting a reply. On the other hand, in a case regarding access to treatment abroad it had not found any evidence of discrimination. It had received more than

4,200 complaints from persons claiming their rights had been violated as a result of the blockade currently being imposed on Qatar by neighbouring States.

14. **Ms. Dah** (Country Rapporteur) said that the State party was to be commended for the impressive progress that it had made in the area of human development and for its efforts to promote and protect human rights, including its recent accession to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. It was, however, regrettable that it had entered reservations to certain articles of those instruments, given the negative impact that those reservations could have on the rights of women and migrants.

15. The two-year delay in the submission of the report was also unfortunate, as such delays, however short, could prove detrimental to the continuous dialogue between the Committee and the State party. The State party should establish a permanent body responsible for drafting the reports that it was due to submit to the treaty bodies and for follow-up to concluding observations. It was essential that the membership of such a body should include representatives of both the National Human Rights Committee and Qatari civil society.

16. It was likewise regrettable that the State party had still not submitted its core document, despite the Committee having encouraged it to do so in its previous concluding observations. The absence of that document deprived the Committee of essential information and hampered its ability to analyse the information provided in the State party's report. She strongly encouraged the State party to ratify the amendment to article 8 of the Convention concerning the Committee's financing and to make the voluntary declaration under article 14 recognizing the competence of the Committee to receive and consider individual communications.

17. The greatest challenge facing Qatar was that of reconciling the aspiration of Qatari citizens for the best quality of life possible with the need to respect and protect the rights of migrant workers, who played a vital role in achieving that quality of life. Migrant workers currently accounted for almost 70 per cent of the total population, 94 per cent of the total workforce and 99 per cent of the workforce in the private sector. The State party's report shed little or no light on the ethnic group, clan, tribe or religion to which the persons making up the non-Qatari population belonged and gave no indication as to their nationality, which had prevented the Committee from conducting an in-depth analysis. It would therefore be helpful to receive statistical data, disaggregated by nationality and ethno-religious affiliation, on the resident foreign population in Qatar in general and on migrant workers in particular. She would also welcome statistical data, disaggregated by country of origin, on the stateless population in the country.

18. It was regrettable that Qatari law still did not contain a definition of racial discrimination that was in line with article 1 of the Convention. The principles of equality, non-discrimination and justice enshrined in the Constitution of Qatar did not per se constitute such a definition. The Committee once again recommended that the State party should adopt legislation specifically prohibiting and criminalizing racial discrimination in accordance with that provision.

19. Recalling the State party's obligations under article 4 of the Convention, she said it appeared that the purpose of the various legal provisions cited in paragraphs 40 to 45 of the report was to preserve national unity and not to combat racial discrimination. The State party should take appropriate legislative measures to give proper effect to the provisions of article 4 of the Convention and to establish racial motivation as an aggravating circumstance. The Committee's general recommendations No. 7 relating to the implementation of article 4, No. 15 on article 4 of the Convention and No. 35 on combating racist hate speech could all provide useful guidance in that regard.

20. The delegation might also provide examples of cases concerning racial discrimination brought before the administrative, civil and criminal courts in which the Convention had been invoked and outline the special measures adopted pursuant to article 1 (4) and article 2 (2) of the Convention for the purpose of securing the advancement, development and protection of certain racial or ethnic groups.

21. It would be useful to know more about the financial and human resources allocated to the various public and private institutions responsible for overseeing the myriad programmes, plans and sectoral strategies adopted within the framework of the Qatar National Vision 2030, and the impact of those initiatives on the fight against racial discrimination.

22. The State party should follow up on the recommendations made by the National Human Rights Committee, which had enjoyed category A status since 2010. She understood that, when the institution's status had last been reviewed, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions had recommended that steps should be taken to increase its independence and the resources allocated to it. She asked whether the State party had given effect to that recommendation. In particular, the State party should act on the National Human Rights Committee's recommendation to amend the Private Associations and Institutions Act (Act No. 12 of 2004) in order to allow a wider range of civil society organizations to operate.

23. The Committee would also like to receive information on the Qatari asylum system, including applicable legislation, asylum application procedures and the authorities responsible for taking asylum decisions. She asked what became of failed asylum seekers, how the State party ensured that the principle of non-refoulement was respected in practice and why the State party had not yet ratified the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. The Committee would also welcome statistical data on the number and country of origin of the asylum seekers in the country, the number of persons who had been granted refugee status and the number of failed asylum seekers and refugees.

24. Following his mission to Qatar in November 2013, the Special Rapporteur on the human rights of migrants had recommended that the sponsorship (*kafalah*) system should be abolished and replaced by a regulated open labour market and a contract-based system; that steps should be taken to prevent discrimination against migrant workers on the basis of national origin; that recruitment procedures that led to migrant workers becoming indebted should be prohibited; and that migrant workers should be provided with decent accommodation. Although Act No. 21 of 2015 regulating the entry, exit and residence of migrant workers had abolished the sponsorship (*kafalah*) system and introduced a contract-based system, she wondered to what extent that reform had translated into a change in practice on the ground. She asked whether migrant workers still had their passports confiscated upon arrival; whether they still experienced delays in the payment of their salary or non-payment; whether employers routinely paid for migrant workers to return home at the end of their contract; and whether non-compliant employers were systematically punished. The success of the reform undertaken by the State party hinged on its ability to take robust action against such employers, who had hitherto enjoyed virtual impunity.

25. The State party should likewise monitor the situation in migrant worker accommodation and ensure that it conformed to the specifications laid down in Ministerial Decision No. 18 of 2014. She wondered whether the country's first workers' city, known as Barwa al-Baraha, which could accommodate some 53,000 migrant workers, was not another ghetto built for the purpose of segregating migrant workers from the mainstream Qatari population.

26. Many migrant workers suffered discrimination on the basis of national origin from the time of their recruitment as, more often than not, the remuneration provided for in bilateral agreements and employment contracts varied depending on the nationality of the worker in question, in violation of the principle of equal pay for work of equal value. It was likewise her understanding that domestic workers were still not covered by the Labour Code and that Act No. 15 of 2017 on domestic workers, which provided legal protection for domestic workers in line with the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), had not been fully implemented. She asked what measures the State party envisaged taking to expedite its full implementation, to protect female domestic workers from physical and sexual violence and to guarantee their rights if they decided to lodge a criminal complaint. She was given to understand that female domestic workers who fell pregnant as a result of sexual abuse were routinely accused of

adultery, detained and forced to raise their child in prison. She asked how the State party planned to remedy that situation.

27. To her mind, the newly established Appeals Committee for the Settlement of Labour Disputes would provide prompt access to justice only if the established time frames were respected. She understood that, in the event of the Appeals Committee failing to settle a dispute, the parties were referred to the courts, which could limit the ability of migrant workers to gain access to justice as they could struggle to overcome the language barrier.

28. The Committee was concerned that the practice of employing non-Qatari judges from other Arab countries on temporary contracts would only serve to undermine the independence of the judiciary as a whole. Following her mission to Qatar in January 2014, the Special Rapporteur on the independence of judges and lawyers had raised concerns over, inter alia, the lack of security of tenure for non-Qatari judges, the perceived collusion between judges and public prosecutors, and the lack of interpretation during certain court proceedings.

29. In its previous concluding observations, the Committee had recommended that the State party should amend the Nationality Act to enable Qatari women with foreign spouses to transmit their Qatari nationality to their children and to ensure that naturalized citizens enjoyed the same economic, social and cultural rights as Qatari nationals. In that connection, she asked whether foreign migrant workers were eligible to apply for permanent residency cards, which, among other things, allowed certain categories of foreign nationals to own property in the country and allowed children born to Qatari women and non-Qatari men to gain permanent residency.

30. Lastly, noting that Qatar was to host the Fédération Internationale de Football Association (FIFA) World Cup in 2022, she urged the State party to step up its efforts to combat negative stereotyping of migrant workers and other foreign nationals and to highlight their contribution to Qatari society, including by providing training to police and prison officers, judges and lawyers and by launching public awareness-raising campaigns.

31. **Mr. Kut** (Follow-up Coordinator) said that in its previous concluding observations the Committee had asked the State party to provide a follow-up report within one year on its implementation of certain recommendations. Regrettably, no follow-up report had been received, and he wished to remind the delegation that the Committee attached great importance to the follow-up procedure. The Committee would therefore be grateful to receive a follow-up report from the State party on the specific areas that would be requested by the Committee in its forthcoming concluding observations.

32. It would be useful to know more about the content of Act No. 15 of 2017 on domestic workers and to receive specific examples of its implementation. While noting the information provided in the State party's report, he would welcome more information on whether migrant workers and foreign residents had the right to buy and own property on an equal footing with Qatari nationals.

33. **Mr. Avtonomov** said that Act No. 21 of 2015 regulating the entry, exit and residence of migrant workers, under which the sponsorship (*kafalah*) system had been abolished and replaced with a contract-based system, contained a number of positive measures. For instance, it granted migrant workers the opportunity to change employers upon the expiry of a fixed-term contract or after five years' service for the same employer. That being said, he was concerned that there was no limit to the duration of fixed-term contracts, that migrant workers employed on that basis were unable to switch employers before their contracts expired, and that workers in permanent positions were unable to change their employment for five years unless they obtained permission from their employer or from the Ministry of the Interior. He therefore wished to know whether specific criteria for requesting a change of employment had been established; whether the Ministry could refuse such a request and, if so, on what grounds; and whether information on the application in practice of that law could be provided. In particular, he would be grateful to receive data on the number of changes of employment that had occurred since the Act's entry into force, disaggregated by gender and type of contract. Lastly, he would be interested to know the extent to which the sharia courts applied the principles of the relevant school of Islamic thought and jurisprudence (*madhhab*).

34. **Ms. Shepherd** said that she wished to hear more about the work of the Qatar Committee for the Alliance of Civilizations, which sought to promote tolerance and to foster peaceful coexistence and thus had the potential to break down racial stereotypes. In particular, she wondered what the results of the attendant strategies and action plans had been and what indicators had been developed to measure their impact.

35. **Mr. Bossuyt** said he welcomed the fact that Qatar had recently acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which demonstrated the country's commitment to the promotion and protection of human rights. With that in mind, he urged the State party to give serious consideration to becoming a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Recalling that the principles of international instruments to which Qatar was a party were directly applicable in domestic law, he wished to know whether international conventions were given primacy in the event of a conflict between the provisions of a treaty and national legislation.

36. He would welcome clarification on whether foreign migrant workers and other non-citizens automatically enjoyed the same civil, economic, social and cultural rights as Qatari citizens and, if not, whether the Government considered that distinctions on the basis of nationality were discriminatory and thus contrary to the principles of the Convention. Referring to paragraph 49 of the State party's report, he wondered whether further information could be provided on the jurisdiction of the Supreme Constitutional Court, including the extent of its *ex officio* powers and whether citizens and non-citizens alike could request a review of a law's constitutionality.

37. According to paragraph 55 of the State party's report, the proportion of women voting in elections had fluctuated markedly since 1999; he would be interested to know what reasons could account for such wide variations in their participation. He echoed the concerns raised by Ms. Dah regarding the discriminatory provisions contained in the country's Nationality Act, which prevented Qatari women married to non-citizens from transmitting Qatari nationality to their children. In the light of the State party's efforts to achieve the Sustainable Development Goals, he wondered what action the Government intended to take to ensure equal rights for women and men, in line with Goal 5 on gender equality and empowerment of all women and girls, including with regard to the transmission of Qatari nationality.

38. Lastly, he would welcome more information on the situation of foreign migrant workers in the country, in particular whether they were eligible to apply for naturalization and exercise the right to family reunification. Information on their residency conditions would also be welcome.

39. **Mr. Murrillo Martínez** said that the State party had done much to achieve Sustainable Development Goal 17. Information would be welcome on any measures taken as a part of the International Decade for People of African Descent. The State party might wish to contribute to work regarding a possible fourth World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He asked whether the national authorities had considered incorporating the principle of reversal of the burden of proof into the domestic legal framework.

40. **Mr. Diaby** said that the Nationality Act seemed to be somewhat restrictive, in particular with regard to the acquisition of Qatari nationality by the children of naturalized citizens. He asked whether the State party intended to ensure that such children were granted nationality on an unconditional basis. Information would be welcome on the number of persons whose nationality had been revoked and the conditions governing revocation of nationality. Such practices entailed a risk of rendering large numbers of persons stateless. The Committee would be interested to hear whether Qatar had any plans to become a party to the Convention on the Reduction of Statelessness. The State party might wish to grant the national human rights institution the power to prosecute perpetrators of human rights violations and to issue legally binding rulings in their regard, as a number of African countries had done. Additional information would be welcome on the functioning of the Appeals Committee for the Settlement of Labour Disputes, the

number of rulings it had received and the average amount of time it took to process such rulings.

41. **Mr. Marugán** said that the State party had made significant progress regarding a number of social and economic indicators. Information would be welcome on any developments, since the 2013 visit to Qatar of the Special Rapporteur on the human rights of migrants, regarding the working conditions and conditions of detention of migrants, as well as concerning the number of migrants, including minors, women and pregnant women, held in detention or deprived of their liberty. He would be interested to hear whether work to build a new ward to accommodate up to 500 women detainees had been completed. It would be useful to have details of any measures taken to facilitate the voluntary return to their country of origin of pregnant migrant women bearing an illegitimate child. The Committee would be grateful for statistics on the average and maximum durations of the period of detention of migrants, and for details of the current situation of such detainees and of any legislative measures taken to improve their situation since 2013.

42. The State party's report did not contain any statistics on the working conditions of migrants or on occupational accidents, including types of accidents and their causes. Neither did the report contain any data on labour-related violations committed by employers that had not been resolved through conciliation or suspended, or on the corresponding sentences or sanctions imposed. It appeared that employers enjoyed virtual impunity in that regard. The Committee would welcome information on the types of labour inspection carried out in enterprises, the types of violations and sanctions provided for in that regard, and any administrative mechanisms put in place to monitor the activities of employers. In the absence of any such mechanisms, details of any violations that had given rise to judicial rulings, sentences or sanctions would be useful.

43. **Mr. Calí Tzay** said that the Committee had been informed that migrant workers were prohibited from living in residential areas on the ground that such an arrangement might result in increased transport costs, both for them and for their employers. It could be argued that such a practice, however well-meaning it might be, constituted racial discrimination as defined in article 1 (1) of the Convention and the State party might wish to review the situation in that regard.

44. The absence of complaints of racial discrimination could not be understood as meaning that racial discrimination was not taking place. The fact that a national human rights institution received a significant number of complaints was a sign that citizens had confidence in the relevant State institutions. Conversely, an absence of complaints indicated a lack of confidence. It would be interesting to hear the delegation's views on reports that racial discrimination had increased in recent times.

45. He wished to know whether there were any civil society organizations working in the field of human rights in Qatar and, if so, whether they could operate freely. In its previous concluding observations, the Committee had recalled its general recommendation No. 30 on discrimination against non-citizens, and especially its paragraph 16 on reducing statelessness, in particular among children, and had recommended that the State party should revise its legislation to allow Qatari women who were married to non-citizens to transmit Qatari citizenship to their children without discrimination. He asked whether any measures had been taken in that regard.

46. **Mr. Yeung Sik Yuen** said that the State party had done much to promote human rights and had become a party to a number of international human rights treaties. He wished to know whether the national authorities had set a definite time frame for accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Information would be welcome on any specific measures taken during the period 2011–2016 to promote and protect the rights of elderly migrant workers and migrant workers with disabilities. He asked what measures the State party had taken to ensure that migrant workers involved in court proceedings or employment-related procedures and asylum seekers had access to certified sworn interpreters.

47. **Mr. Al-Muraikhi** (Qatar) said that he appreciated both the positive comments and the criticism voiced by members of the Committee. He looked forward to responding to the

questions raised the following day and to providing further information in written form, if required.

*The meeting rose at 5.20 p.m.*