



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

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Summary record of the 2684th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 28 November 2018, at 10 a.m.

Chair: Mr. Amir

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The meeting was called to order at 10.10 a.m.

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

Seventeenth to twenty-first periodic reports of Qatar (continued) (CERD/C/QAT/17-21; 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. Faisal bin Abdulla Al-Henzab** (Qatar) said that, before giving the floor to the members of his delegation, he wished to stress the importance that Qatar attached to dialogue with international human rights treaty bodies, including the Committee.
3. **Ms. Al-Shafai** (Qatar) said that Qatar had opted for a strategy of gradual ratification of international human rights instruments. The provisions of those instruments were incorporated into domestic law. Since the consideration of its previous periodic reports, in 2012, Qatar had ratified a number of international or regional human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Consideration was being given to acceding to the Convention against Discrimination in Education and recognizing the competence of the United Nations treaty bodies, including the Committee, to receive and consider communications from individuals or groups of individuals within the country's jurisdiction.
4. With regard to the proposed amendment to article 8 (6) of the Convention, which Qatar would consider accepting, it should be borne in mind that providing support to the United Nations and its specialized agencies was a key component of the country's international cooperation efforts. In recent years, for example, Qatar had made donations totalling \$4 million to the Office of the United Nations High Commissioner for Human Rights. It had also made donations to the United Nations Voluntary Fund for Victims of Torture, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and other special funds managed by the United Nations.
5. The country's periodic reports had been submitted late, with the agreement of the secretariat, to facilitate consideration of the full range of developments linked to implementation of the Convention in Qatar. As recommended, Qatar had set up a department in the Ministry of Foreign Affairs to monitor the efforts it made to comply with its reporting obligations and its obligations to give effect to the recommendations made by international bodies. Work on the common core document, to be submitted in the first quarter of 2019, was under way.
6. A number of steps were being taken related to the laws governing the employment of migrant domestic workers and the legal framework protecting refugees and asylum seekers, two issues about which the Committee had requested follow-up information. Law-making took time, however, so those issues, which were nonetheless covered in the periodic reports currently under consideration, would be addressed more fully in the country's next periodic report.
7. **Ms. Al-Sowaidi** (Qatar) said that principles of tolerance and brotherhood, which had always been part of the daily lives of the people of Qatar, informed the measures taken by the Government to combat racism in Qatar. In Qatar, discrimination was rejected.
8. Many State institutions, such as the Qatar Committee for the Alliance of Civilizations and the Doha International Centre for Interfaith Dialogue, had programmes and activities that fostered cooperation and understanding among people of various religions, cultures and ethnicities. A range of events, including international film festivals, promoted a culture of dialogue and tolerance, which was also fostered by the country's media. Workshops and seminars on the rights of women and persons with disabilities were organized by the National Human Rights Committee, the Qatar Social Work Foundation and the Doha International Family Institute. In addition, Qatar hosted the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region. The Centre organized activities to strengthen and promote human rights in the

region. Those activities and others contributed to awareness-raising and helped build the country's capacity to combat racism and racial discrimination.

9. Act No. 12 of 2015 had enhanced the independence of the National Human Rights Committee, giving it the freedom to fulfil its mandate. The State made efforts to give effect to the recommendations made by the National Committee in its annual reports. In response to one such recommendation, an act abolishing the sponsorship (*kafalah*) system of employment and replacing it with a contract-based system had been adopted, as had also been recommended by the Committee and the Special Rapporteur on the human rights of migrants.

10. A number of measures had been taken as part of the Alliance of Civilizations Action Plan (2018–2022). School curricula had been designed in accordance with the Plan and awards had been given to encourage researchers to study topics of relevance to the Plan. The winners of the Qatar Global Award for Dialogue among Civilizations had been announced the previous day. Every year, Qatar received delegations of young leaders from Europe and the Americas for meetings of young people designed to foster intercultural dialogue. In addition to activities in the fields of education and youth, the Plan provided for the expansion of charitable operations, which included the provision of financial or moral support to migrant workers by civil society organizations. The Plan also set objectives for the promotion of intercultural understanding that the media were expected to pursue.

11. **Mr. Al-Mohannadi** (Qatar) said that Qatar had adopted several laws to strengthen and protect human rights during the reporting period. Act No. 21 of 2015 regulating the entry, exit and residence of migrant workers, for instance, explicitly stated that migrant workers and their employers were to be bound exclusively by the terms of the employment contracts they entered into. It also eliminated the need for migrant workers to secure an exit permit from their employers and made the confiscation of an employee's passport an offence punishable by a fine of up to 25,000 Qatari riyals. Under the Act, employment contracts were for a term to be agreed by the employer and the employee. If no term was specified, the contract would be for five years.

12. Act No. 10 of 2018 on permanent residency conferred a number of privileges on holders of permanent residency permits and the members of their families. Foreign nationals could apply for such a permit if they had arrived in Qatar legally and resided there for 20 years (10 years for foreign nationals born in Qatar). Applicants also had to meet income and other requirements. They were required to be sufficiently conversant with Arabic, for example. Permanent residency permits could be issued on an exceptional basis to children of female nationals of Qatar who were married to foreign nationals, the foreign husband of a female national of Qatar, the foreign wife of a male national of Qatar, the children of naturalized nationals of Qatar and foreign nationals who had been of service to the State or provided it with needed skills.

13. Act No. 11 of 2018 on political asylum complemented the efforts that the country had made to strengthen and protect human rights. Under the Act, an asylum seeker was defined as any person who was unable to return to his or her country of origin or habitual residence because of a justified fear of, for example, being persecuted for reasons such as his or her political convictions, religion or ethnicity. With some exceptions, mostly related to national security, asylum seekers in Qatar were issued travel documents, had the right to work and received monthly allowances if they were not in employment. They were also entitled to health care, education and housing and could worship freely, sue, exercise full freedom of movement and benefit from provisions on family reunification. It would soon be possible to apply for asylum electronically.

14. The Supreme Constitutional Court, which had been established as an independent court with its own budget by Act No. 12 of 2008, adjudicated disputes over constitutional matters. The Court's rulings could not be appealed.

15. The constitutional protections of the right to equality and non-discrimination had been reinforced by the country's ratification of the Convention, as the Constitution of Qatar stated that international instruments duly ratified by Qatar had the force of law. The Constitution also stated that Qatar would make every effort to implement all international agreements to which it was a party.

16. The minor children of naturalized nationals of Qatar who had been living abroad were entitled to become nationals of Qatar. Under article 25 of Act No. 38 of 2005, the Nationality Act, both men and women had the same right to transmit their nationality to their children. The Act also provided that children of unknown parentage who were found in Qatar would be made citizens of Qatar, thus combating statelessness and giving effect to the provisions of the Convention on the Rights of the Child. By custom, a child acquired his or her father's nationality. Dual nationality was not recognized.

17. The legal provisions related to nationality had constitutional status, so amendments to the Nationality Act followed the same process as amendments to the Constitution. The process had been established with a view to entrenching laws on nationality, in particular as a result of the demographics of Qatar, where foreign nationals far outnumbered local citizens.

18. Fundamental rights and freedoms were enshrined in articles 34 to 58 of the Constitution. Article 42 stated that citizens had the right to vote and stand for election in accordance with the law, which permitted no discrimination based on a person's sex or religion. The Elections Department of the Ministry of the Interior oversaw the organization and administration of elections. Women had had the right to vote and run for public office since the country's first elections, which had been held in 1999.

19. **Mr. Ali Taleb Al-Henzab** (Qatar) said that considerable efforts had been made to promote a culture of human rights, including awareness of racial discrimination, among the personnel of agencies that were part of the Ministry of the Interior. Migrant workers in Qatar had the right to move freely from one employer to another, and the number of alleged violations of that right had dropped significantly in the previous year. The Ministry of the Interior, in cooperation with the Ministry of Justice, had taken steps to expedite proceedings related to such allegations. Legal aid was provided to foreign nationals resident in Qatar. Only two female migrant domestic workers were currently detained with their children. Their cases were being duly investigated.

20. **Ms. Al-Kuwari** (Qatar) said that Qatar benefited enormously from the large number of foreign nationals it received. In the previous two years, it had made every effort, in pursuit of Sustainable Development Goal 8, to provide opportunities for decent work to all, including migrant workers. The International Labour Organization (ILO) had recently closed a case against Qatar over its treatment of migrant workers, and the country's lawmakers were eager to develop a more robust legal framework for the protection of the rights of such workers.

21. Under Act No. 15 of 2017, domestic workers were afforded the legal protections extended to other categories of workers. The Act was compatible with the ILO Domestic Workers Convention, 2011 (No. 189). Domestic workers in Qatar had to be between the ages of 18 and 60 years and were entitled to paid leave and other benefits. Discrimination on grounds of religion or race was prohibited under the Act. Upon leaving their employment — and in some cases even before the expiry of the term of employment specified in the employment contract — domestic workers were also entitled to an allowance amounting to three weeks' wages for every year of service.

22. Disputes over the application of the Act were subject to the provisions of the section on settlement of labour disputes contained in the Labour Code (Act No. 14 of 2004), as amended. Violations of Act No. 15 were punishable by fines of up to 10,000 riyals. A model employment contract had been drafted by the Ministry of Administrative Development, Labour and Social Affairs and translated into 10 of the main languages spoken by workers in Qatar. The Ministry had also organized seminars and workshops to raise awareness of the new Act and ensured that the text of the Act had been transmitted to the countries of origin of domestic workers in Qatar. Act No. 11 of 2004 provided for the protection of domestic workers against all forms of violence or abuse and the Criminal Code prohibited ill-treatment or corporal punishment of those workers. The relevant ministries worked in a coordinated manner to ensure the best legal protection for domestic workers.

23. Act No. 14 of 2004 and Act No. 13 of 1990 contained provisions concerning migrant workers' access to justice. Committees had been established for the rapid

resolution of disputes between workers and employers. In the past, migrant workers had often simply returned to their country of origin in the event of a dispute, rather than going through a lengthy court process to have their rights upheld. In the first instance, disputes between employers and workers could be submitted to the Department of Labour Relations for resolution. However, if the parties did not agree with the Department's proposed solution, the case would be transferred to one of the dispute resolution committees. Migrant workers could file complaints with the Ministry of Administrative Development, Labour and Social Affairs by email or in person and were entitled to free legal assistance. The relevant information on employment disputes and workers' rights had also been translated into the 10 most common languages used by migrant workers.

24. **Mr. Faisal bin Abdulla Al-Henzab** (Qatar) said that the efforts being made by Qatar in relation to migrant workers' rights, including with regard to a number of the issues raised by the Committee, had been praised during the session of the ILO Governing Body earlier that month. Qatar strove to act on its commitments and to take concrete action to implement policies in such areas as workplace health and safety, labour inspections and wage protection, in line with international standards.

25. **Ms. Dah** (Country Rapporteur) said that she welcomed the positive updates provided by the delegation, notably that the State party would finalize its new common core document in 2019 and would consider ratifying the amendment to article 8 (6) of the Convention, making the optional declaration under article 14 to recognize the competence of the Committee to receive and consider communications, and establishing 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. Although the State party had already made considerable legislative efforts, a number of laws were still in need of amendment. For example, while she understood that it was a question of sovereignty, the State party should review the Nationality Act.

26. It seemed to her that women did not occupy the place they deserved in Qatari society. In order for a society to progress, women must be given their rightful place in all fields, including politics and the justice system. Although the Committee was obviously not specialized in discrimination against women, it was concerned with intersecting forms of discrimination. She wished to know why, of a total of 45 members, only 4 women had been appointed to the Shura (Advisory) Council. She would be interested to hear whether, rather than relying on foreign nationals to fill vacant posts in the justice system, Qatari women might be encouraged to pursue legal professions. Welcoming the announcement that a woman had been appointed to a senior position in the Ministry of Foreign Affairs, she asked for clarification of her role. She wished to know whether the State party might consider training women to carry out labour inspections in private homes employing domestic workers.

27. Noting that the right to family reunification was contingent on the migrant worker's salary, she said that perhaps the criteria could be expanded to include also the projected duration of the worker's stay in Qatar. On the issue of discrimination based on nationality, she would be interested to know the updated total number of bilateral agreements concluded with sending States. The delegation might also comment further on the living conditions of migrant workers. She would like to know whether there were any plans to draft new criminal legislation on rape, which was a growing problem, and what was being done to remedy the situation of pregnant women and children in detention.

28. **Mr. Kut** (Follow-up Coordinator) said that the Committee had taken good note of the point made by the delegation that some of the recommendations highlighted by the Committee in its previous concluding observations for follow-up within one year could very well take more than one year to complete. Nonetheless, based on the information provided in the State party report, it was not possible to conclude that the Committee's earlier recommendations had been satisfactorily implemented. He would therefore be grateful if the State party could report more positively in the next review period.

29. **Mr. Avtonomov** said that he would be interested to hear about the impact of measures taken by the Government to regulate the process of recruiting foreign workers, such as the conclusion of bilateral agreements and the certification of employment contracts

by the Qatari authorities, and whether the electronic contract system was operational. He would also be interested to hear what was being done to ensure that migrant workers were not charged recruitment fees and that contracts signed in sending countries were not altered in Qatar.

30. **Mr. Yeung Sik Yuen** said that, with reference to paragraph 122 of the State party report, he would like to know which State authorities were competent to approve and certify the employment contracts entered into by foreign workers and their employers, and whether they were adequately staffed to examine each contract individually. He would also appreciate details of the prescribed terms and regulations that applied to that process. He would be interested to know of any cases in which the authorities had identified abusive contractual terms, whether there were any media campaigns highlighting abusive clauses that were not permitted, whether the State authorities provided any model contracts to guide employers and employees, and whether the rulings of the committees for the resolution of labour disputes were publicized.

31. **Mr. Murillo Martínez** said that he would like to know whether the contributions made by Qatar to funds for victims of trafficking and slavery included victims of the transatlantic slave trade in the Americas.

The meeting was suspended at 12.05 p.m. and resumed at 12.20 p.m.

32. **Mr. Diaby** said that he would welcome further information on the risk of statelessness and statistics on the number of cases of withdrawal of Qatari nationality. Did the authorities ensure that an individual would be able to obtain another nationality before stripping him or her of Qatari nationality? He wished to know whether the State party planned to ratify the Convention on the Reduction of Statelessness. He would appreciate statistics on the cases handled by the committees for the rapid resolution of labour disputes. Lastly, he wished to know whether decisions on asylum applications could be appealed.

33. **Ms. Al-Kuwari** (Qatar) said that the State had concluded 36 bilateral agreements and 5 memorandums of understanding with sending countries to ensure that migrant workers were protected throughout the recruitment process. Sending countries were requested to provide a list of accredited recruitment agencies. The Ministry of the Interior, the Ministry of Administrative Development, Labour and Social Affairs and the Ministry of Health had signed an agreement with a company in Singapore with a view to ensuring that migrant workers underwent medical examinations and signed an employment contract before travelling to Qatar.

34. A project promoting best practices for the protection of migrant workers was being implemented in stages, with ILO support. By ensuring that migrant workers could not enter Qatar unless they had signed a lawful employment contract, the Government was helping to reduce the risk of human trafficking. Under a resolution issued in 2005, employers and recruitment agencies were prohibited from imposing fees on migrant workers. Act No. 21 of 2015 had increased the maximum penalty for confiscation of a migrant worker's passport or travel document to 25,000 riyals, while regulations laid down the requirements for decent housing. A fund for the protection of the rights of migrant workers had been established, under legislation that had been passed in 2018. That fund was used to provide compensation for migrant workers involved in legal proceedings and to expedite their return to their country of origin.

35. **Ms. Al-Abdulla** (Qatar) said that the Housing Act (Act No. 2 of 2007) was implemented without distinction as to gender. Women were entitled to apply for their own housing under that legislation. The Ministry of Administrative Development, Labour and Social Affairs considered applications for housing on a case-by-case basis. Priority was given to certain categories of applicant; however, the success of an application was not conditional upon the applicant having dependants. Individuals living in social housing for persons with disabilities could apply to move into mortgaged housing. The mortgage scheme was financed by the Qatar Development Bank. The Ministry was currently looking into around 200 cases in which the processing of the housing application had been delayed or the necessary loan repayments had not been made.

36. **Mr. Al-Mohannadi** (Qatar) said that the Criminal Code had been amended in 2004 to include a section on crimes of honour. Article 279 of the Code stipulated that the rape of a woman was punishable by life imprisonment or the death penalty. Higher penalties were applicable in cases where the victim was in the care or under the control of the perpetrator.

37. **Mr. Ali Taleb Al-Henzab** (Qatar) said that there had been only two cases of detention of domestic workers; in both cases, the workers had been detained with their children.

38. **Ms. Al-Sowaidi** (Qatar) said that the Qatar National Vision 2030 covered human rights issues, including the empowerment of women. A number of senior diplomats were women, such as the Ambassador of Qatar to Sweden, and the overall representation of women in the diplomatic corps and the judiciary had increased. The State would continue taking measures to enhance the role of women in society, in accordance with the 2017–2022 National Development Strategy.

39. **Ms. Al-Marri** (Qatar) said that the Government was taking the necessary measures to prevent discrimination, in accordance with articles 34 and 35 of the Constitution. Racial discrimination had been criminalized in various pieces of legislation, including the Printing and Publishing Act of 1979, as well as under articles 256 and 263 of the Criminal Code. The independence of the judiciary was enshrined in the Constitution.

40. **Ms. Al-Sulaiti** (Qatar) said that various measures had been taken to raise awareness of racial discrimination and to promote the principles of human rights, peaceful coexistence, equality, sustainable development and tolerance. The Government had produced guides for primary and secondary school teachers and had organized seminars, competitions and training workshops on those topics. The national programme that had been launched in the framework of the United Nations Alliance of Civilizations was designed to give students a better understanding of other cultures and to foster dialogue between young people from around the world; a competition had been organized as part of that programme, the results of which would be announced shortly. A programme on intercultural dialogue was being implemented, with support from the United Nations Educational, Scientific and Cultural Organization (UNESCO); as part of that initiative, a booklet on the right to education had been distributed to raise parents' awareness of the importance of education.

41. **Ms. Dah**, thanking the State party for its commitment to cooperating fully with the Committee, said that the dialogue had revealed that, in Qatar, the rights enshrined in the Convention were not granted to all persons without distinction, and respect for those rights was not universally enforced. In its concluding observations, the Committee would emphasize the need for the State party to adopt special measures in order to place all persons on an equal footing, in accordance with the Convention and the Committee's general recommendation No. 32 on the meaning and scope of special measures in the Convention. In drafting its recommendations and conducting follow-up thereon, the Committee would take into account the feasibility of implementing the recommended measures within the allotted time period. She hoped that the State party would fulfil the commitments that it had made during the dialogue.

42. **Mr. Faisal bin Abdulla Al-Henzab** (Qatar), thanking the Committee for a fruitful dialogue, said that there was strong political will in Qatar to ensure the full implementation of the Convention. In recent years, his Government had taken many measures to enable citizens to exercise their rights in accordance with the relevant international treaties. It would continue to engage in international cooperation; to amend national legislation in order to ensure compliance with the Convention; and to organize training courses on the elimination of racial discrimination and the implementation of the Convention, including in collaboration with the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region. Lastly, it would consider the Committee's concluding observations carefully and disseminate them to all State agencies.

43. **The Chair** said that the State party could provide additional information in writing within 48 hours. He welcomed the progress made by Qatar and wished to thank the delegation for engaging in a dialogue of such high quality.

The meeting rose at 1 p.m.