



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Eightieth session

13 February – 9 March 2012

Consideration of reports submitted by states parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Qatar

1. The Committee considered the thirteenth to sixteenth periodic reports of Qatar, submitted in one document (CERD/C/QAT/13-16), at its 2151st and 2152nd meetings (CERD/C/SR.21512152), held on 29 February and 1 March 2012. At its 2163rd meeting (CERD/C/SR.2163), held on 8 March 2012, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined thirteenth to sixteenth periodic reports of the State party. However, it is noted that the periodic report is not completely in line with the Committee's reporting guidelines. The Committee emphasized the importance of the timely submission of the report to ensure a continuous analysis of the implementation of the Convention in the State party.

3. The Committee welcomes the open and constructive dialogue with the high-level delegation and expresses its appreciation for the oral presentation and replies provided by the delegation during the consideration of the report. The Committee also welcomes the delegation from the National Human Rights Committee and their contribution to the dialogue with the State party.

B. Positive aspects

4. The Committee notes with satisfaction the State party's continuing efforts to improve its legal framework to ensure greater protection of human rights of its citizens and foreign residents in Qatar, including;

- (a) Adoption of the Permanent Constitution of the State of Qatar in 2004;

(b) Enactment of Act no 12 of 2008 establishing the Supreme Constitutional Court;

(c) Enactment of the Labour Code No. 14 of 2004

5. The Committee welcomes the recent accession of Qatar to the Convention on the Elimination of All Forms of Discrimination against Women (29 April 2009) and the Convention on the Rights of Persons with Disabilities (13 May 2008).

6. The Committee notes with satisfaction that, as stated in the oral presentation by the delegation, the Convention has the force of law within the State party thus allowing it to be invoked before the courts of the State party directly in the same manner as national law.

7. The Committee also welcomes the State party's efforts to ensure stronger protection of human rights and implementation of the Convention, including the establishment of:

(a) Qatari foundation to Combat Human Trafficking;

(b) Qatari Foundation for the Protection of Women and Children;

(c) Doha International Centre for Interfaith Dialogue;

(d) Doha Centre for Media Freedom

8. The Committee notes with satisfaction the establishment of the National Human Rights Committee in 2002 in accordance with the Paris Principles and appreciates its work. The Committee strongly urges the State party to give due consideration to the recommendations made by the National Human Rights Committee.

C. Concerns and recommendations

9. The Committee regrets the lack of disaggregated and detailed statistical data on the ethnic and racial composition of the population, including Qatari nationals as well as migrant workers in Qatar.

In accordance with its general recommendation No. 4 (1973) on the demographic composition of the population and paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party provide disaggregated information on the racial and ethnic composition of the population, including non-citizens, as well as statistical data regarding socio-economic status of different groups in its next periodic report in order to assist the Committee to effectively assess the achievements made by the State party in implementing the Convention.

10. The Committee regrets that the State party has not yet adopted a definition of racial discrimination that is in line with article 1 of the Convention (art. 1).

Recalling its general recommendation 14 (1993) on article 1, the Committee recommends that the State party incorporate into national law a definition of racial discrimination that is in line with article 1 of the Convention.

11. The Committee notes with appreciation the information provided by the State party on various articles addressing racial and religious discord in Qatari society, including article 47 of the Printing and Publishing Act of 1979, article 2 (11) of the decision issued by the Minister of Information and Culture in 1992 prohibiting the dissemination of ideas based on racial hatred, and article 256 of the Criminal Code. The Committee is, however, concerned that the current provisions are not in line with article 4 of the Convention (art. 4).

The Committee recommends that the State party revise its Criminal Code in order to introduce and implement a specific provision in full compliance with article 4 of the

Convention that prohibits dissemination of ideas based on racial superiority or hatred, incitement of racial hatred and discrimination, and prohibition of organizations which promote and incite racial discrimination. In this regard, the Committee draws the attention of the State party to its general recommendations No. 7 (1985) on legislation to eradicate racial discrimination and No. 15 (1993) on article 4 and reminds the State party of its obligation to ensure that such legislation is effectively enforced.

12. The Committee notes that article 9 of the Labour Code stipulates that all contracts, other documents and instruments provided for under the Labour Code shall be in Arabic. The Committee is concerned that the majority of workers who are foreigners may have difficulty understanding the documents, which effectively prevents them from making informed consent regarding their employment (art. 5).

The Committee requests clarification of article 9 of the Labour Code and recommends that the State party revise the provision to ensure that contracts and other documents under the Labour Code concerning their employment are provided in the languages of the migrant workers.

13. The Committee notes with concern that domestic workers are not protected under the Labour Code. The Committee understands that domestic work is regulated under bilateral agreements with sending countries. The Committee is concerned that such bilateral agreements may lead to discrimination prohibited under article 5 of the Convention, including the right to equal pay for equal work (art. 5).

The Committee requests the State party to provide more information on the contents of bilateral agreements with sending countries in its next periodic report. Furthermore, the Committee recommends that the State party ratify the International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

14. The Committee also notes the Domestic Workers' Bill, which is to be adopted by the Cabinet in June 2012 but regrets that there is a lack of information regarding the contents of this Bill (art. 5).

The Committee requests that the State party provide it with information regarding the contents of the Bill and the process of its adoption. In this regard, the Committee recalls its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination and strongly urges the State party to put in place effective measures to address multiple-discrimination against female domestic workers including in their places of work.

15. The Committee welcomes the efforts made by the State party to improve the sponsorship programme to provide a stronger protection to migrant workers. However, the Committee is concerned that despite the legal provisions prohibiting conduct such as passport and wage withholding by sponsors, the fundamental nature of the sponsorship programme increases the dependency of the migrant workers on sponsors rendering them vulnerable to various forms of exploitation and abuses (arts. 5 and 6).

The Committee recommends that the State party ensure that the legal provisions protecting the rights and freedoms of the migrant workers under the sponsorship programme are fully enforced and provide effective legal remedies to migrant workers whose rights are violated.

16. The Committee notes with concern the discriminatory provision of the law on nationality, which prevents Qatari women who are married to non-citizens from transmitting Qatari nationality to their children, which has the potential to lead to stateless status of children (art. 5).

Recalling its general recommendation No. 30 (2005) on discrimination against non-citizens and especially its paragraph 16 on reducing statelessness and in particular among children, the Committee recommends that the State party revise its nationality laws to allow Qatari women to transmit their citizenship to their children without discrimination.

17. The Committee welcomes the humanitarian spirit demonstrated by the Government of Qatar in helping refugees fleeing Libya during the crisis in the country, as well as its efforts in helping Somali internally displaced populations and other populations needing assistance. However, the Committee notes with concern that Qatar has not ratified the 1951 Convention relating to the Status of Refugees.

In this regard, the Committee recalls its general recommendation No. 22 (1996) on article 5 and on refugees and displaced persons and requests more information on the legal framework protecting refugees and asylum-seekers and recommends that Qatar ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocols.

18. The Committee notes with concern the restrictions imposed on migrant workers and foreign residents in buying and owning property in Qatar (art. 5).

The Committee would like to receive more information on the protection of the right to property of migrant workers. In this regard, the Committee recalls its general recommendation No. 30 (2005) and reiterates that article 5 of the Convention prescribes the obligation of the State party to prohibit and eliminate racial discrimination in the enjoyment of civil, political, economic, social and cultural rights.

19. While noting with appreciation the efforts made by the State party to sensitize all stake-holders on human rights, including the rights protected under the Convention, the Committee notes with regret the limited information on the complaints received by the various human rights departments regarding racial discrimination. The Committee emphasizes that the lack of complaints by victims of racial discrimination may be indicative of a lack of specific legislation, ignorance of the remedies available, fear of social censure or reprisals or unwillingness due to their vulnerable status to institute legal proceedings on the part of the competent authorities (art. 6).

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 recommends that the State party continue to raise awareness of legislation on racial discrimination, ensure members of vulnerable groups in particular non-citizens, including migrant workers and domestic workers, are informed of the avenues of legal redress available to them, simplify the available remedies and facilitate access thereto. The Committee further requests that the State party include in its next periodic report comprehensive details of complaints lodged and outcomes of the complaints.

20. The Committee is concerned that certain political rights are not fully enjoyed by naturalized citizens on an equal basis with citizens born in Qatar. The Committee notes that although such legal restrictions are not practiced in reality, the mere existence of such restrictions poses a threat to the full enjoyment of political rights by all citizens (art. 5).

The Committee recommends that the State party revise its laws regarding political rights, such as the right to vote and the right to stand for election, to guarantee that such rights are fully enjoyed and exercised by all citizens without any discrimination based on race, colour, descent, or national or ethnic origin or any other status.

21. The Committee notes the measures and initiatives adopted by the State party to guarantee human rights training and raise awareness, including the establishment of the

Youth Human Rights Association. However, the Committee is concerned that racist stereotypes persist in Qatar (art. 7).

The Committee recommends that the State party step up its efforts to provide human rights training, placing a particular focus on the fight against racial discrimination, and increase its efforts to raise awareness of the need for tolerance, interracial or inter-ethnic understanding and intercultural relations among law enforcement officials, specifically, police officers and gendarmes, members of the judiciary, prison officers and lawyers, and also among teachers. It also recommends that the State party continue its efforts to raise public awareness and knowledge of the importance of cultural diversity, understanding and tolerance, especially in respect of vulnerable population groups.

22. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the 1990 International Convention on the Protection of the rights of all migrant Workers and Members of Their Families.

23. In light of its general recommendation No. 33 (2009) on 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, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

24. The Committee recommends that the State party continue consulting and expanding its dialogue with civil society organizations working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 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 resolutions 47/111. In this connection, the Committee cites General Assembly resolutions 61/148 and 63/243, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

26. 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 observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

27. Noting that the State party has not submitted its core document, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN.2/Rev.6, chap. I).

28. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information,

within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 14, 17 and 18 above.

29. The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 9, 13, 19 and 23 above and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

30. The Committee recommends that the State party submit its seventeenth and twentieth periodic reports in a single document by 21 August 2015, taking into account the specific reporting guidelines adopted by the Committee at its seventy-first session (CERD/C/2007/1), and addressing all the points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, chap. I, para. 19).
