

Immigration Detention in Qatar

About the Global Detention Project

The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

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Abstract

Qatar has been under intense scrutiny since it was selected to host the 2022 World Cup games. The international spotlight has brought widespread attention to the abuses that foreign workers face in the country. Despite official promises of reform observers argue that little has changed for most of the country's 1.5 million migrant labourers, an increasing number of whom have been targeted for detention and removal in recent years.

Introduction

The State of Qatar has been under intense scrutiny since it was selected by the Fédération Internationale de Football Association (FIFA) to host the 2022 World Cup games. The international spotlight has brought widespread attention to the abuses that foreign workers face in the country. Despite official promises of reform, observers argue that little has changed for most of the country's 1.5 million migrant labourers.¹

Foreigners, described as “expatriates” in Qatari immigration law, account for 90 percent of the country's population of 2.2 million. The migrant population experienced a record surge in 2014, increasing by a record 10 percent, driven in part by a spike in labour needs related to World Cup preparations.²

Central to the challenges facing foreigners in Qatar is the country's Sponsorship Law, which ties foreign workers to their employers. The kafala (“sponsor”) system has been harshly criticized for enabling the mistreatment of workers. The law also specifically provides for immigration detention measures and thousands of people have been detained in recent years, sometimes for periods lasting more than a year.³ In one well known case, a Nepali worker languished for 17 months in a detention centre as the Ministry of Interior failed to secure his departure formalities because he was under a travel ban stemming from problems with his previous sponsor. He was only released and allowed to board a flight back to Nepal after the intervention of human rights groups.⁴

Responding to pressure to reform its kafala system, the country announced in May 2014 that it intended to abolish its sponsorship scheme and replace it with a system based on labour contracts.⁵ In October 2015, the country announced that it had adopted reforms as part of its new sponsorship law (Law No. 21 of 2015). According to Human Rights Watch (HRW), although the new law refers to “recruiters” instead of “sponsors” it still requires “low-paid migrant workers to get their employer's

¹ Amnesty International, “Promising little, delivering less,” May 2015,

http://www.amnestyusa.org/sites/default/files/qatar_may_2015_briefing_formatted_final_version.pdf.

² Le Figaro, “La population du Qatar a augmenté de 10%,” 4 February 2015, <http://www.lefigaro.fr/flash-eco/2015/02/04/97002-20150204FILWWW00173-la-population-du-qatar-a-augmente-de-10.php>.

³ Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014, http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

⁴ Migrant-Rights.org, “Trapped Nepali Worker Leaves Qatar after 13 Years; Systemic Issues Still Cause for Concern,” 19 October 2014, <http://www.migrant-rights.org/2014/10/trapped-nepali-worker-leaves-qatar-after-13-years-systemic-issues-still-cause-for-concern-2/>.

⁵ AFP, “Qatar to end sponsorship system for foreign workers,” AFP, 14 May 2014.

permission to change jobs or to leave the country” and thus “prevents workers from leaving abusive employers.”⁶

Recent press reports and investigations by human rights groups have highlighted a range of problems associated with Qatar’s labour practices, including: large numbers of deaths at construction sites since the country won the World Cup bid⁷; protection gaps in the recruitment process (including charging fees of workers and misrepresentation of working hours and conditions); passport confiscation and failure to issue workers with residence permits; forced labour; and the failure to issue exit visas for workers wishing to leave.⁸

Some of these reports have mentioned issues related to detention and deportation, depicting a systemic pattern showing that migrant workers are mostly at risk of detention as a result of problems related to their working conditions. Migrants flee abusive conditions; employers report them as “absconders,” which turns them into illegal residents; they are arrested, sentenced to prison terms, and then kept in detention until deported.⁹

Qatar has also received considerable attention recently from international organisations. In November of 2013, the UN Special Rapporteur on the Human Rights of Migrants visited Qatar, his first visit to a Gulf country. The rapporteur’s mission report, in addition to highlighting some of the structural problems of the sponsorship scheme and abusive work conditions, devoted an entire section to detention and included the Special Rapporteur’s observations based on his visit to a detention centre.¹⁰

Like its Gulf neighbours, Qatar is politically restrictive and lacks transparency. However, it has sought to burnish its international reputation by being more open to visits from rights actors and non-governmental organizations, a trend that has been reinforced since Qatar’s selection to host the 2022 FIFA World Cup games. As a result, some information about immigration-related detention has also come to light.

Nevertheless, Qatar has strong censorship practices that make researchers and journalists vulnerable to arrest. In May 2015, for example, authorities arrested and detained a BBC team—who had been invited to Qatar by the Prime Minister’s office—for reporting on World Cup labourers. In September 2014, two British researchers commissioned by a Norwegian non-governmental organization to carry out research on migrants labour issues were held incommunicado for six days. Following an international media and civil society outcry, the Qatari authorities acknowledged holding the men in custody and subsequently released them.¹¹

⁶ Human Rights Watch, “Qatar: New Reforms Won’t Protect Migrant Workers,” 8 November 2015, <https://www.hrw.org/news/2015/11/08/qatar-new-reforms-wont-protect-migrant-workers>.

⁷ Owen Gibson, “Qatar government admits almost 1,000 fatalities among migrant workers,” The Guardian, 14 May 2014.

⁸ Human Rights Watch, “Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022,” June 2012, http://www.hrw.org/sites/default/files/reports/qatar0612webwcover_0.pdf; Amnesty International, “The Dark Side of Migration: Spotlight on Qatar’s Construction Sector Ahead of the World Cup,” November 2013, <http://www.amnesty.org/en/library/asset/MDE22/010/2013/en/ca15040d-290e-4292-8616-d7f845beed7e/mde220102013en.pdf>.

⁹ Andrew Gardner, Silvia Pessoa, Laura Harkness, “Labour migrants and access to justice in contemporary Qatar,” London School of Economics and Political Science Middle East Centre, November 2014, <http://www.lse.ac.uk/middleEastCentre/publications/Reports/LabourMigrantsQatarEnglish.pdf>.

¹⁰ Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014, http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

¹¹ Mark Lobel, “Arrested for reporting on Qatar’s World Cup labourers,” BBC, 18 May 2015, <http://www.bbc.com/news/world-middle-east-32775563>; Global Network for Rights and Development, “Qatar’s detention of BBC journalists part of a pattern: GNRD,” GNRD News, 19 May 2015, <http://www.gnrdr.net/seemore.php?id=1615>.

In an effort to develop a profile of Qatari immigration detention practices, the Global Detention Project (GDP) interviewed representatives of the UN Office of the Special Rapporteur on Human Rights of Migrants, human rights researchers, worker’s rights activists, as well as an expatriate worker who had been deported from Qatar. The GDP also requested interviews with the Qatar National Human Rights Committee (NHRC), the Qatar Foundation to Combat Human Trafficking (FCHT), and various sending country embassies. The NHRC and FCHT never responded to our requests while the embassies expressed reluctance to provide information.

Laws, Policies, and Practices

Qatar is a constitutional monarchy with hereditary rule by males in the emir’s branch of the Al Thani family, which has ruled since 1868. Article 36 of the 2004 Constitution provides: “Personal freedom shall be guaranteed and no person may be arrested, detained, searched, neither may his freedom of residence and mobility be restricted save under the provisions of the law; and no person may be subjected to torture, or any degrading treatment; and torture shall be considered a crime punishable by law.”

Grounds for detention and deportation. The legal framework governing immigration-related detention in Qatar is provided in “Law No. 4 of 2009, Regulating the Entry and Exit of Expatriates in Qatar and Their Residence and Sponsorship” (the “Sponsorship Law of 2009”). Like other Gulf countries, immigration-related detention includes both criminal and administrative forms of deprivation of liberty. Administrative immigration detention is linked to deportation. The only explicit reference to administrative immigration-related detention provided in Qatari law is found in Chapter Five of the law, “Deportation and the Order to Leave the State.” Article 38 authorizes the Interior Minister to arrest/detain an expatriate who has been ordered exiled or deported for thirty days, “renewable or several similar periods.”¹²

The Sponsorship Law provides a number of grounds for deportation of foreigners from Qatar. Article 37 provides for the deportation of any expatriate whose presence in Qatar poses a threat to national security or may damage the national economy or public health or morals.

As detailed below in the section on “Criminalisation,” there are additional provisions in the Sponsorship Law that penalise certain immigration violations with incarceration.

Criminalisation. The 2009 Sponsorship Law provides criminal sanctions for violations of status-related provisions, which are enumerated in Chapter Seven of the law. Article 51 provides that a person may be fined up to 50,000 Qatari Riyals (approximately \$13,700 U.S.) and/or jailed for up to three years for violations of: Article 2 (not holding valid passport/travel document and/or visa to enter Qatar); Article 3 (failure to enter/exit the country through authorized ports of entry/exit); Article 10 (2) (remaining in Qatar beyond visa validity or failing to obtain a residence permit); Article 11 (staying in Qatar in breach of purpose for which one originally entered, and/or failing to leave when business is completed); Article 39 (2) (failure to comply with a deportation order/order to surrender); and Article 48 (violating purpose of residence permit).

Employers and sponsors often retain workers’ passports and fail to provide them with a valid Qatar ID, which makes migrant workers vulnerable to charges of illegal residence or not holding valid ID. One human rights researcher told the GDP that a common ground for detention is Article 11 of the Sponsorship Law, which stipulates that expatriates must not breach the purpose for which they were granted residence. The researcher added that another important ground is Article 37, allowing for detention and deportation of those deemed to be a threat to the state, which is often applied against

¹² Hala Al Hali, *Workers Rights Book*, National Human Rights Committee, June 2009.

workers who have absconded (as they may “damage the national economy or public health or morals”).¹³

A worker’s rights activist also interviewed indicated that fear of detention is commonly expressed among migrants who are almost “exclusively detained for charges of having an expired ID card of residency permit, or for ‘absconding.’ The authorities frequently check the validity of ID cards of certain categories of workers (primarily in the construction and service industry) to ensure they are not ‘illegally residing in Qatar.’ Although it is the legal responsibility of the employer to obtain the residency permit of a worker and to renew it (and in fact the worker cannot do so himself), it is the employee who is fined 10 Qatari Riyals per day for overstaying and he is the one who is punished. When workers leave one sponsor to work elsewhere (usually because they are offered a higher wage, or they are being exploited by the current sponsor), the initial employer may not agree to let them join a different company. If the workers leave without permission, the initial employer would classify them as ‘runaways’ or ‘absconders’ and the authorities are allowed to detain and/ or arrest them for working with a different employer.”¹⁴

Length of detention. Article 38 of the 2009 Sponsorship Law provides for the arrest and 30-day detention of an expatriate who has been ordered deported. This can be renewed as often as deemed necessary. There is thus no time limit placed on this form of administrative detention. An Amnesty International (AI) researcher was told by officials that the normal length of detention in the deportation centre is seven to ten days.¹⁵ However, according to the UN Special Rapporteur, detention can last up to a year.¹⁶

The rapporteur told the GDP that the length of detention was variable, depending on how the sponsor chooses to deal with the situation. During his visit, he was informed of numerous cases where detention was approaching the one-year mark, and reasons for delay typically had to do with either the sponsor’s refusal to grant an exit visa or sign a “no objection certificate” to the migrant’s departure from Qatar.¹⁷

Non-custodial measures (“alternatives to detention”). Article 39 states that if a deportation order has not been executed the Minister may “force the Expatriate to reside in a specific area for two renewable weeks in lieu of arresting him for a period or other similar periods. Accordingly, the expatriate has to surrender himself to the security department of the same area on the dates provided in the issued order until exiling or deporting him.” However, the GDP has not come across information about implementation of this provision.

During his 2013 visit, the Special Rapporteur found that “a large number of detainees” wished to return to their home countries and thus there was little risk of their absconding from removal proceedings. In these cases, he concluded, “detention is not necessary and thus a violation of that person’s rights.” In his report, the rapporteur recommended “Qatari authorities to systematically rely on non-custodial measures rather than detention. An individual assessment of the necessity of

¹³ James Lynch, Amnesty International Researcher (United Kingdom), Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 3 February 2014.

¹⁴ Aakash Jayaprakash, activist (Doha), Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 30 January 2014.

¹⁵ James Lynch, Amnesty International Researcher (United Kingdom), Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 3 February 2014.

¹⁶ Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014, http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

¹⁷ François Crépeau, UN Special Rapporteur on Human Rights of Migrants (Geneva, Switzerland), Skype interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 20 January 2014.

detention should be undertaken in all cases, in accordance with international human rights standards, and non-custodial measures should always be considered before detention.”¹⁸

According to the rapporteur, additional alternative measures include housing in shelters. “The Special Rapporteur was informed that some migrants asked to be kept in the deportation centre because they had no place to live. Keeping such people in a shelter would not only be much cheaper than detaining them, but would also better respect the human rights and dignity of those concerned. ... The capacity in such shelters should be expanded and new shelters should be established for all migrants in difficult situations, men, women and children.”¹⁹

Procedural standards, challenging detention. According to informants, there is little possibility of challenging detention or deportation orders. This is due both to the restrictive nature of the sponsorship scheme and the fact that procedures to obtain relief from detention/deportation are not readily available to migrants. There is also no legal aid and significant language barriers. According to AI, it found only 50 successful cases in which deportation orders were challenged (out of thousands).²⁰

One activist told the GDP that he has seen many cases where workers have filed labour complaints, which are sometimes referred to the Ministry of Justice, but that more often than not, he has seen that workers appear and sponsors do not. However, instead of deciding in favour of the worker, the case gets rescheduled and can drag on for months, until the worker decides to give up.²¹

In his report, the UN expert reported: “The Special Rapporteur is concerned that detainees have limited ability to contact their families, limited access to legal assistance or consular services and virtually no professional interpretation services. Access to a phone was not guaranteed for those who did not have money to pay for the pay phone and mobile phones were confiscated. The detainees therefore had difficult access to the outside world and little knowledge about complaint mechanisms and how to challenge their detention. The detainees reported that there was no way for them to make complaints about their detention or the conditions in detention. Some of them had spent several months in the deportation centre and lacked information about their situation, not knowing why they were there or what would happen to them. In general, the detainees that the Special Rapporteur met had little or no information in a language they could understand about the reasons for their detention or its duration and little or no consular access or means of challenging their detention and/or deportation.”²²

Asylum seekers. Qatar is not a signatory to the 1951 Refugee Convention or its 1967 Protocol and there is no domestic legislation explicitly providing for the granting of asylum or refugee status. According to statistics maintained by the UN High Commissioner for Refugees, a very small number of individuals are registered with their office as refugees and/or asylum seekers in Qatar.

Trafficked persons. Qatar enacted comprehensive anti-trafficking legislation, Law No. 15, in October 2011. The law prohibits all forms of trafficking and prescribes penalties including fines (the equivalent of \$82,000) and imprisonment of up to 15 years. Under Article 9 of the 2009 Sponsorship law, employers are to return a worker’s passport to him/her upon completion of procedures to obtain

¹⁸ Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014, http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

¹⁹ Ibid.

²⁰ Amnesty International, “The Dark Side of Migration: Spotlight on Qatar’s Construction Sector Ahead of the World Cup,” November 2013, <http://www.amnesty.org/en/library/asset/MDE22/010/2013/en/ca15040d-290e-4292-8616-d7f845beed7e/mde220102013en.pdf>.

²¹ Undisclosed source (Activist-Doha), Interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 14 December 2013.

²² Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014, http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

a residency permit, however, as will be discussed below, the majority of employers fail to comply with this provision.

The country operates an official shelter for women and children, providing access to medical and psycho-social care, repatriation assistance, and legal aid to trafficking victims.

However, according to the 2013 U.S. State Department Trafficking in Persons Report (TIP Report), despite making some efforts, the government of Qatar does not fully comply with the minimum standards for the elimination of trafficking. Implementation of the law remains a serious issue, and trafficking offenses are under prosecuted.

According to the TIP Report, several factors—including employers' retention of workers' passports, recruitment fees paid by workers in home countries, and the non-payment of wages—demonstrate that trafficking is a serious concern in Qatar that has not been adequately addressed.

Minors. The office of the UN Special Rapporteur informed the GDP that children and migrant women who become pregnant outside of marriage are imprisoned because extra-marital relationships are criminalized (many Gulf countries, including Kuwait and Saudi Arabia, apply similar measures). Some of the women are reportedly detained with their children at the country's dedicated immigration detention facility.²³

Commenting on the detention of children and pregnant women in Qatar, the UN expert said in his report: "There were several pregnant women in the deportation centre during the visit of the Special Rapporteur. The Special Rapporteur deeply regrets this practice. The authorities should either facilitate their return to their countries, or house them in shelters. Similarly, children should never find themselves in detention: migrant women with children should always be hosted in shelters. While there were no children in the deportation centre during his visit, the Special Rapporteur was informed by several sources that women with small children are routinely kept in the deportation centre and he was told that approximately 10 women with children had been removed from the centre the day preceding his visit."²⁴

Access to detainees. Based on numerous conversations with sources in Qatar, it seems clear that there are mechanisms in place that enable access to people held in immigration detention. Embassy representatives are granted access to their nationals. Also, the country's deportation facility has regular visiting hours. However, because this facility is located outside the urban centre and there is no nearby public transportation, it is difficult for family members to visit. Both the UN Special Rapporteur and AI told the GDP that their visits to the detention centre were facilitated by the Qatari National Commission for Human Rights. Journalists and researchers wishing to visit the facility can seek permission from the Ministry of Interior.

Access to information. Although the Qatari authorities have been relatively open to visits by foreign delegations wishing to research migrant worker issues, access to detailed information and statistics remains a significant problem. For instance, authorities do not provide statistics on the numbers of migrants detained and deported. The UN Special Rapporteur informed the GDP that one official in the Ministry of Interior claimed that statistics were not kept.²⁵ AI stated that only when pressed did one official in the Ministry of Interior provide him with some numbers.²⁶

²³ Christel Mobeck, Office of UN Special Rapporteur on Human Rights of Migrants (Geneva, Switzerland), Skype Interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 21 January 2014.

²⁴ Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014, http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

²⁵ François Crépeau, UN Special Rapporteur on Human Rights of Migrants (Geneva, Switzerland), Skype interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 20 January 2014.

²⁶ James Lynch, Amnesty International Researcher (United Kingdom), Skype interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 23 December 2013.

The GDP's requests for information and statistics from governmental and other official bodies like the NHRC and the FCHT were ignored.

Detention monitoring. Both the Human Rights Department of the Ministry of Interior and the NHRC are mandated to visit sites of detention and the Committee has investigated conditions at the country's sole specialised immigration detention facility in Doha. The regularity of these monitoring efforts is unclear, however, as the Committee did not grant the GDP an interview. According to its [2014 annual report](#), "The deportation centre is extremely crowded, which affects hygiene and safety standards. The NHRC was informed of a tragic incident whereby a fire started in the prison in September 2014, which results in the death of 5 prisoners. The Ministry of Interior announced the incident the following day. The crowdedness also creates a hostile and tense atmosphere among the detainees, according to testimonies from a group of workers who were released after being detained in the prison."

In his [report on Qatar](#) after visiting the country in 2013, the UN Special Rapporteur highlighted the committee's limitations: "Despite its good will and awareness of the issues, the National Human Rights Committee has limited means and cannot take any decisions, only transfer the complaint to the relevant ministry. The Ministry of Labour can only mediate and if the employer does not agree, the worker has to file a case with the court. Migrants find the division of competencies between the Committee and the Ministries of Labour and Interior confusing." He added: "The Special Rapporteur notes as positive the visits to the deportation centre by the National Human Rights Committee and the Human Rights Department of the Ministry of Interior. However, he believes it is important for Qatar to ratify the Optional Protocol to the Convention against Torture and establish an independent national preventive mechanism tasked with undertaking regular unannounced visits to all places of deprivation of liberty in Qatar."

Foreign workers. Qatar has one of the highest proportions of migrants of any country in the world, who comprise more than 90 percent of its workforce. Considerable international attention has been focused on the abusive conditions faced by foreigner workers in the country since Qatar was selected to host 2022 World Cup.

The main law governing foreign workers in Qatar is the 2009 Sponsorship Law. The law provides that each expatriate granted an entry visa to Qatar must have a sponsor. The foreign worker is then tied to that specific employer, unless, as required by Article 22 of the 2009 Sponsorship Law, the sponsorship is transferred to a new employer by a written agreement between the current/former and new employer, and approved by the Ministry of Labour. Furthermore, Article 26 requires that the sponsor sign the exit permit of a worker before he/she can leave the country.

According to the 2013 U.S. State Department's TIP Report, though many workers "voluntarily migrate to Qatar as low-skilled labourers and domestic servants ... many subsequently face involuntary servitude. According to Qatar University's Social and Economic Survey Research Institute, a November 2012 study found that 86 percent of expatriate workers surrendered their passports to employers. There are also reports of widespread non-payment of wages. Female domestic workers are particularly vulnerable to trafficking due to their isolation in private residences and lack of protection under Qatari labour laws. Many migrant workers arriving for work in Qatar have paid exorbitant fees to recruiters in their home countries—a practice that makes workers highly vulnerable to forced labour once in Qatar. Moreover, Qatar's sponsorship system binds foreign workers to their designated employers, placing a significant amount of power in the hands of employers; because of this, when workers face abuse, they often avoid legal action because of the lengthy recourse process, fear of reprisal, or lack of knowledge of their legal rights."²⁷

²⁷ U.S. State Department, 2013 Trafficking in Persons Report – Qatar, 19 June 2013.

According to the UN Special Rapporteur: “Sponsors are empowered by the Sponsorship Law to prevent migrants from changing employers and from leaving Qatar. The kafala system enables unscrupulous employers to exploit employees. Frequent cases of abuse against migrants include the confiscation of passports, refusal to give “no objection” certificates (allowing migrants to change employer) or exit permits and refusal to pay migrants’ plane tickets to return home. Some employers do not extend residence permits for their employees, often because of the fees incurred. This leads to migrants ending up in an irregular situation, with no valid identity card, despite the fact that they are regularly employed.”²⁸

In October 2015, the country announced that it had adopted reforms as part of its new sponsorship law (Law No. 21 of 2015). According to HRW, although the new law refers to “recruiters” instead of “sponsors” it still requires “low-paid migrant workers to get their employer’s permission to change jobs or to leave the country” and thus “prevents workers from leaving abusive employers.”²⁹

Adherence to international norms. Qatar has not ratified the main international human rights treaties that have provisions relevant to immigration detention and procedural safeguards for detainees (including the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families).

On the other hand, Qatar has ratified the Convention against Torture. During examination of a report by Qatar in 2012, the UN Committee on Torture, which oversees member states’ implementation of the treaty, recommended that Qatar should “ensure that all detainees, including non-citizens, are afforded, in practice, all fundamental legal safeguards from the very outset of detention, including the rights to promptly receive independent legal assistance and a medical examination by an independent doctor, contact relatives, and appear before a judge within a time limit in accordance with international standards.” It also recommended that it “ensure that fully independent monitoring of all places used for deprivation of liberty, including the deportation detention centre” and encouraged it to “accept monitoring of places of detention by non-governmental organizations and relevant international mechanisms.”³⁰

In 2007, after her visit to Bahrain, Oman, and Qatar, the Special Rapporteur on Trafficking in Persons also made relevant recommendations to all three states to ensure that “Migrant workers in detention centres be informed of the reasons of their arrest in a language they understand, be provided with legal assistance if requested, be allowed to make a local or international phone call and have access to their embassies” and that “Screening and identification procedures of trafficked persons in detention centres be systematic. Alternative arrangements, other than deportation or detention centres, should be considered to safely house identified trafficked persons.”³¹

In 2014, ahead of elections of members to the UN Human Rights Council, Qatar pledged to consider “mechanisms to govern the working conditions of domestic workers and reviewing the law on the entry, exit, residence and sponsorship (kafala) of migrants and the labour law with a view to their development.”³²

²⁸ Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014. http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

²⁹ Human Rights Watch, “Qatar: New Reforms Won’t Protect Migrant Workers,” 8 November 2015, <https://www.hrw.org/news/2015/11/08/qatar-new-reforms-wont-protect-migrant-workers>.

³⁰ Committee against Torture, “Concluding Observations on the 2nd Periodic Report of Qatar, Adopted by the Committee At Its 49th Session, 29 October-23 November 2012,” United Nations, CAT/C/QAT/CO/2, 25 January 2013, <http://uhri.ohchr.org/document/index/25564306-801e-4693-9e10-52ecd7a190eb>.

³¹ Human Rights Council, “Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, (Ms. Sigma Huda): Mission To Bahrain, Oman And Qatar,” A/HRC/4/23/Add.2, 25 April 2007, <http://uhri.ohchr.org/document/index/5ee3feb8-7cf9-47c7-87dc-f91ee8e53f50>.

³² Human Rights Council, Letter dated 16 September 2014 from the Permanent Representative of Qatar to the United Nations addressed to the President of the General Assembly, A/69/403, 24 September 2014, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/403.

Detention Infrastructure

Qatar appears to operate one dedicated immigration detention facility, commonly referred to as the Deportation Detention Centre, which is located in Doha. The facility is administered by the Search and Follow-up Department of the Ministry of Interior.³³ It is located in the industrial area outside the city centre, on Salwa Road, and consists of one-story blocks that contain accommodation and dining quarters. Men and women are segregated.

Non-citizens arrested for criminal offenses or convictions, which can include immigration violations, are held at the central prison in Doha. Migrants are additionally held in police stations, but police custody is usually short-term, anywhere from a few hours to 48 hours, before the person is transferred to another facility (or a shelter in the case of domestic workers who are reporting abuse).

In addition to these facilities, the government runs a shelter for trafficking victims. The Special Rapporteur visited the shelter, and during the time of the visit, fifteen women were staying there after alleging that they had been raped by their employers. In contrast to similar shelters in Kuwait, which reportedly operate as de facto detention centres, the Qatar shelter is non-secure, allowing women to leave at their will. However, the Rapporteur was informed that most women do not leave the premises because they lack documents and fear being arrested.³⁴

A researcher for AI visited the deportation centre in 2012 and 2013. He was told that there were roughly 1,000-1,200 men and 250-400 women in the centre during his visits, but that numbers fluctuate month to month, depending on the availability of flights to sending countries. He said that during Ramadan and summer months, the numbers of detainees increase. In terms of nationalities, among males, Nepalis constituted the single largest group of detainees, followed by Indians and Bangladeshis. Among women, the largest numbers were from the Philippines and Indonesia. An interior ministry official also told him that on average, 12,000 migrants are deported from Qatar annually.³⁵

When asked if detention was a “common concern” among workers interviewed, the AI researcher said: “it is difficult to answer, but certainly in cases where groups of migrant workers are facing serious problems (e.g. lacking residence permits, companies denying exit permits, long periods without pay), or where workers are fighting lengthy court cases, workers have been very aware of the possibility of being detained. And we have come across various cases of workers being detained and struggling to be released.”³⁶

Another activist told the GDP that if the authorities truly wanted to crack down on all instances of sponsorship law violation, the scale of immigration detention in the country would be much larger. This person added that large scale detention and deportation would cost the government too much money, and defeats the purpose of having a large, pliant workforce that is afraid of detention and deportation and therefore less likely to report violations of their rights.³⁷

³³ Andrew Gardner, Silvia Pessoa, Laura Harkness, “Labour migrants and access to justice in contemporary Qatar,” London School of Economics and Political Science Middle East Centre, November 2014, <http://www.lse.ac.uk/middleEastCentre/publications/Reports/LabourMigrantsQatarEnglish.pdf>.

³⁴ Christel Mobeck, Office of UN Special Rapporteur on Human Rights of Migrants (Geneva, Switzerland), Skype Interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 21 January 2014.

³⁵ James Lynch, Amnesty International Researcher (United Kingdom), Skype interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 23 December 2013.

³⁶ James Lynch, Amnesty International Researcher (United Kingdom), Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 3 February 2014.

³⁷ Undisclosed source (Activist-Doha), Interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 14 December 2013.

The UN expert who also visited the main deportation centre during his November 2013 visit to Qatar provided similar statistics on the numbers detained. According to the Rapporteur, 1,050 men were present at that time of his visit and 300 women. The males were primarily from Nepal, India, Pakistan, and Bangladesh, and the women were mostly Indonesian or Filipina. He also reported that authorities in Qatar were not forthcoming regarding statistics, claiming that they do not keep them.³⁸

Conditions of detention. Some recent reports concerning the state of Qatar's prisons indicate that they generally meet basic standards although overcrowding appears to be a recurring problem, including at the dedicated deportation centre in Doha, which the NHRC [has recommend expanding](#). According to the U.S. State Department, during 2014, "prisons and detention centers generally provided clean sanitation facilities, potable water, and access to adequate medical care." However, the UN Special Rapporteur found the country's dedicated immigration detention centre "to be overcrowded and unsanitary." According to the rapporteur's report, "Some migrants who had been both in the central prison and the deportation centre, stated that the deportation centre had the worst detention conditions, a remark that fits with an unfortunate pattern of treating migrants with little respect for their dignity."³⁹

According to information the GDP has received, the Doha detention centre appears to have regular visiting days and hours for family and friends, and embassy representatives and lawyers are reportedly able to visit it any day. The AI researcher who visited the facility said that he was unable to assess the overall conditions of the facility but that detainees complained about the quality and adequacy of food and adequacy of time spent outdoors. One of the more disconcerting aspects of his visit was that detainees were not fully aware of the reasons for their detention and did not know what steps they could take to apply for release or return to their countries. Part of the challenge for detainees is that communication with the outside world is very limited (mobile phones are banned in the centre and are taken away from detainees and there appear to be regular problems with landlines in the centre, plus phone cards are expensive). The researcher also told the GDP that there were women detained at the facility who were pregnant or with small children,⁴⁰ a problem also highlighted by the UN Special Rapporteur during his visit in 2014.⁴¹

According to the UN Special Rapporteur, there was serious overcrowding at the facility. Qatari officials told him that they were building a new ward at the facility to accommodate up to 500 women. The rapporteur noted a litany of other problems at the facility, including unsanitary toilets, insufficient bedding, limited access to legal assistance and consular services, no professional interpretation services, no change of clothes, shortage of basic hygienic products, lack of access to outside world, no public transportation to enable visits by family members, and inadequate access to phones.⁴²

The UN Special Rapporteur also highlighted deficiencies in medical treatment: "Several of the migrants the Special Rapporteur met reported different health conditions, both physical and mental, but they had not had adequate medical attention. One housemaid had been beaten and burned by her employer before running away. Another had injured her leg in an accident. One ran away after an attempted rape. Access to a doctor was difficult, with no proper treatment given. The detainees reported that the only medication given was aspirin, regardless of their illness. The Special Rapporteur heard stories of pregnant women in detention not receiving prenatal care, including one

³⁸ Francois Crepeau, UN Special Rapporteur on Human Rights of Migrants (Geneva, Switzerland), Skype interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 20 January 2014.

³⁹ Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014, http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

⁴⁰ James Lynch, Amnesty International Researcher (United Kingdom), Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland. 3 February 2014.

⁴¹ Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Qatar, Twenty-sixth Session, 23 April 2014, http://www.ohchr.org/Documents/Issues/SRMigrants/A-HRC-26-35-Add1_en.pdf.

⁴² Ibid.

who had miscarried inside the deportation centre. It was also reported to the Special Rapporteur that mentally ill persons had been kept in the deportation centre, with no adequate treatment.”⁴³

⁴³ [Ibid.](#)

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