

**Submission by the United Nations High Commissioner for Refugees**

**For the Office of the High Commissioner for Human Rights' Compilation Report**

**Universal Periodic Review: 3rd Cycle, 33rd Session**

## **THE STATE OF QATAR**

### **I. BACKGROUND INFORMATION**

The State of Qatar is not party to the *1951 Convention on the Status of Refugees* or its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). Qatar is neither party to the *1954 Convention relating to the Status of Stateless Persons*, nor the *1961 Convention on the Reduction of Statelessness*. Qatar lacks national legislation on asylum or a comprehensive strategy to deal with persons under UNHCR's mandate. The status of all foreigners, including asylum-seekers and refugees is governed by rules and regulations concerning residency and migration. Furthermore, the Qatari nationality law does not meet international standards and fails to fully protect against the risk of statelessness. For instance, it does not allow mothers to confer nationality to their children, even if this may result in statelessness.

The State of Qatar hosts 189 refugees (55% female and 31% children), and 133 asylum-seekers (46% female and 37% children). They are mostly of Iraqi and Syrian origin.

UNHCR carries out all functional responsibilities related to registration, refugee status determination and finding resettlement solutions. Resettlement is the only solution available to refugees given the fact that authorities only issue temporary residency permits pending resettlement. Consequently, refugees do not have access to naturalization and local integration in Qatar. UNHCR also intervenes on behalf of refugees at risk of deportation or who are awaiting departure following a resettlement agreement. Qatari authorities generally facilitate UNHCR's access to persons under its mandate and refrain from deportation following UNHCR intervention.

### **II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS**

#### **Positive developments linked to 2nd cycle UPR recommendations**

**Linked to 2<sup>nd</sup> cycle UPR recommendation no 124.64: Take measures to ensure the access of migrants and non-citizens, especially children, to justice, employment, education, housing and health services. (Czech Republic)**

UNHCR commends the Government of Qatar for its support in establishing and ensuring the functioning of a school dedicated to Syrian refugee children. This school opened in 2014 and provides tuition to 280 Syrian refugee children free of charge. The Government has facilitated entry into the country for Syrian teachers and covered all related expenses.

**Linked to 2<sup>nd</sup> cycle UPR recommendation no 124.38: Amend the legislation to eliminate discrimination against women with respect to the transmission of nationality to their children and the registration of civil acts. (Mexico)**

UNHCR commends the Government of Qatar for implementing a number of measures to expedite birth registrations for all children. Notably, all children receive birth certificates within one hour after their birth.

### **Additional positive developments**

#### **1. National asylum law:**

UNHCR welcomes the Government's undertaking to establish a national law and body governing asylum, and encourages national authorities to ensure the composition of such institution includes representatives from all concerned Government departments.

#### **2. Cooperation with the Government:**

UNHCR values the collaboration with the Government of Qatar in facilitating the delivery of capacity-building activities for officials in the Ministry of Justice and Foreign Affairs. Such activities strengthen UNHCR's collaboration with the Government to enhance the protection of persons under UNHCR's mandate.

#### **3. Humanitarian initiatives:**

UNHCR appreciates the launch in 2017 of a regional annual training programme for youth in the Arab World run by the Qatari National Association Reach Out to Asia (ROTA). The programme aims to empower youth in humanitarian settings throughout the Middle East and Northern African region to participate meaningfully in preparedness, response and conflict resolution in various situations and contexts. It also increases the capacity of youth and youth-led groups to be involved and coordinate effective youth-led initiatives in humanitarian action, while creating knowledge sharing opportunities among young humanitarian actors and professionals.

## **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

### **Protection challenges not linked to 2<sup>nd</sup> cycle UPR recommendations**

#### **Issue 1: Accession to the 1951 Convention and establishment of a national asylum framework**

UNHCR is the main provider of protection to refugees and asylum-seekers in Qatar. UNHCR operates in a challenging environment in the absence of both a formal collaboration agreement with the Government and a harmonized legal and institutional framework to address the specific concerns of persons that may be in need of international protection. Under the current system, refugees and asylum-seekers are considered expatriates subject to the Kafala system. As such, their enjoyment of human rights is made dependent on sponsorship of their residency by an employer. Absence of such sponsorship places the person in a situation of irregularity and at a heightened risk of deportation in violation of the principle of *non-refoulement* and, in some cases, contrary to resettlement agreements facilitated previously by UNHCR.

Should the Government of Qatar accede to the *1951 Convention*, the establishment of a national framework to address the protection concerns of refugees and asylum-seekers would provide authorities with a clearer basis for intervention, facilitate international

cooperation on such humanitarian issues, and enable UNHCR to better support the State in providing protection solutions to these persons.

### **Recommendations:**

UNHCR recommends that the Government of Qatar:

- (a) Accede to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol*;
- (b) Take immediate steps to implement the new law on political asylum and ensure the wide dissemination of this instrument throughout the country; and
- (c) Comply with and ensure full respect of the principle of *non-refoulement*.

### **Issue 2: Prevention of statelessness and protection of stateless persons**

The State of Qatar is not a party to the *1954 Convention relating to the Status of Stateless Persons*, or to the *1961 Convention on the Reduction of Statelessness*, despite the fact that the Government has received numerous recommendations from the UN Committee against Torture and the Committee on the Rights of the Child in this respect.<sup>1</sup>

Although the Constitution of Qatar prescribes the principle of equality of persons before the law, its *Nationality Law* (Law 38/2005) prevents Qatari women from passing their nationality onto their children. Qatar maintains a reservation to the *Convention on the Elimination of Discrimination against Women* (CEDAW) to the effect of excluding Qatari women from the application of provisions prescribing the equal right of women with respect to the nationality of their children. Not only does this distinction discriminate against women, but it also fails to respect the principle of the best interest of the child and raises serious risks of statelessness, particularly for children born to Qatari mothers and non-Qatari fathers.

In addition to not being recognized as Qatari nationals, children born to Qatari mothers and non-Qatari fathers are also not automatically entitled to permanent residency permits. New legislation introduced in September 2018 governing permanent residency in Qatar (*Law 10/2018*) modified the conditions for children born to Qatari women and non-Qatari fathers to be granted permanent residency. On the one hand, this instrument exempts children born to Qatari women and non-Qatari fathers from the obligations generally imposed for permanent residence. On the other hand, it introduces the requirements that the children's parents be married and the marriage to have been conducted according to Qatari law.

The *Nationality Law* prescribes only for three situations where children born to non-Qatari fathers could nonetheless be granted Qatari nationality, namely provided the father is stateless, of unknown known nationality, or where paternal filiation has not been established.

A number of human rights mechanisms advised Qatar to repeal the gender-discriminatory provisions from its *Nationality Law* and withdraw its reservation from the *CEDAW*.<sup>2</sup> In

<sup>1</sup> Committee against Torture, *Concluding Observations: Qatar*, CAT/C/QAT/CO/3, 4 June 2018, para 38(d) and *Concluding Observations: Qatar*, CAT/C/QAT/CO/2, 25 January 2013, para 21 (c); Committee on the Rights of the Child, *Concluding Observations: Qatar*, CRC/C/QAT/CO/3-4, 22 June 2017, paras 19-20 and *Concluding Observations: Qatar*, CRC/C/QAT/CO/2, 14 October 2009, para 59.

<sup>2</sup> Committee on the Elimination of Racial Discrimination, *Concluding Observations: Qatar*, CERD/C/QAT/CO/13-16, 9 March 2012, para. 16; Committee on the Rights of the Child, *Concluding Observations: Qatar*, CRC/C/QAT/CO/3-4, 22 June 2017, paras 19-20; Committee on the Elimination of Discrimination against Women, *Concluding Observations: Qatar*, CEDAW/C/QAT/CO/1, 10 March 2014, paras 31-32. See also: National Human Rights Committee, *the State of Qatar. Annual Report On Human Rights & Activities of the Committee For the year 2005 AD – 1426 AH*; National Human Rights Committee, *The State of Qatar, NHRC's Seventh Annual Report On Human Rights Status In The State of Qatar*, 2009.

responding to these concerns, Qatar noted that, under the *Nationality Law*, children born to Qatari mothers and non-Qatari fathers are given priority consideration in naturalization procedures, as long as they meet all the requirements for naturalization, in particular proven regular residence in Qatar for 25 consecutive years. This provision thus precludes acquisition of Qatari nationality during childhood which constitutes a fundamental impediment to accessing essential human rights and services.

**Recommendations:**

UNHCR recommends that the Government of Qatar:

- (a) Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*;
- (b) Amend the *Nationality Law* to grant Qatari women the right to confer their nationality on their children on an equal basis with men;
- (c) Withdraw its reservation to *CEDAW* that restricts the equal right of women with regard to the nationality of their children; and
- (d) Take measures to ensure that all children are registered at birth without discrimination.

**UNHCR**  
**October 2018**

## ANNEX

### Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

### QATAR

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to QATAR.

#### I. Universal Periodic Review (Second Cycle – 2018)

Recommendation <sup>3</sup>	Recommending State/s	Position <sup>4</sup>
<b>Ratification of international instruments</b>		
124.1 Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Rome Statute, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and the Convention on the Prevention and Punishment of the Crime of Genocide;	France	Noted
124.13 Ratify the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the International Covenant on Civil and Political Rights and the Optional Protocols thereto;	Portugal	Noted
124.17 Ratify the human rights treaties listed in section I A of the compilation of OHCHR, notably the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, as well as the Optional Protocols to the Convention against Torture, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the A/HRC/27/15 21 Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women;	Ghana	Noted
<b>Equality and non-discrimination</b>		
122.20 Continue to promote gender equality and eliminate discrimination against women and girls in accordance with its obligations under the Convention for the Elimination of All Forms of Discrimination against Women;	Singapore	Supported
122.39 Continue improving women's empowerment programmes and address issues of discrimination and domestic violence by intensifying awareness-raising campaigns and providing better access to remedies for all victims of domestic violence, including migrant workers irrespective of their legal status;	Philippines	Supported

<sup>3</sup> All recommendations made to Qatar during its 2nd cycle UPR as well as a number of its views and replies can be found in: "Report of the Working Group on the Universal Periodic Review of Qatar" (27 June 2014), A/HRC/27/15, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/067/38/PDF/G1406738.pdf?OpenElement>.

<sup>4</sup> Qatar's remaining views and replies, in English, can be found in: *Addendum* (15 August 2014), A/HRC/27/15/Add.1, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/136/93/PDF/G1413693.pdf?OpenElement>.

122.76 Take the necessary measures to eliminate the discrimination suffered by immigrants, particularly migrant workers;	Argentina	Supported
<b>Sexual and gender-based violence</b>		
122.44 Strengthen efforts to prevent violence against women and ensure the accountability of all perpetrators while ensuring victims are provided with adequate redress, reparations and access to full rehabilitation;	Slovenia	Supported
122.46 Work to encourage both Qatari and expatriate women to report incidents of sexual violence, such as rape, to the authorities and increase the awareness of police, prosecutors and judges about the seriousness of the issue;	Canada	Supported
124.41 Take effective actions to ensure that women are fully protected from discrimination and violence, including by criminalizing domestic violence against women, adopt legal measures to guarantee full gender equality, and consider withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women;	Germany	Noted <sup>5</sup>
<b>Human trafficking and exploitation</b>		
122.50 Continue to provide protection to victims of trafficking in human beings and to ensure systematic procedures for the identification of victims;	Republic of Moldova	Supported
122.51 Continue to make efforts to combat trafficking in persons, including through expanding and strengthening international, regional and bilateral cooperation;	Uzbekistan	Supported
122.79 Continue with actions aimed at the protection of migrant workers, especially domestic workers, from mistreatment and abuse;	Ecuador	Supported
123.6 Step up its efforts to protect the rights of migrant workers and fight against exploitation, ill-treatment and abuse by their employers;	Slovenia	Supported
<b>Nationality</b>		
124.35 Continue to strengthen protective measures and legal rights for women, and give full citizenship rights to the children of Qatari mothers and non-Qatari fathers;	Norway	Noted
124.36 Consider granting Qatari nationality to the children of Qatari women married to foreign nationals;	Greece	Noted
124.37 Achieve real progress with regard to women's rights by reforming the Nationality Act, to ensure gender equality and to give Qatari women the right to transmit their nationality to their children, and by withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto;	France	Noted
124.38 Amend the legislation to eliminate discrimination against women with respect to the transmission of nationality to their children and the registration of civil acts;	Mexico	Noted
<b>Travel documents</b>		
124.74 Abolish the exit visa system for migrant workers;	Ireland	Supported
124.75 Remove the requirement in the law on sponsorship for foreign nationals to obtain the permission of their current employer before moving jobs or leaving the country, and ensure that the rights of migrant workers are protected;	Australia	Supported
124.76 Improve the legal protection of migrant workers, apply the provisions of the labour laws that prohibit the retention of passports of migrant workers, strengthen institutional controls for the protection of	Switzerland	Supported

<sup>5</sup> **Addendum:** "With regard to the first part of the recommendation, the State confirms that numerous effective measures have been taken to ensure that women are fully protected; with regard to the second part of the recommendation, at the present time the State is not considering withdrawing its reservations to CEDAW."

migrant workers, and remove or amend the requirement for foreign nationals to obtain their sponsor's consent in order to obtain exit visas;		
<b>Freedom of expression</b>		
124.49 Guarantee freedom of expression by protecting journalists, bloggers and media professionals from arbitrary arrest and detention and from A/HRC/27/15 23 censorship, including by amending those provisions in the Criminal Code and the draft media law that are inconsistent with international standards of freedom of expression;	France	Supported
124.50 Decriminalize defamation as recommended by the United Nations Educational, Scientific and Cultural Organization;	Ghana	Supported
124.51 Refrain from adopting any laws providing for censorship or undue control over the content of the media;	Czech Republic	Supported
124.52 Amend those articles of the draft media law and the draft cybercrime law that are inconsistent with international standards of freedom of expression;	Austria	Supported
<b>Economic, Social and cultural rights</b>		
124.57 Continue efforts to achieve full universal health coverage, including for non-nationals, as part of the National Health Strategy;	Thailand	Supported
124.58 Extend the benefits of its health insurance, currently limited to Qataris and citizens of Gulf Cooperation Council countries, to any citizen residing in its territory;	Comoros	Supported
124.64 Take measures to ensure the access of migrants and non-citizens, especially children, to justice, employment, education, housing and health services;	Czech Republic	Supported
124.68 Consider abolishing the kafala system for all migrant workers and eliminating the exit permit system;	Costa Rica	Supported
<b>Death penalty</b>		
125.2 Establish a formal moratorium on the use of the death penalty with a view to ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights;	Australia	Noted
125.4 Commute all death sentences, declare a moratorium on executions and move towards abolition of the death penalty;	Norway	Noted

## **II. Treaty Bodies**

### **Committee on the Rights of the Child**

Concluding Observations, (22 June 2017), [CRC/C/QAT/CO/3-4](#)

#### **Nationality**

19. The Committee remains seriously concerned that the Nationality Act does not confer citizenship to children of Qatari women and non-Qatari fathers, as it does where the father is Qatari.

**20. With reference to its previous recommendation (see CRC/C/QAT/CO/2, para. 34) and those of other treaty bodies and the universal periodic review, the Committee urges the State party to review its legislation on nationality in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction, in particular for those children who would otherwise be stateless.**

The Committee also recommends that the State party consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961 and seek technical assistance for the implementation of these recommendations from, among others, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF).

#### **Asylum-seeking and refugee children**

32. While noting the State party's efforts to ensure that Syrian children have access to basic education, and commending the enhanced measures for facilitating the issuance of civil and birth registration documents to ensure that every child born in the State party is able to obtain a birth certificate, the Committee recommends that the State party:

- (a) Improve coordination between governmental and semi-governmental institutions dealing with children's rights and enhance cooperation with UNHCR by signing a memorandum of understanding;
- (b) Consider acceding to the Convention relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

#### **Children in situations of migration**

33. While noting the adoption of Law No. 21 (2015) regulating the entry, departure and residence of immigrants, which upholds the unity of the family, the Committee is seriously concerned at:

- (a) The practice of the detention or imprisonment of migrant women with children in immigration detention facilities pending deportation;
- (b) The impact of the situation of migrant workers, in particular female domestic workers, on the right of their children in their home countries to a family environment, particularly the fact that the sponsorship system imposed on those workers results in slavery-like working conditions, and that the confiscation of their passports and de facto restrictions on their freedom of movement limit their ability to return to their home countries, thus depriving their children of a family environment.

34. With reference to the recommendations of the Special Rapporteur on the human rights of migrants contained in the report on his mission to Qatar (A/HRC/26/35/Add.1), the Committee urges the State party to:

- (a) Refrain from holding children and families with children in immigration detention facilities in line with the principles of the best interests of the child and of family unity; systematically employ non-custodial measures rather than detention; and establish shelters for those categories of migrant;
- (b) Take all measures necessary, in particular legislative measures, to ensure decent conditions of work for migrant workers, as well as their right to family life with their children. In this respect, the sponsorship system imposed on migrant domestic workers should be abolished without delay and the work of migrant workers, including domestic workers, properly regulated and supervised.

#### **Committee on the Rights of Persons with Disabilities**

Concluding Observations, (2 October 2015), [CRPD/C/QAT/CO/1](#)

#### **Liberty of movement and nationality (art. 18)**



35. The Committee is concerned at the conditions in deportation and detention centres and the lack of accessibility and reasonable accommodation in those centres for migrant workers with disabilities.

**36. The Committee strongly recommends that the State party improve conditions in detention and deportation centres and ensure that they are accessible to migrant workers with disabilities and that migrant workers with disabilities are provided reasonable accommodation.**

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

Concluding Observations, (10 March 2014), [CEDAW/C/QAT/CO/1](#)

#### **Nationality**

31. The Committee notes with serious concern discrimination against women in relation to nationality, given that Qatari women who are married to a foreign national are not able under the Nationality Law to transmit their Qatari citizenship to their children on the same basis as Qatari men who are married to a foreign spouse. It also notes with concern that, unlike Qatari men, Qatari women are not entitled to transmit their nationality to their foreign spouses. In addition, the Committee is concerned about the risk for children of Qatari women married to foreign nationals of becoming stateless.

**32. The Committee urges the State party to amend the Nationality Law to bring it into full compliance with article 9 (1) and (2) of the Convention and to enable Qatari women to pass their nationality to their children and their foreign spouse on the same basis as Qatari men. It also calls upon the State party to withdraw its reservation to article 9 (2). The Committee further recommends that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

### **III. Special Procedures Mandate Holders**

#### **Report of the Special Rapporteur on the independence of judges and lawyers on her mission to Qatar**

Addendum: Mission to Qatar (31 March 2015) [A/HRC/29/26/Add.1](#)

#### **Conclusions and recommendations**

43. The Special Rapporteur is concerned by reported instances of lack of impartiality, bias and improper behaviour of judges. She heard some serious allegations, according to which not only the police and prosecutors would discriminate against non-nationals, but also judges. Among foreigners residing in Qatar, the dominant perception is that the courts do not treat Qataris in the same way. Some interlocutors also noted that this alleged discriminatory attitude against foreigners is not manifested in the same way and with the same strength, depending on the nationality of the person or his or her economic or work status in the country.

**94. Limitations to the competence of the courts, including regarding nationality-related issues, should be removed as the courts should have jurisdiction over all issues of a judicial nature.**