
amnesty international

Qatar

Submission to the UN Universal Periodic Review

**Seventh session of the UPR Working Group of the
Human Rights Council**

February 2010



Executive summary

In this submission, Amnesty International provides information under sections C and D as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:¹

- Section C highlights Amnesty International's concerns about human rights violations in the context of the death penalty, restrictions on the right to freedom of expression, discrimination and violence against women, exploitation of migrant workers, arbitrary arrest and detention without charge, and arbitrary deprivation of nationality.
- In section D, Amnesty International makes a number of recommendations for action by the government to address these areas of concern.

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

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C. Promotion and protection of human rights on the ground

The death penalty

Executions are rare in Qatar, although death sentences continue to be imposed. Amnesty International estimates that at least 20 people are currently under sentence of death. The power to commute death sentences rests with the Emir.

Among those under sentence of death are 17 individuals convicted of involvement in a failed coup attempt in 1996 following grossly unfair trials. The 17 men were among 20 political prisoners, including possible prisoners of conscience, who had originally been sentenced to life imprisonment in connection with the coup attempt, but whose sentences were increased to the death penalty by the Court of Appeal in May 2001. At the time of the trial, many of them claimed that "confessions" had been extracted from them under torture.

Restrictions on the right to freedom of expression

Press freedom and freedom of expression are strictly controlled in Qatar, in addition to which the press often exercises self-censorship.

The right to freedom of expression in Qatar is further threatened by the accession of the government in May 2008 to the 2004 Gulf Cooperation Council Convention for the Suppression of Terrorism, the provisions of which risk criminalizing legitimate activities.

Discrimination and violence against women

Qatar's Constitution prohibits discrimination. Article 35 states that "All persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion". Furthermore, the government has made women's rights one of the key issues in its political discourse over the past 12 years. On 29 April 2009 Qatar acceded to the Convention on the Elimination of All Forms of Discrimination against Women. However, it entered wide-ranging reservations which appear to be incompatible with the object and purpose of the Convention, reflecting the reality that, in both domestic legislation and in practice, discrimination against women remains rife.

Domestic legislation discriminates against women; in particular, laws concerning marriage and divorce favour men. For example, women complain that when their husbands separate from them they do not grant them a divorce, leaving the women unable to re-marry and not entitled to income from their ex-husband and therefore often financially dependent on other relatives. In such situations women may petition for divorce in court, but have no guarantee that the court will agree to grant them one, or they may find that the court will grant them a divorce only if they agree to pay a considerable amount of money or to give up custody of their children. By contrast, men can obtain a divorce from their wife at any time and without payment. Men can also marry another woman, while separated from their other wife.

Other legislative provisions restrict women's right to freedom of movement and discriminate against them in relation to nationality. Women must obtain the written approval of their husband or guardian before applying for a passport. Children of Qatari women who marry a foreign national do not qualify for Qatari citizenship, unlike children born to Qatari fathers and foreign mothers, who do.

Violence against women, including rape, other forms of sexual abuse and beatings, is widespread, in particular against female domestic workers, the vast majority of whom are foreign nationals. The authorities are often reluctant to treat violence against women as a criminal offence although it constitutes an assault under domestic law. This reluctance by the police to address the issue of violence against women through the law tends to deter women from coming forward to report violence within the home and locks women into a vicious circle of violence and discrimination. Female domestic workers are particularly at risk because, as a result of their employment conditions, they are generally unable to leave the home in which they live and work and they are therefore especially vulnerable to rape and other sexual abuse by their male employers.

Exploitation of migrant workers

Foreign migrant workers make up a large proportion of Qatar's workforce and are often subjected to exploitation by their employers. They are generally employed under exploitative contracts which give their employers extensive powers over them. The contracts often stipulate that they are unable to move jobs or leave the country without obtaining the permission of their employer. In addition, employers often confiscate the passports of migrant workers or arbitrarily withhold payment of wages. Migrant workers are not adequately protected by Qatari law and are generally unable to access the justice system to challenge the decisions of their employers or to seek redress, because they are trapped at home and because of the prohibitive costs of going to court and language barriers.

In 2007, some 20,000 migrant workers were reported to have run away from their employers because they were not paid their salaries or because of their harsh living conditions. Such conditions reportedly contributed to several fires in workers' accommodation in different parts of the country in 2008.

Arbitrary arrest and detention without charge

Arbitrary arrest and detention without charge or trial appears to be common practice in Qatar, in particular in relation to political opponents and those suspected of being involved in terrorism. Over recent years Amnesty International has received reports of dozens of people, including foreign nationals, being detained by State Security forces without charge or trial for prolonged periods of time in the context of measures to "combat terrorism" and "strengthen national security". In many cases, they had no access to a lawyer and their families were not informed for weeks where their relatives were being held.

Many of those detained in this way appear to be held under the Counter-Terrorism Law (Law No. 3 of 2004) and the Law on the Protection of Society (Law No. 17 of 2002). Both laws contain vaguely worded definitions of crimes and authorize the authorities to detain people without charge or trial for up to six months under successive, renewable 15-day detention orders. Under these laws, detainees are often held first in incommunicado detention and then in prolonged arbitrary detention without charge or trial. Amnesty International is not aware of the exact number of those detained under these laws, but has evidence that in 2005 at least 18 men were held.

In May 2008, Qatar acceded to the 2004 Gulf Cooperation Council Convention for the Suppression of Terrorism, under which "crimes of terrorism" are defined in very vague terms and risk including legitimate activities related to freedom of expression, association and assembly.

Arbitrary deprivation of nationality

Deprivation of nationality has been used by the government against a number of individuals and tribes to target political opponents. Loss of nationality carries serious consequences, not only for the person concerned, but also for

their family. In addition to the loss of civil rights, economic and social rights may be undermined, such as access to health services, education, housing, social security and work, and the right to residency in the country.

As many as 6,000 members of the Al-Ghufran branch of the Al-Murra tribe were deprived of Qatari nationality between October 2004 and June 2005 on the grounds, believed to be spurious, that they were nationals of other countries. Some were reportedly forced to leave Qatar to seek resettlement in neighbouring countries, or arrested and detained to induce them to do so. They may have been arbitrarily deprived of their nationality because the Qatari government associated their tribe with the failed coup attempt in 1996.

The reasons for withdrawing Qatari nationality were not made clear to those affected and they were not able to contest the decision in court. Some who were living abroad have not been allowed to return to Qatar while those who remained in the country have been denied job opportunities, social security, and the rights to health care and education for their children. Some 4,000 of those affected are believed to have had their Qatari nationality subsequently reinstated. However, in the majority of the cases, their birth place had been altered to state that they were born in Saudi Arabia and therefore did not have the right to vote in elections in Qatar.

D. Recommendations for action by the State under review

Amnesty International calls on the government:

Death penalty

- To commute all death sentences;
- To declare a moratorium on executions in line with UN General Assembly resolution 62/149 adopted in December 2007 and UN General Assembly resolution 63/168 of December 2008;

Restrictions on the right to freedom of expression

- To immediately lift the severe restrictions on the rights to freedom of expression and association;

Discrimination and violence against women

- To ensure that national laws that discriminate against women and facilitate violence against them are amended or repealed, including family laws, laws and procedures relating to the authority of guardians over women, nationality laws, and housing regulations;
- To lift its reservations to CEDAW or amend them in such a way that they are compatible with the object and purpose of the Convention;
- To reinforce measures to prevent violence against women, including violence within the family and against foreign domestic workers, and to bring to justice those responsible for such crimes;

Exploitation of migrant workers

- To promote and protect the economic, social and cultural rights of migrant workers, including their right to an adequate standard of living;
- To ensure that laws, policies and practices fully conform with international human rights standards to guarantee the protection of the human rights of migrant workers, including their right to freedom of movement and physical integrity;

Arbitrary arrest and detention without charge

- To bring legislation related to arrest and detention procedures, including the Counter-Terrorism Law (Law No. 3 of 2004) and the Law on the Protection of Society (Law No. 17 of 2002), into line with international human rights standards, so that it:
 - protects detainees against arbitrary arrest and detention,
 - limits the period during which detained persons may be held without charge,
 - imposes strict limits on the use of incommunicado detention, including by requiring the detaining authorities to inform detainees' families of their arrest within a short, prescribed period of time, and to allow detainees prompt access to their families, legal representatives and independent medical practitioners;

Arbitrary deprivation of nationality

- To end the discriminatory use of deprivation of Qatari nationality as a means of penalizing suspected political opponents of the government;
- To ensure that any decision to deprive a person of their nationality conforms to principles of due process, including by ensuring that those affected are fully informed of the reasons for the deprivation of their nationality and able to contest the decision in an independent court of law.

Appendix: Amnesty International documents for further reference²

Qatar: Briefing to the Committee Against Torture (Index: MDE 22/002/2006), May 2006

² All of these documents are available on Amnesty International's website: <http://www.amnesty.org/en/region/qatar>