



GULF CENTER
FOR HUMAN RIGHTS

The State of Qatar

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**Submission by CIVICUS: World Alliance for Citizen Participation,
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and

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1. (A) Introduction

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened.
- 1.2** The Gulf Center for Human Rights (GCHR) is an independent, non-profit, NGO that works to strengthen support for human rights defenders in Bahrain, Iraq, Iran, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen. The GCHR was founded in 2011 by a group of human rights defenders, registered in Ireland and has offices in Denmark and Lebanon. In the second half of 2012, GCHR began providing support to human rights defenders in Syria, which although not technically a Gulf country, shares borders with the Gulf region and strongly impacts the political discourse in the region.
- 1.3** In this document, CIVICUS and GCHR outline urgent concerns related to the environment in which civil society activists and human rights defenders operate in the State of Qatar, and discuss threats faced in the exercise of the freedoms of expression, association and assembly.
- 1.4** CIVICUS and GCHR are greatly concerned by legislative and extra-legal measures taken by the Qatari Government which drastically curb civil society activism and the freedom of association for unions.
- 1.5** CIVICUS and GCHR are deeply alarmed by undue and arbitrary restrictions on freedom expression, independence of the media and access to information.
- 1.6** CIVICUS and GCHR are also greatly concerned by ongoing legal and policy restrictions on the free exercise of the right to freedom of assembly.
 - In section B, CIVICUS and GCHR highlight concerns related to the freedom of association and restrictions on civil society activities.
 - In section C, CIVICUS and GCHR highlight concerns relating to the freedom of expression, independence of the media and restrictions on access to information.
 - In section D, CIVICUS and GCHR express concerns involving harassment and arbitrary detention of human rights defenders.
 - In section E, CIVICUS and GCHR highlight concerns regarding the freedom of assembly.
 - In section F, CIVICUS and GCHR make a number of recommendations to address the concerns listed.

2. (B) Restrictions on freedom of association and impediments to civil society activities

- 2.1** While Qatar has not yet ratified or signed the International Covenant on Civil and Political Rights (ICCPR), article 45 of the 2004 Qatari Constitution guarantees the right to freedom of association.¹ However, in policy and practice this right is drastically subverted by a highly restrictive regulatory regime. Through draconian legislation, including wide scale prohibitions on rights-based activities, outsized discretion to deny registration to CSOs and unwarranted restrictions on international cooperation, the government has effectively criminalized the creation of an independent civil society sector in the country.
- 2.2** Due to highly discriminatory registration requirements which provide the government with excessive powers to preclude the establishment of civil society organizations (CSOs), no independent human rights organizations are permitted to operate in the country. Under article 35 of the Associations and Private Institutions Law (Law No. 12 of 2004) CSOs are prohibited from participating in undefined “political issues.” Moreover, CSOs must secure authorization from the Ministry of Social Affairs, which can refuse to register an organization if it considers them a threat to the public interest. As result, the number of CSOs registered in the country remains highly limited.
- 2.3** Civil society organizations which are permitted to operate do so under a number of unwarranted legislative impediments. To register, CSOs must fulfil several burdensome requirements, including ensuring that founding members are comprised of 80% Qatari nationals and paying exorbitant licensing and annual fees to the State. For example, professional societies are required to pay 50,000 riyals (approximately 13,750 USD) to secure their license, 10,000 riyals (2,750 USD) in annual fees, and maintain at least 10 million riyals (2.75 million USD) in reserve funds. Moreover, under The Associations and Private Institutions Law, affiliation or partnership with any foreign organisations is subject to approval by the Ministry of Civil Services and Housing, greatly limiting cooperation and resource mobilization from international groups. Finally, dissolution of CSOs is not subjected to judicial oversight. The Ministry of Social Affairs is permitted to unilaterally dissolve an association, while all appeals against the decision must be submitted to the Council of Ministers, whose decision is final.²

¹ National Human Rights Committee of Qatar: Responses on Freedom of Assembly, Association and Cooperation with UN mechanisms (OHCHR), 2012,

<http://www.ohchr.org/Documents/Issues/FAssociation/Responses2012/NHRI/Qatar.pdf>

² National Human Rights Committee of Qatar: Responses on Freedom of Assembly, Association and Cooperation with UN mechanisms (OHCHR), 2012,

<http://www.ohchr.org/Documents/Issues/FAssociation/Responses2012/NHRI/Qatar.pdf>.

2.4 The right to freedom of association and to collective bargaining for unions also remains severely curtailed in Qatar. Under the Labour Code, the establishment of independent unions is strictly prohibited. Accordingly, all union activity must be conducted under the auspices of the General Union of Workers of Qatar, a government established and supervised union. However, according to the Article 3 of Labour Law No. 14 of 2004 a number of professional sectors are strictly excluded from joining the General Union of Workers. Among those excluded, include persons employed by the government, members of the armed forces and police personnel and all domestic and agricultural workers. In addition, migrant workers, which make up 94% of Qatar’s workforce, are completely precluded from joining the union. Furthermore, Qatar’s estimated 1,500 stateless Bidun are denied citizenship rights including legally holding employment, thereby depriving them of the right to join or form unions.³

2.5 Broad proscriptions on the right to strike further undermine freedom of association for unions. According to Article 120 of Labour Law No. 14 of 2004 it is impermissible for civil servants, domestic and public health workers or members of the security services to hold a strike. Moreover, migrant workers are also explicitly forbidden from holding strikes. In September 2010 more than 90 Nepali migrant workers employed by Albadar Construction Company were arrested for conducting an “illegal” strike. The workers were jailed and kept without food for several days before being finally deported. Moreover, employees with the company for less than two years were forced to cover their own travel expenses to return home.⁴

3. (C) Concerns regarding freedom of expression and access to information

3.1 Article 47 of Qatari Constitution states that, “Freedom of expression of opinion and scientific research is guaranteed in accordance with the conditions and circumstances set forth in the law”. However, despite these firm legal protections, the government continues to invoke restrictive and overbroad legislation to arrest and imprison journalists and bloggers and other government critics who report on sensitive topics. Further, the government continues to drastically limit access to international media and internet news sites and strictly controls domestic media outlets. The Qatari Government’s campaign to silence dissenting voices has severely jeopardised freedom of expression and has cast a chill over independent media.

³ International Trade Union Confederation: *2013 Annual Survey of Violations of Trade Union Rights - Qatar*, 6 June 2013, http://www.ituc-csi.org/IMG/pdf/survey_ra_2013_fr_final.pdf

⁴ Nepali workers deported from Qatar for daring to strike, Sept. 23 2010, <http://www.migrant-rights.org/2010/09/23/nepali-workers-deported-from-qatar-for-daring-to-strike/>.

- 3.2** Despite constitutional protections safeguarding freedom of expression, restrictions under articles 46 and 81 of the 1979 Press and Publications Law provide up to six months in prison for persons who criticize the Emir of Qatar or make attributions to him without the express permission of his office. The law also contains several unreasonably broad provisions placing blanket proscriptions on certain speech including requirements that journalists refrain from reporting on issues which may cause damage to the “supreme interests of the country” or are “offensive to public morals.”⁵
- 3.3** In Qatar, criminal defamation laws provide for disproportionate and excessive punishment, acutely infringing on free expression. According to article 326 of the Penal Code, persons found guilty of “defaming someone in public” or “or exposing them to people’s disdain and malice” face up to two years in prison or fines up to 20,000 Riyals (5,400 USD). Under article 327 of the same law, the penalty for defamation is extended to three years imprisonment in cases where public employees are named.⁶
- 3.4** Access to national media outlets and internet based informational resources is severely curtailed and censored by the government. As of 2012, Qatar maintained high internet penetration with roughly 86 per cent of the population having access to the internet. However, through Qtel, the country’s sole internet provider, which is entirely State-owned, the government restricts internet content including censoring and blocking access to certain websites deemed politically, culturally, religiously or morally sensitive.
- 3.5** Journalists, citizens and poets continue to come under attack and face judicial harassment for commenting on sensitive topics. Prominent poet Mohammed al-Ajami, was given a life sentence on 29 November 2012 for “inciting to overthrow the ruling regime” and “insulting the Emir” under articles 130 and 134 of the Penal Code.⁷ The sentence against al-Adjami, who was arrested following a number of poems published on the internet criticising the Qatari Emir and calling for democratic reform, was reduced to 15 years in February 2013. In addition, on 2 March 2011, blogger and government critic Sultan al-Khalaifi was arrested by security forces and held in incommunicado detention until April 1 when he was released without charge. It was reported that al-Khalaifi was arrested in reprisal for

⁵ 1979 Press and Publications Law , Article No 46, Chapter Four, Issues Prohibited from Publication and Article No 81, Chapter Seven, Penalties

⁶ Qatar, Penal Code, Doha Centre for Media Freedom, 14 March 2013, <http://www.dc4mf.org/en/content/qatar-0>

⁷ Reuters News, Regan Doherty, 25 February 2013, Poet jailed for life in Qatar insult trial has term cut to 15 years, <http://www.reuters.com/article/2013/02/25/us-qatar-poet-verdict-idUSBRE91OOC220130225>

blog entries which highlighted extensive censorship of print and online media in the country.⁸

3.6 Foreign journalists operating in Qatar are also subjected to a number of unwarranted and excessive restrictions. The Qatar Foreign Information Agency, responsible for the accreditation of all foreign journalists operating in the country, is endowed with the power to unilaterally and permanently ban journalists from entering Qatar without the provision of an official explanation. On 1 April 2011, two accredited journalists with Radio Television Suisse (RTS), Christophe Cerf and Yvan Thorimbert, were arrested while reporting on the preparation of the 2022 Football World Cup to be hosted in Qatar. Both journalists were fined and held for 13 days before being released.⁹

3.7 In June 2012, the new Draft Media Law was approved by the Shura Council which purports to remove a number of restrictions on independent media. However, under the law, myriad topics are still considered “off limits” for journalists such as issues of national interest, state security and opinions which could be deemed critical of the ruling family. Under the provisions of the Draft Media Law, criticism of Gulf Cooperation Council states is also not permitted. In addition, article 53 of the law prohibits publishing or broadcasting anything that would “throw relations between the state and the Arab and friendly states into confusion,” with offenders facing a fine of one million Qatari Riyals (USD 275,000).¹⁰

4. (D) Concerns involving harassment and arbitrary detention of human rights defenders

4.1 Article 36 of the 2004 Constitution prohibits arbitrary arrest and detention providing that “no person may be arrested, detained, searched, neither may his freedom of residence and mobility be restricted save under the provisions of the law.” Moreover, Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. Nonetheless, the Qatari authorities continue to invoke vague and ill-defined legislation to arbitrarily detain and imprison civil society activists and human rights defenders for undertaking their legitimate and peaceful activities.

4.2 Under the draconian Protection of Society Law and Combating Terrorism Law, State authorities are endowed with extensive powers to detain individuals for extended

⁸ Aljazeera, Amnesty: Qatari blogger detained, 5 March 2011, <http://www.aljazeera.com/news/middleeast/2011/03/20113511455929372.html>

⁹ Al Arabiya News, 20 April 2011, James M. Dorsey, Qatari arrest of Swiss TV journalists sparks concern about World Cup press freedom, <http://english.alarabiya.net/articles/2011/04/20/146077.html>

¹⁰ Press TV, Qatar media censorship law ill advised: Analyst, 31 October 2012, <http://www.presstv.com/detail/2012/10/31/269730/qatar-media-censorship-law-ill-advised/>

periods without charge. Under this law, persons can be held for up to 15 days, with the possibility of extension for up to 6 months in pre-trial detention. In addition, in cases deemed threatening to national security, the Prime Minister is permitted to extend detention indefinitely. While Qatari legislation entitles detainees to legal counsel and visitation with family members, under the Protection of Society Law and Combating Terrorism Law, the authorities routinely deny detainees access to counsel and refuse to allow them to meet with family members.¹¹

- 4.3** Civil society activists Mansoor Rashed Al-Matroushi and Mohammed Issa Al-Baker were arrested and detained in Doha on 22 March 2013. Mohammed Al-Baker sits on the Board of Directors of Aladl (Justice) Organization for Human Rights, based in Geneva, while Mansoor Al-Matroushi also volunteers with the organization. Prior to their arrest, both activists joined 150 others in submitting a letter to the Interior Ministry requesting permission to hold a peacefully rally in front of the French embassy to raise concerns about French intervention in Mali. Serious concerns have been raised about egregious breaches of due process rights during their arrest, as neither activist was reportedly presented with an arrest warrant.¹²

5 (E) Concerns regarding freedom of assembly

- 5.1** Article 44 of the Qatari Constitution provides that the “right of the citizens to assemble is guaranteed in accordance with the provisions of the law.” Nonetheless, despite these legal guarantees, the government has put in place a number of stringent limitations to this right. Consequently, public demonstrations, including rallies and protests, remain almost non-existent in Qatar.
- 5.2** Under Law No. 18 of 2004 on Public Meetings and Demonstration, organizers of proposed demonstrations must meet a number of onerous conditions to hold a public rally. Of principal concern are provisions requiring organizers to obtain explicit permission from the Director General of Public Security in advance of the proposed rally. Organizers must provide the Director General with a written request signed by no less than three people involved in the rally and a description of the event including its time, location, and itinerary. The request must further be submitted to the Director General at least seven days before the proposed date of the demonstration. Such requirements provide the government with excessive discretion

¹¹ GlobalLex, A Guide to Qatar’s Legal System, July 2009, <http://www.nyulawglobal.org/globalex/qatar.htm>

¹² Qatar- Human rights defenders Mohammed Issa Al-Baker and Mansoor Rashed Al- Matroushi on hunger strike until they are released, the Gulf Center for Human Rights, 26 March 2013, <http://gc4hr.org/news/view/372>

to prevent demonstrations while precluding the possibility of ad-hoc or spontaneous demonstrations.¹³

6 (F) Recommendations to the Government of the State of Qatar

CIVICUS and the Gulf Center for Human Rights call on the Government of Qatar to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and in the UN Declaration on Human Rights Defender. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

6.1 Regarding restrictions on the freedom of association:

- Procedural and administrative obstacles for civil society organizations under Law No. 12 of 2004 should be abolished;
- Requirements specifying the number and nationality of founding members and the financial conditions for the registration of civil society organisations should be reconsidered;
- All undue restrictions on cooperation between domestic Qatari civil society organizations and foreign organisations under article 31 of Law No. 12 of 2004 should be repealed;
- Requirements under article 35 of Law No. 12 of 2004 prohibiting civil society organizations from conducting politically oriented activities should be removed;
- Labour laws should guarantee free union participation and the right to strike without government approval should be recognized for all professional sectors, migrant workers and members of the Bidun community;

6.2 Regarding the arbitrary detention and harassment of civil society activists

- Civil society members and human rights defenders should be provided a safe and secure environment to carry out their work. All instances of violations of their rights should be independently investigated;

¹³ National Human Rights Committee of Qatar's Annual Report Human Rights Status in Qatar (2010), <http://www.nhrc-qa.org/resources/userfiles/FINAL%20NHRC%20ANNUAL%20REPORT%202010.pdf>

- Provisions under the Protection of Society Law and Combating Terrorism Law, allowing for prolonged pre-trial detention should immediately be amended to prevent arbitrary and/or incommunicado detention;
- All due process guarantees in accordance with article 14 of the ICCPR should be ensured to all detained persons;
- All arbitrarily detained civil society activists and human rights defenders should be unconditionally released and their cases should be reviewed to prevent further harassment.

6.3 Regarding restrictions on freedom of expression, access to information, intimidation, harassment and attacks on journalists:

- Provisions criminalizing legitimate forms of freedom of expression, notably the Law on Press and Publication, should be repealed;
- Articles 130 and 134 of the Penal Code which condemn the “incitement of the overthrow of the ruling regime” and the “criticism of the ruler,” should be abolished;
- All provisions qualifying defamation as a criminal offence should be repealed;
- The Emir of Qatar should refrain from approving the proposed Draft Media Law and ensure that provisions contained in new media law restricting the right to free expression, including censorship of a number of legitimate topics, are removed;
- All Human Rights Defenders including, journalists, bloggers and poets, detained for exercising their freedom of opinion and expression should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment;
- Unfettered access to online information resources should be allowed by removing restrictions on access to certain websites and social media outlets;
- Provisions permitting the Qatar Foreign Information Agency to unilaterally and permanently ban foreign journalists from entering Qatar without the provision of an official explanation should be abolished.

6.4 Regarding restrictions on freedom of assembly:

- Law No. 18 of 2004 on Public Meetings and Demonstrations should be amended in order to fully guarantee the right to freedom of assembly;
- Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012) which calls for simple notification rather than explicit permission to assemble.

6.5 Regarding access to UN Special Procedures mandate holders and the ratification of international treaties

- The International Covenant on Civil and Political Rights (ICCPR) should be immediately ratified;
- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, the Special Rapporteur on Freedom of Peaceful Assembly and Association and the Special Rapporteur on Independence of Lawyers and Judges.