Report of

The National Human Rights Committee on the progress in implementing the Convention on the Elimination of All Forms of Discrimination

National Human Rights Committee

State of Qatar

December 2011
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**Introduction**

On May 18, 2011 Qatar submitted its 16th report (including reports numbers 13, 14 and 15) to the Committee on the Elimination of Racial Discrimination in the United Nations in fulfillment of its international obligations under the provisions of Article (9/1) of the Convention on the Elimination of All Forms of Racial Discrimination of 1965 that has been ratified by Qatar on 07/22/1976.

It is expected to discuss this report at the next meeting of the Committee on the Elimination of Racial Discrimination.

The National Human Rights Committee received a letter, dated 23 November 2011, from the Committee on the Elimination of Racial Discrimination on the submission of the report of the National Human Rights Committee regarding the commitment of The State of Qatar to implementing the principles embodied in the convention on the elimination of all forms of discrimination. Therefore, the committee decided to submit its report as follows:

1. Making observations on the report of the Government of Qatar and presenting those observations to the United Nations concerned Committee does not only help the Committee to assess the performance of the Government of The State of Qatar in the field of human rights, which is considered to be one of the important mechanisms of United Nations adopted to control, protect and support human rights in different countries, but also helps the Government of The State of Qatar to recognize the observations made by the National Foundation for Human Rights working in the field of supporting and monitoring human rights in Qatar.

2. The belief of the National Human Rights Committee on the constructive role that can be played by the United Nations and its various committees in evaluating the performance of governments, urging them to improve the human rights situation in their countries and fulfill the commitments they made to work hard to enable its citizens to enjoy their fundamental rights. In this regard, the Committee considers that the legal opinion on the official reports is a clear message to governments that the national institutions for human rights do its job in monitoring compliance with human rights principles set forth in international legal instruments, which may lead to improvement of the state's performance in this area.

*Methodology*
This report was developed after reviewing a number of important sources, including government 16th report (including reports numbers 13, 14 and 15) submitted to the Committee on the Elimination of Racial Discrimination as well as reviewing Qatari legislation, laws, regulations and practices.

**Executive Summary**

Recent years have seen remarkable progress in human rights situation in The State of Qatar on all levels from both the legislative and institutional sides, however there are still some aspects of discrimination in law and practice, particularly in the area of granting citizenship regarding Qatari women married to non-Qataris, freedom of movement, right to run in elections, the right of housing, the right to work, the right to marry and the right of establishing associations.

**First: The foundations of the Qatari society**

**Religion**

- Islam is the religion of The State (Article 1 of the Constitution), all citizens are Muslims and are divided into two main groups, the larger group is the Sunnis and the minority is the Shias.
- The entire population of non-Muslims in The State of Qatar is foreigners who are residing for reasons related to their professional activities and they practice their religious rites freely in their religious worship places.

**Language**

Arabic is the official language of The State of Qatar (Article 1 of the Constitution).

**Social and cultural foundations:**

- The Qatari society is based on social solidarity which, in turn, based on justice, charity, freedom, equality and decency. The family shall be the foundation of the society. Its pillars shall be religion, morals and love for the nation. The law shall organize means of protecting the family, supporting its principles and bolstering its ties (Articles 18-21 of the Constitution).
- The State shall preserve the principle of the equal opportunities to the citizens politically, economically, socially and culturally (Article 19 of the Constitution).
- The State shall promote science, arts, national cultural heritage and encourage the freedom of expression and scientific research (Articles 24 and 47 of the Constitution).
- Holding public posts is a national service (Article 54 of the Constitution); the public employee shall uphold the public interests alone while doing his duty. The relationship between employees and employers shall be based on social justice and shall be organized by the law (Article 30 of the Constitution).
- The State shall extend care to the young generation and protect them from influences of corruption, from exploitation, from physical, mental and spiritual negligence, and provide adequate circumstances for developing its creativity in different fields with improved education (Article 22 of the Constitution).

**Economical foundations:**
- The State shall assure the freedom of economic activity and promote investment on the basis of social justice and balanced cooperation between the public and private sectors to achieve social and economic development, increase production, achieve welfare of the people and improve their standard of living (Articles 31 and 28 of the Constitution).
- Private ownership of property shall be protected. No one shall be deprived from such ownership, unless because of public interest in circumstances stipulated by the law, in a way that the law stipulates, provided it is with a fair compensation (Article 27 of the Constitution).
- Natural wealth, resources and public funds are the property of the State. Their protection is the duty of all. Confiscation of an individual’s funds is strictly forbidden. There shall not be a punishment of confiscation of personal money unless backed by a judicial verdict and in circumstances stipulated by law (Articles 29, 55 and 56 of the Constitution).
- The State shall work to protect the environment and ecological balance (Articles 33 of the Constitution).

**Second: System of government in The State of Qatar:**

**The political system**
- The Constitution provides, in Article 1, that "Qatar is an independent Arab state. Islam is the State’s religion and the Islamic Shariah is the main source of its legislations. Its official language is Arabic"

**The political system in Qatar is based on main foundations:**
- Qatar is an independent Arab Islamic state. It has a democratic political system (Article 1 of the Constitution).
- All citizens are equal in general rights and duties (Article 34 of the Constitution).
- All people are equal before the law. There shall be no discrimination on account of sex, origin, language, or religion (Article 35 of the Constitution).
- The system of governance shall be based on the separation of authority with cooperation in accordance with the way stipulated by this Constitution (Article 60 of the Constitution).

**The Executive authority:**
The executive authority is made up of two bodies: the presidency and the government. The Constitution provides, in Article 62, that "The executive authority shall be handled by the Emir to be assisted by the Cabinet as stipulated in this Constitution".

**Head of the state (The Emir):**
- The Emir is the Head of the State. His person is secure and should be respected (Article 64 of the Constitution).
- The Emir shall have many powers; the most important of them is formulating the general policy of the State with the assistance of the Cabinet (Article 67 of the Constitution), inviting the Advisory Council to hold its annual ordinary session (Article 85 of the Constitution) and asking for a citizen’s referendum (Article 75 of the Constitution).

**The Cabinet:**
The Cabinet shall be assigned, in its capacity as supreme executive authority, the managing all internal and external affairs which come within its authority according to the Constitution and the provisions of the law. The formation of the Cabinet shall be in accordance with an Emiri Order. The law shall determine the remuneration of the Prime Minister and the ministers (Article 121 of the Constitution).

**The Legislative authority:**
The Advisory Council shall consist of (45) members. (30) Of them shall be elected directly by secret ballot, while the remaining (15) shall be appointed by the Emir from among ministers or others (Article 77 of the Constitution).

The law shall define the concerned judicial authority for deciding the legality of the election of the members of the Advisory Council. Qatar will hold advisory council (parliamentary) elections in the second half of 2013, Sheikh Hamad Bin Khalifa Al Thani said on his speech in 1/11/2011.
The judicial authority:
The judicial authority is independent (Article 130 of the Constitution). The Attorney General is independent judicial body shall handle the general public cases in the name of the society. Judges are independent; there is no power over them in their judgments except the law. No agency has the right to interfere in the process of justice (Article 131 of the Constitution and Article (2) of the Judicial Authority law No. (10) For the year 2003).
Law No. 10 of 2003 determined the jurisdictions of each type of court and specified the necessary requirements to become a Judge and gave opinions about issues related to the judiciary, the appointment, promotion, transference and retirement of judges in accordance with the law (Articles 27 to 33). The judiciary shall have a Supreme Council to supervise the proper functioning of courts of law and their auxiliary organs. The law shall determine the composition, powers and functions of the said Council, according to Article 137 of the Constitution (Articles 22 to 33 of the judicial authority law).

Institutional structure to promote and protect human rights:
The past few years have seen developing an institutional structure that supports human rights; several institutions and specialized centers working in the field of human rights were created, they play an important in monitoring the compliance of government agencies with the fundamental principles of human rights, as well as its role in spreading the culture of human rights. These institutions monitor the violations of human rights, whether by governmental or non-governmental organizations.
Listed below, some of these institutions:

♦ Supreme Council for Family Affairs
The Supreme Council for Family Affairs was established in accordance with the Emiri Decree No. (53) Of 1998, then the Emiri Decree No. (15) Of 2009 was issued on organizing the Supreme Council for Family Affairs. The most important objectives of the Council:
• Setting forth strategies, policies and programs contributing to the promotion of the Qatari family quality living, and ensuring social protection and stability of all its members.
• Undertaking measures to implement international conventions requirements related to family affairs.
• Following-up all exerted efforts to implement the provisions of the international conventions, ratified by the State of Qatar, related
to family affairs and to the rights of children, women and persons with disabilities.

- Promoting Qatari women capabilities and provide them with professional support to increase their job opportunities, in an effort to enable them to participate in political life and in economy, especially on a decision making level.
- Raising awareness about surging family issues and ways of addressing them.

♦ **Qatar Foundation for Child and Women Protection:**

The Qatar Foundation for the Protection of Women and Children was a private foundation that was established on 31 November 2002, in accordance with Law No. 8 of 1998 on private associations. It became a public welfare institution pursuant to decision No. 4 of 2007. Its headquarters was registered and established by decree No. 5 of 2003 of the Minister of Civil Service Affairs and Housing. It acts in the public interest of protecting victims of domestic and social violence. The foundation’s responsibilities and goals include:
- Providing social and legal consultations as well as legal assistance to victims.
- Providing victims with accommodation and protection.
- Providing victims of abuse and violence with integrated care services for treatment and rehabilitation.
- Provide awareness and cultural programs.

♦ **National Human Rights Committee (NHRC):**

The National Human Rights Committee was established in accordance with Law No. 38 of 2002 and under Paris Principles issued by the General Assembly of the United Nations in 1992. The Committee aims to protect and consolidate Human Rights to all subject to the jurisdiction of the State of Qatar (citizen, expatriate or transit traveler).

Under Paris Principles 2010, NHRC was re-organized in accordance with law no. (17), 2010. Under Article 2 of Law No. 38, the QNHRC aims to:

1. Achieve the objectives embodied in international conventions and treaties on human rights to which the State of Qatar is party.
2. Advise concerned bodies in the State on matters related to human rights and freedoms.
3. Investigate violations of human rights and freedoms, if any, and suggest suitable means to deal with such violations and avoid their occurrence.
4. Monitor reports by international organizations and NGOs on human rights situation in the State, and coordinate with concerned bodies to address them.
5. Take part in the preparation of reports submitted by the State on human rights and freedoms.
6. Cooperate with international and regional organizations concerned with human rights and freedoms.

♦ Qatar Foundation for Education, Science and Community Development (QF):
   It was established in 1995 with the aim to unlock the human through its three pillars of Education, Science & Research and Community Development. The people of Qatar are the key to achieving this aim, so the plan places developing human resources as the main priority for the next 20 years.

♦ Reach Out to Asia "Rota":
   Reach Out To Asia is a non-profit organization launched in December 2005; it is committed to providing high quality and relevant primary and secondary education, encouraging relationships among communities, creating safe learning environments and restoring education in crisis affected areas across Asia and the Middle East.

♦ Doha Center for Media Freedom (DCMF):
   The DCMF is a non-profit organization working for press freedom and quality journalism in Qatar, the Middle East and the world. It is created in accordance with the Emiri Decree No. (86) Of 2007. The Doha Center for Media Freedom's stated purpose is to provide physical refuge for threatened journalists, as well as to support freedom of the press by other activities.

♦ Doha International Center for Interfaith Dialogue (DICID):
   Doha International Center for Interfaith Dialogue was established on May 2007. The main role of the centre is primarily to spread the culture of dialogue, the peaceful coexistence of humanity and the acceptance of others.
Silatech:
Silatech was established under the Emiri Decree No. (3) Of 2008, with a mission to connect young people, those 18 to 30 years old, with employment and enterprise opportunities. Silatech is committed to mobilizing interest, investment, knowledge, resources, and action to drive large-scale comprehensive employment and enterprise development programs.

Third: Terms of the agreement in general
A) Article 1:
- Qatari constitution has devoted many principles that are compatible with the definition of discrimination contained in Article 1 of the Convention on the Elimination of All Forms of Racial Discrimination. The most important of these principles, the principle of equal rights and duties for all citizens of Article (34) as well as the principle of equality before the law for all people without discrimination on the grounds of sex, ethnic origin, language or religion Article (35).
- The Qatari society shall be based on justice, kindness, freedom, equality and morals (Article 18).
- The State shall preserve the principles of the society and maintain security, stability and equal opportunities to the citizens (Article 19).
- The State shall care for the public health (Article 23) and promote education (Article 25).

In addition to constitutional provisions, there are many laws that are compatible with the principle of Anti-Discrimination:
- Act No. 22 of 2006, promulgating the Family Code.
- The civil and commercial procedure code promulgated by Act No. 13 of 1993.
- Act No. 22 of 2004, promulgating the Civil Code.
- The press and publication Code promulgated by Act No. 8 of 1979.
- Act No. 12 of 2008, establishing the Supreme Constitutional Court.
- Act No. 19 of 2008, defining the amount of blood money (diyah) due in cases of accidental killing.

With a view to strengthening the legislative framework for the realization of human rights and devoting to the principle of Anti-
discrimination, Qatar has acceded to and ratified numerous international and regional human rights treaties and conventions, as detailed below:

4. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2001)
13. At the regional level, Qatar has ratified the Arab Charter on Human Rights (2009)

B) Article 2

♦ Section 1:

- When reviewing the overall policy of the State of Qatar in political, civil, economic, social and cultural fields, we find the compliance of the State policy with human rights principles set forth in the International Convention on the Elimination of all forms of Discrimination, particularly in Chapter 3 in the Constitution, relating to the rights and duties without discrimination between individuals due to race, color, religion or language.
- There is no doubt that the constitutional provisions contained in chapter 3 of the Constitution and some other texts urge in its content to adhere to the principles and foundations of social solidarity based on equality, fairness, justice, public freedom and equality of treatment between citizens. These principles correspond with the content and objectives of this Convention and its general principles and provisions.
- It is worth mentioning that the Qatari Constitution doesn't discriminate between citizens and residents; it recognizes the principle of equality with regard to the rights and freedoms of the resident as stated in Article (35) of the Constitution that "All people are equal before the law. There shall be no discrimination on account of sex, origin, language, or religion". Article (52) of the Constitution provides also that "Any person residing legally in the State shall enjoy protection for his person and his money and possessions, according to the provision of the law".

**Paragraph (A):**
- All State institutions and organizations are required to abide by the principle of equality and non-discrimination. This rule applies, regardless of the party which is the source of the act or practice. The Constitution and laws require all State institutions to uphold the principles of equality, justice and non-discrimination. Article (5) of the Constitution provides that "The State shall preserve its independence, sovereignty, security, safety, stability and integrity of its territory and shall defend it against any aggression". Private ownership of property shall be protected. No one shall be deprived from such ownership, unless because of public interest in circumstances stipulated by the law, in a way that the law stipulates, provided it is with a fair compensation. Taxation shall be based on principles of social justice. Taxes shall not be levied unless stipulated by the law (Article 43).
- The State shall preserve the principles of the society and maintain security, stability and equal opportunities to the citizens politically, economically, socially and culturally. The State shall work on consolidating the spirit of national unity, cooperation and fraternity among all citizens (Article 20). Holding public posts is a national service. The public employee shall uphold the public interests alone while doing his duty (Article 54).

**Paragraph (B):**
Qatari laws on a range of different subjects prohibit all forms of discrimination and recognize the right of all to equal treatment before the courts and other institutions that administer justice.
Paragraph (C):
Reconsidering policies and legislations leading to racial discrimination, the Constitution cited several principles including procedures to be followed to reconsider the government policies in case they lead to racial discrimination. This can be shown in Article (108) which gives The Advisory Council the right of expressing opinions to the government in general matters. Article (109) provides also that "Every member of the council has the right to seek explanations from the Prime Minister or any of the ministers in matters related to their areas of jurisdiction. Only the member seeking explanation has the right to comment once on the explanation".

Paragraph (D): Prohibition of racial discrimination by individuals and organizations:
- The constitutional and legal systems in the State of Qatar have many provisions that prohibit racial discrimination. Related Articles of the constitution have already been referred to.
- The Constitution recognizes that Litigation is a right secured and preserved for the people. The law shall define procedures and situations of practicing this right.

Paragraph (E):
The State shall encourage organizations and movements of different nationalities; this would eliminate the barriers between races through enactment of explicit laws. Societies and Private Foundations Law No. (12) Of 2004 and its amendments grant citizens and residents the right to join regional and international institutions, and participate in their establishment.

♦ Section 2:
The State shall assure the freedom of economic activity on the basis of social justice and balanced cooperation between the public and private sectors to achieve social and economic development, and to increase production, achieve welfare of the people, and improve their standard of living, and provide work opportunity to them (Article 28 of the Constitution).

Article 3
Eradication of segregation and apartheid:
The foreign policy of the State shall be based on consolidating international peace and security by encouraging the settlement of
international disputes peacefully and supporting the right of self-
determination of people; and not interfere in the internal affairs of
countries; and cooperate with peace-loving nations (Article 7 Of
the Constitution).

Article 4

Article 47 of the Printing and Publishing Act (Act No. 8 of 1979)
prohibits the publication of material that is likely to stir up discord
in society at large or to provoke confessional, racial or religious
strife. Article 47 states that the penalties for breaching the Act are
those set out in the Criminal Code, namely, a term of up to 6
months’ imprisonment or a fine of up to 3,000 Qatari riyals.

- Article 2 (11) of the decision issued by the Minister of
Information and Culture in 1992 on censorship criteria and rules
states that censorship bodies of the Ministry of Information and
Culture that scrutinize written or audio-visual material may not
authorize the circulation, broadcast, display or publication of
material portraying a racial or ethnic grouping in a manner that is
designed to be derogatory, unless the intention is to create a
positive impression for a noble aim (e.g. to combat racism).

- Article 256 of the Qatari Criminal Code of 2004 makes it an
offence to denigrate the revealed religions, to insult a deity or a
prophet and to damage, vandalize or desecrate buildings used for
the celebration of religious rites. The article provides: "A term of
up to 7 years’ imprisonment shall be imposed on any person who
commits any of the following acts:

  • Denigrating a revealed religion that is protected under the
    Islamic sharia
  • Insulting a prophet verbally, in writing, in an image or a
    message or by any other means
  • Damaging, vandalizing, destroying or desecrating a building
    or any object found therein that is used to perform the
    religious rites of one of the revealed religions protected under
    the sharia"

- In addition, article 263 provides: “A term of up to 1 year's
imprisonment and/or a fine of up to 1,000 riyals shall be
imposed on any person who produces, makes, sells, offers for
sale, circulates, acquires or possesses products, goods, printed
matter or cassettes containing images, slogans, words,
symbols, signs or any other content that denigrates Islam or
the revealed religions protected under the Islamic sharia. The
same penalty shall be applied to anyone who distributes
computer discs, programs or tapes containing material that defames Islam or the divinely revealed religions protected under the Islamic sharia”.

**Paragraph (C): Disallowing state authorities to promote or incite racial discrimination:**
- There is no legislation in the State of Qatar entitles prejudice to basic human rights under any pretext, including the promotion or incitement of racial discrimination.
- Any judicial officer is not entitled to invoke superior orders, for example as a justification for torture, other cruel or inhuman, cruel, degrading or discriminatory punishment. On this basis, the Constitution and a number of relevant laws include provisions that clearly prohibit torture and inhuman, degrading and discriminatory treatment and not to allow any judicial officer to draw a penalty, incite or tolerate any act of torture, claiming superior orders.
- Article 36 of the Constitution provides that: "**Personal freedom is assured. No one shall be arrested or jailed or checked or confined or have his or her movements restricted, unless according to the provisions of the law. No one shall be subjected to torture or humiliating treatment. Torture is considered a crime and shall be punished by the law**".
- Article (159 bis) of Penal Code No. (11) Of 2004 stipulates that: "**A penalty for a period not exceeding five years shall apply to any public officer who uses torture, force or menace with an accused, a witness or an expert or orders such measures to cause him to confess a crime, make statements or disclose information in this respect or to hide any said issues. If the act of the officer results in a permanent wound of the victim, the penalty of the perpetrator shall be imprisonment for a period not exceeding ten years. If the act results in the decease of the victim, the penalty of the perpetrator shall be the capital punishment or the perpetual imprisonment**".
- Article 13 stipulates that: "**The provisions of this law are applicable on whoever commits in Qatar a crime mentioned in it. The crime is considered committed in Qatar if one of its constituent acts was committed in Qatar, or its result was realized in Qatar, or it was meant to be realized in Qatar**".
**Article 5:**

**Paragraph (A): The right to equal treatment before the courts:**

- The principle of equality before the law is considered to be one of the most important principles emphasized by the national legislation, either through constitutional provisions or ordinary legislation. Article 18 of the Constitution provides that: *"The Qatari society shall be based on justice, kindness, freedom, equality and morals".*
- Article 34 of the Constitution provides that: *"All citizens are equal in general rights and duties".*
- Article 35 of the Constitution provides that: *"All people are equal before the law. There shall be no discrimination on account of sex, origin, language, or religion".*
- Article 36 of the Constitution provides that: *"Personal freedom is assured. No one shall be arrested or jailed or checked or confined or have his or her movements restricted, unless according to the provisions of the law. No one shall be subjected to torture or humiliating treatment. Torture is considered a crime and shall be punished by the law".*
- It is worth mentioning that Act No. 19 of 2008 on the payment of blood money in cases of accidental killing provides that all persons, both males and females, have equal rights in regard to payment of blood money. There is no discrimination between individuals with regard to the right of legal recourse, the substantive or procedural rules applicable to parties at law, the effective defense rights and guarantees afforded under the Constitution, the standards by which cases are judged, and the procedures for mounting appeals. All rights are accorded based on standardized rules that apply to plaintiffs and defendants and to those who bring appeals and challenges against court judgments.

**Paragraph (B): The right to security:**

- As for measures taken by the State to ensure the right to security of person and protection against any violence or bodily harm, Article 52 of the Constitution of Qatar states: “All persons with legal residence status in Qatar are entitled to protection of their person and property by law”. Moreover, article 31 of the Code of Criminal Procedure states that Personal freedom is assured. No one shall be arrested or jailed or checked or confined or have his or her movements restricted, unless according to the provisions of the
law. No one shall be subjected to torture or humiliating treatment. Torture is considered a crime and shall be punished by the law. Privacy of individuals shall be respected. No one shall be subjected to interference in his or her privacy or family affairs or residence or correspondence or any interference affecting his or her honor or reputation, unless according to the provisions of the law and in a way to be stipulated by it (Article 37).
- It should be noted that the Penal Code No. (11) Of 2004 has ensured the protection of the rights of citizens and has put explicit and clear laws prohibiting attacks on people and punish the staff of the public authority who exploits their power to infringe on freedoms of people (Articles 159 to 165).
- Penal Code enjoined to inform every person arrested of the reasons; he must also be promptly informed of any charges against him, as stated in the first paragraph of Article (43) that: "The criminal investigation officer immediately hears the statement by the defendant upon his arrest. If there were sufficient evidence for accusation, the officer, within twenty-four hours, refers him to the competent Public Prosecution".
- The law also has put several measures to investigate any complaints against law enforcement personnel, i.e. judicial officers, and has assigned to the Attorney General the authority to investigate these complaints as an independent judicial body.

**Paragraph (C):**

**The right of election and nomination:**
- Article (42) provides that: "The State shall assure the right of election and nomination for all citizens according to the law".
- A series of laws and decrees support the political rights provided under the Constitution. For example, in Decree No. 38 of 2003 citizens were called upon to participate in a referendum on the draft Constitution. Article 1 of the Decree states: "Qatari men and women are invited to participate in the adoption of a constitution for the nation by expressing their views on the draft Constitution in a referendum to be held on Tuesday, 26 April 2003".
- In practicing the right to vote and run for the elections, free elections were held to form the Central Municipal Council (CMC) in 1999. CMC elections are held every four years.
- In spite of stressing the principle of equality in rights and duties for all citizens in the Constitution, there are limits on political participation also exist for persons whose citizenship was withdrawn but subsequently restored. According to Law 38 of 2005, they are
denied the right to candidacy or nomination in any legislative body for a period of 10 years from the date of restoration of their citizenship. Article 15 contains a discrimination between a Qatari and a re-naturalized Qatari albeit, of Qatari origins, in terms of the right to appointment or nomination for a legislative body until ten years have passed since re-naturalization.
- Article 16 stipulates "no naturalized Qatari has the right to nomination, election or appointment in any legislative body".

The right to hold public office without discrimination:
- The Human Resources Management Law No. (8) Of 2009 makes public positions available to all citizens according to their qualifications, competence and practical abilities. There are no legal restrictions to prevent any citizen to apply for any job commensurate with the scientific qualifications.
- There are certain cases of discrimination in the Law referred to above, to be appointed an employee must be a Qatari national, and where an appropriately qualified Qatari national is not available to be appointed, alternative individuals will be considered being in order of priority: sons of Qatari women married to non-Qataris, non-Qataris married to Qatari nationals, Gulf Cooperation Council nationals, Arab country nationals and finally all other nationals.
- There had to be equality between Qatari and children of Qatari women married to non-Qataris in the right to work, in order not to contradict with the provisions of Law No. (21) Of 1989 on regulating marriage to foreigners. The third item of Article No. (6) Of the law referred to, emphasizes equality in treatment of children of Qatari women with Qatari in education, medical treatment and work.
- International standards also emphasize the right to obtain citizenship and the right of women to grant citizenship to their children.
- As reported in Nationality Act No. 38 of 2005, there is a distinction between Qatari citizens and naturalized Qatari citizens; Article (16) provides that there is no eligibility of naturalized citizens to hold public office before the expiration of five years from the date of obtaining of Qatari nationality. But in practice, this is not applicable, where the neutralized Qatari holds public office without being restricted by virtue of article referred to.
**Paragraph (D): Civil Rights:**

**Item (D.1): Freedom of movement and Right to leave and to return to the country:**
- Article 36 of the constitution provides that: "**Personal freedom is assured. No one shall be arrested or jailed or checked or confined or have his or her movements restricted, unless according to the provisions of the law. No one shall be subjected to torture or humiliating treatment. Torture is considered a crime and shall be punished by the law**".
- Article No 10 of the law of public meetings and rallies provides that: "**Police personnel may attend public meetings to maintain law and order. They may choose a suitable place to station themselves provided they are away from speakers. They may end a meeting if its organizers ask them to do so or if anything that is mentioned in Article No. 9 occurs. Police shall not use force to conclude a meeting. They may use force only after seeking prior permission from the Minister of Interior or his deputy. Force may be used only to the minimal limits required**".
- Article 1 of the same law provides that: "**Every meeting where more than 20 persons are participating or are expected to participate without an invitation, will be considered as a public meeting, whether held in a private place or a public place other than roads or public areas to discuss issue or issues of public interest**".
- Article 11 of the same law provides that: "**Any procession or gathering organized on roads or public areas in which 20 or more persons are expected to participate, whether it is a silent gathering or there is slogan shouting, shall be considered as a procession or a march.**"

**Item (D.2): Right to leave and to return to the country**
- Article 38 of the Constitution provides: "**No citizen may be expelled from the country or prevented from returning thereto**".
- But there are some challenges concerning this freedom where Law No. (4) Of 2009 to regulate entry and exists of expatriates provides that: "**Expatriate is not allowed to enter or exit the country unless he holds a passport or valid travel document, or a permit from the competent authority illustrating the entry purpose**".

**Item (D.3): Right to a nationality:**
- Article 21 of the Constitution lends constitutional authority to the Nationality Act No. 38 of 2005, article 1, of which states: “A Qatari national is any person born to a father who has Qatari nationality”. Article 4 of the Act provides: “Qatari nationality shall be granted to the
children of naturalized citizens who are living with these citizens in Qatar at the time that they are naturalized and to children born to these persons thereafter. It shall be granted to minors living abroad who are the children of naturalized citizens five years from the date on which the children first take up residence in Qatar, provided that they have not already reached their majority when they submit their application”. The Act gives priority for the purposes of naturalization to the children of Qatari women: under article 25 of the Act, both men and women have the same right to transmit their nationality to their children. - The Act furthermore provides that children of unknown parentage who are found in Qatar will be given Qatari nationality. This measure is intended to prevent statelessness and to give effect to the provisions of the Convention on the Rights of the Child which establish that every child is entitled at birth to an identity and to other forms of recognition.

Item (D.4): The Right to marry and choose one's spouse:
In spite of emphasizing the principle of equality in Articles (34) and (35) of the Constitution, Law No. (21) Of 1989 on regulating marriage to foreigners has put many conditions concerning the marriage of the citizen man or a woman to a foreign spouse, which adhered to exercise the right to marry and choose one's spouse.

Item (D.5): The Right own property:
- All citizens have the right to own property on a freehold basis. Law No. 17 of 2004 Regulating the Ownership and Usufruct of Real Estate and Residential Units by Non-Qatari’s provides that: "A non-Qatari may own Real Estate in accordance with the terms and conditions issued by a Cabinet’s resolution". 
- No one shall be deprived from ownership. Any person shall enjoy protection for his money and possessions (Articles 27 and 52 of the Constitution).

Item (D.6): Right to inherit:
- Article 51 of the Qatari Constitution recognizes the right to inherit. It states: “The right to inherit is safeguarded and regulated under the Islamic sharia”.

Item (D.7): Right to freedom of thought, conscience and religion:
- Article 50 of the Constitution recognizes the right to freedom of thought, conscience and religion in the following terms: “Freedom of worship is guaranteed to all by law, subject to the need to protect public order and public morals”. - With a view to according religious freedoms to non-Muslims, an Indian Christian church representing various Christian denominations was opened in March 2009. Other
churches for members of the Evangelical, Eastern Orthodox and Coptic faiths are being constructed.
- Moreover, the Doha International Centre for Interfaith Dialogue was established to promote and spread a culture of dialogue and peaceful coexistence.

Item (D.8): The right to freedom of opinion and expression:
The constitutional and legal system of the State of Qatar assure the right to freedom of opinion and expression for all citizens and residents without discrimination on account of sex, origin, language, or religion. Qatar has recently witnessed a great breakthrough in the field the freedom of opinion and expression, both at the level of individuals and media and publishing where many issues and topics are addressed through print, audio and visual media including discussion and evaluation of policies and programs relating to government bodies. Qatari legislations are free of restrictions on the exercise of freedom of opinion and expression.

Item (D.9): The right to freedom of Peaceful Assembly and of Association:
The right of assembly is assured to the citizens as per the provisions of the law. The freedom to establish societies is assured according to the conditions and circumstances to be laid down by the law (Article 45 of the Constitution).
Law No. (14) Of 2004 on associations and institutions, which is amended by Law No. (8) Of 2006, allows citizens without any discrimination on account of sex, color, descent or national or ethnic origin to form private associations and institutions as well as professional associations which are similar, to some extent, to the trade union organizations. However, this law does not allow foreigners to form their own professional associations.
Qatari legislation allows Non-Qataris to join national professional associations by not more than (20%) of the total membership (Article 2 of the Law on Private Associations and Institutions).
Regarding associations built on regional or international scale, non-Qataris to join without restrictions (20% referred to).

Freedom of association
There are no restrictions against the freedom of the individual to join any association. Law No. (12) Of 2004, referred to so far, provides general conditions that don't contain any form of discrimination or act as a restriction on joining any association.
These conditions are: firstly: to meet all membership requirements as determined by the association. Secondly: to apply for affiliation to any association.

Article (31) of the Code of Private Associations and Institutions amended by Law No. (8) Of 2006 allows affiliation to any association or joining any association, national body or club located outside the State of Qatar.

Paragraph (E): Economic, Social and Cultural Rights

Item (E.1): the right to work and equal pay and protection against unemployment:

Rights to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work and to just and favorable remuneration are guaranteed, on an equal footing, to men and women without discrimination on account of sex, origin, color or religion. All citizens are equal in general rights and duties (Article 34 of the Constitution).

However, there are some cases of discrimination on the right of children of Qatar Women to work (Law of Management of Human Resources No. (8) Of 2009 which has already been mentioned in Item (D.1) on the right to freedom of movement and residence within the borders of the state).

Regarding the domestic labor:

Still the rights of this category pose a significant challenge, because of the lack of legislation regulating the affairs and business relationships of this category in labor law.

Item (E.3): The right to housing

Qatari Constitution devoted the principle of gender equality in general rights and duties (Article 34 of the constitution). Article (6) of Law No. (2) Of 2007 on regulating housing has equated among men and women. However, Article (8) of the decision of the Council of Ministers No. (17) Of 2007 on the system of housing have been cited distinction between Qatari citizens and neutralized Qataris, where the country did not give naturalized citizens the right of access to housing only after the expiry of a period of fifteen years from the date of obtaining the nationality.

Item (E.4): The right to public health and medical care:

The State provides preventive health services free of charge for all citizens. The Qatar national vision 2030 stressed on improving the health of Qatar’s population, Qatar aspires to develop an integrated system for health care, managed according to world-class standards. This system will meet the needs of existing and future generations
and provide for an increasingly healthy and lengthy life for all citizens. All health services will be accessible to the entire population. There is continued commitment by the state to provide sufficient funds for maintaining the health of Qatar’s population in accordance with the principle of partnership in bearing the costs of health care.  

**The right to social security:**  
The Social Security Act of 1963 regulates the provision of monthly assistance for needy categories of citizens. This Act, which has been amended to increase the amount of assistance to a level consistent with the changing socio-economic circumstances and the rising cost of living, covers the following categories of beneficiaries:

1. Widows  
2. divorced women  
3. needy families  
4. disabled persons  
5. orphans  
6. persons incapacitated for work  
7. the elderly  
8. families of convicts  
9. abandoned wives and families of missing persons

Persons working in the governmental and private sectors are covered by the pension scheme under which their salaries continue to be paid in the event of incapacity for work, death or old age. Cases of sickness, maternity and occupational accidents, etc. are covered by the legislation pertaining thereto.

**Item (E.5): The right to education:**  
The right to education is guaranteed to all citizens and foreign residents who meet the requirements and conditions of admission to the various levels (primary, preparatory, secondary, university and even postgraduate studies). Education is basically free of charge, its cost being met from the State budget with the exception of some minor fees which were recently imposed due to the difficult economic circumstances that the State has faced in the last few years. These fees, consisting of nominal amounts for educational services provided, are charged in respect of the children of foreign residents. Article 49 of the Constitution provides that "Education is the right of every citizen. The State shall extend efforts to achieve free
and compulsory general education according to the applicable laws and rules in the State".
Qatar follows a policy of compulsory education until the end of the elementary stage and free education to all citizens. The stage of compulsory education in Qatar starts from primary to secondary schooling or reaching the age of 18, whichever comes earlier (Article (22) of Law No. (25) Of 2001).
However, there are some challenges for children with disabilities regarding the lack of qualified human resources in this area, which limits the eligibility of these children in some schools.

**Item (E.6): The right to equal participation in cultural activities:**
The right to participate in cultural life is guaranteed legislatively. Every citizen has the right to participate in cultural life. The State ensures a freedom of thought and expression of opinion in speech, writing, photography according to the applicable laws and rules in the State.
Under Article (47) of the Constitution, the state should guarantee freedom of opinion and scientific research according to the conditions and circumstances to be stipulated by The Patent Law No. (30) Of 2006 and the intellectual Property Protection Act No. (7) Of (2010) on the protection of individuals, society and insurance of the enjoyment of scientific, cultural and creative activity in all fields of culture.

**Paragraph (F): The right to access to any place or service intended for use by the general public:**
There are no restrictions in the ordinary or subsidiary legislation on the right of individuals to access to any place or service intended for use by the general public, they are available to all citizens and residents.

**Article 6**
**The right of legal recourse:**
As for the legal remedies open to any individual who claims to have suffered discrimination, the Constitution and laws in force state that all persons may bring proceedings before courts of different kinds. Article 135 of the Constitution states: "**The right of legal recourse is assured and afforded to all. The law shall determine the procedures and conditions for the exercise of this right**". Act No. 23 of 2004, promulgating the Code of Criminal Procedure, defines the procedures and conditions for filing cases and offers full
legal safeguards for defendants. Moreover, means of redress are provided in accordance with the Code of Civil Procedure and administrative laws.

There are several bodies with which complaints may be filed. These include the Ministry of the Interior Human Rights Department, which was established by Minister of the Interior Decision No. 26 of 2005.

The functions of the department include receiving, studying and investigating complaints submitted by individuals or through the National Human Rights Committee; looking into the background issues; and making relevant recommendations to the Minister. Other functions include: working, in conjunction with relevant ministerial bodies, to achieve the goals set out in international human rights treaties that have a bearing on the work of the Ministry of the Interior; conducting visits to penal institutions, deportation centers and security departments to verify compliance with the laws and regulations in force in Qatar and to make sure that no rights are being infringed; submitting periodic reports to the Minister; producing publications and circulars, and organizing seminars and talks to raise awareness among Ministry departments that deal with human rights; and representing the Ministry at international, regional and local conferences and seminars on human rights.

Article 19 of the Criminal Procedure Code stipulates that:

"Whoever experienced direct personal damage in consequence of a crime may sue the defendant in respect of his civil rights, and during the investigation or before the Court that inspects the criminal action, at any stage of the trial, until the concluding of disputations, he does not have the right to do so before the Court of appeal".

**Article 7: Education**

It is already dealt with in Article (5) of the Convention.

**Fourth: Conclusion and recommendations**

The National Human Rights Committee expressed appreciation for the report of the State of Qatar on the measures taken by the state for the elimination of all forms of racial discrimination. The National Human Rights Committee of Qatar hopes for further measures of progress in implementing the Convention on the Elimination of All Forms of Racial Discrimination through the following recommendations:
1. Amendment of the Nationality Law No. (38) Of 2005 on denying the right of naturalized Qatari citizens to nomination or candidacy in any legislative body for a period of 10 years from the date of restoration of their citizenship.
3. Canceling out exit permits for foreigners in the law No. (4) Of 2009 regulating the entry and residence of foreigners.
4. Reconsidering of the Council of Ministers Resolution No. (3) Of 2008 on the terms and conditions on the right of housing which distinguished between Qatari citizens and naturalized Qataris.
5. Amendment of the Nationality Law No. (38) Of 2005 on non-eligibility of naturalized citizens to hold public office before the expiration of five years from the date of acquisition of nationality.
6. Amendment of the Nationality Law No. (38) Of 2005 on the right of Qatari women to granted Qatari citizenship to their children when married to a foreigner.
7. Amendment of Act No. (12) Of 2004 on the restrictions on foreigners to join professional associations.
8. Establishing a national committee concerned with issues of racial discrimination as provided in the Convention on the Elimination of All Forms of Racial Discrimination.