

Qatar's human rights record

By Joe Stork and
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■ Executive summary

At first glance the small but wealthy state of Qatar appears to be an anomaly in the Persian Gulf region, where government human rights records are distinctly poor. Qatari citizens – 225,000 out of a population of 1.7 million – seem largely content with the de facto social contract that provides material benefits in abundance, and political complaints appear to be few. Qatar has experienced none of the street protests that have been seen in Bahrain, Kuwait and Oman, or even the online petitioning that elicited a fierce official crackdown in the United Arab Emirates. On the one issue that these states have in common – migrant workers (and Qatar has the largest proportion of migrant workers to population of any Gulf state) – Qatar is taking tentative, but potentially significant steps to reform a system that currently facilitates forced labour. But the country unmistakably shares the authoritarian character of its neighbours, as is evident from the pervasive red lines confronting potential critics and the punitive responses to the very limited public dissent that has occurred.

Political context

A new Qatari constitution passed by popular referendum in 2003 with 96% approval calls for a Shura (Advisory) Council that can pass legislation. However, the emir's veto can only be over-ruled by a two-thirds majority in the council, which is unlikely, given that he appoints one-third of its members. There is a serious transparency deficit in both judicial and political affairs – e.g. the emir appoints all judges, many of whom are non-Qatari. Tribal consensus characterises some decision-making, but crucial decisions, such as Emir Shaykh Hamad bin Khalifa al-Thani's June 2013 decision to hand over power to his son, Shaykh Tamim al-Thani, are an entirely top-down affair, with little if any consultation outside the ruling family. It is not clear what effect the transition will have on Qatar's foreign and domestic policy, and the day before he handed over power to his son Shaykh Hamad announced that Shura Council elections due in 2013 would be deferred for another three years. Shaykh Tamim was behind the 2008 document "Qatar National Vision 2030", which barely mentions the word "rights" and offers scant detail on how to achieve the promised "justice, benevolence, equality". Qatar has ratified international

conventions on torture, racial discrimination, and discrimination against women and children, but not the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights.

Qatar has supported Islamist rebels in Syria and Libya, and provided \$8 billion in aid to the recently deposed Muslim Brotherhood government in Egypt. In June 2013 the Taliban opened their only overseas office in Doha. Qatar Holding, the country's sovereign wealth vehicle, has a global investment portfolio and an annual budget that reportedly exceeds \$30 billion. The ruling family is conscious of the need to appear compliant with international human rights standards. There is a quasi-official National Human Rights Committee, and the ruling-family-directed Qatar Foundation has been playing a well-publicised lead role in addressing issues like human trafficking and the conditions of migrant worker. A recent case provided an indication of how the disconnect between domestic social conservatism and progressive internationalism will play out in the human rights sphere. In May 2013 authorities arrested a Nepalese teacher at an elite Qatar Foundation school on charges of

insulting Islam after he responded to racist jibes from Qatari students by drawing their attention to the dangers of racial stereotyping. Following an international outcry the authorities released the teacher and deported him to Nepal.

Freedom of association and assembly

There have been no known instances of citizens attempting to assemble peacefully to express political dissent. The constitution guarantees freedom of assembly and association, but national legislation severely limits these rights in practice. Law No. 18 of 2004 requires organisers of public gatherings to obtain the express permission of the director of public security of the Ministry of the Interior, and the few demonstrations that do occur, such as the November 2012 protests at the U.S. Embassy sparked by a film mocking the Prophet Muhammad, therefore have the sanction of the state.

Law No. 12 of 2004 grants citizens the right to establish private societies and professional associations, but the process is slow and prohibitively expensive, and permits have to be renewed every three years. The law prohibits such associations from engaging in political matters. Qataris can form trade unions – non-citizen employees (i.e. migrant workers) cannot – but the authorities' allocation of public sector jobs and housing to Qataris mean that there is little if any interest among Qataris in establishing a trade union.

Even in the absence of significant political dissent there have been instances of arrests that at least appear to be arbitrary. In 2011 the authorities arbitrarily detained Sultan Khalifa al-Khulaifi, a Qatari and founding member of the Geneva-based rights group al-Karama (Dignity), after he contacted the authorities for information on the alleged arbitrary detention of three Qatari nationals.

Freedom of expression

Qatar's constitution guarantees freedom of expression, but with a caveat: "in accordance with the conditions and circumstances set forth in the law." A 2012 draft media law designed to regulate a large media sector provides for severe financial penalties for criticism of the rulers of "friendly countries". Article 134 of Qatar's penal code provides sentences of five years in prison for criticising the emir. In May 2013 the cabinet approved a draft cybercrimes law, which, according to the state news agency, will "punish anyone who infringes on social principles or values" – a vaguely worded stricture that opens the door to abuse. Individuals who do speak out meet with intimidation, harassment and sometimes jail terms. In 2012 the poet Muhammad ibn al-Dheeb al-Ajami received a life sentence (later reduced to 15 years) for incitement to overthrow the regime. In one of his poems Ibn al-Dheeb asked rhetorically, "As long as it [Qatar] imports everything from the West, why can't it import laws and freedoms?"

One vocal and consistent critic of the government, the academic Ali Khalifa al-Kuwari, who wrote the book *The*

People Want Reform ... in Qatar Too, has remained at liberty, although Qatar's Internet service provider has blocked his blog. Regular majlis (common interest group) gatherings in the homes of prominent individuals often host speakers who address issues like foreign policy and health care, but generally steer clear of internal political matters, including the concentration of economic power in the hands of the ruling Al Thani.

This very limited tolerance of free expression is perhaps ironic, since Qatar hosts the Doha Centre for Media Freedom and the ruling family funds the al-Jazeera television network. The Doha Centre focuses largely on issues outside the immediate region and rarely comments on free expression issues in Qatar, although in 2013 it published *Media Laws and Regulations of the GCC Countries*, a comprehensive critical presentation of Qatar's own laws and regulations, as well as those of neighbouring states. Al-Jazeera's Arabic channel does not broadcast critically about Qatar or neighbouring countries, but al-Jazeera English has covered developments in Bahrain and has been at the forefront of international media reporting of the issue of migrant workers' rights, including in Qatar.

Migrant workers

Due to the country's successful bid to stage the 2022 FIFA World Cup, Qatar has become the focal point for criticism of the Gulf states' exploitation of migrant workers. Estimates of the number of extra workers Qatar will need to fulfil its ambitious infrastructure overhaul range as high as 1.2 million workers over the next five years, in addition to approximately 1 million already present in the country. In terms of the status quo, migrant workers' welfare is almost entirely dependent on their Qatari employers. The construction sector is effectively unregulated, and passport confiscation and illegal recruitment fees, though illegal, are widespread and operate within a system of sponsorship-based employment that leaves workers acutely vulnerable to abuses, including forced labour. Quasi-governmental groups such as the Qatar Foundation have instituted codes of self-regulation, but these will only directly benefit a small portion of the country's migrant workers and their efficacy is questionable in the absence of comprehensive labour legislation and government enforcement.

Women's rights

Qatari women do not have the same rights as Qatari men to obtain nationality for their spouses and children. Qatar has no law specifically criminalising domestic violence and the government currently publishes no data on incidents of such violence. In 2012 representatives of the Qatar Foundation for the Protection of Women and Children, a government-funded charitable institution, told local media that domestic violence continued to be a problem, based on the foundation's work with women and children who sought assistance. Family law and personal status matters are adjudicated in religious courts in which judges base rulings on their interpretations of Islamic law. People have no

option to seek adjudication pursuant to a civil code. Family law as it is generally interpreted discriminates against women in matters of divorce, inheritance and child custody, granting men privileged status in these matters.

Conclusion

It remains to be seen how the new emir will approach the issue of human rights, but Qatar's wealth and its small and largely content population provide the country with an unparalleled opportunity to make relatively significant advances in the regional context. The crackdown on freedom of expression is consistent with a worrying

regional trend and the emir's decision on the draft media and cybercrimes laws will indicate how Qatar intends to position itself in the future. Meaningful progress on migrant workers will require that the emir placate the business community (of which the Al Thani are a substantial part) and the wider citizenry, both of which are staunchly resistant to affording migrant workers either more freedoms or better compensation. The reputational benefits to Qatar of reforming an archaic regional system could convince him of the wisdom of investing political and, if necessary, financial capital in such a project. ■

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