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Human rights situations that require the Council's attention

Written statement* submitted by Women and Development Association in Alexandria, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.



The blatant discrimination between women and men in Qatar

The Qatari Constitution provides that citizens are equal in rights and duties (art. 34), as well as that people are equal before the law, without discrimination on grounds of sex, origin, language or religion (art. 35).).

In spite of these constitutional provisions guaranteeing equal treatment for all citizens, Article 12 of the Qatari Nationality Law No. 38 of 2005 asserts that naturalized persons enjoy less protection. Qatari citizenship may be revoked at any time upon the proposal of the Minister of Interior.

In accordance with the provisions of the Nationality Law (Article 16), there is inequality between citizens of Qatari origin and citizens by naturalization. Qataris do not have the same political rights as citizens of Qatari origin. However long the citizens are naturalized, they cannot vote, Appointment in any legislative body.

The National Human Rights Committee in its 2015 annual report, a governmental committee, did not ignore this and pointed out that the distinction between men and women regarding granting citizenship to children remains one of the most important problems facing the right to equality of rights and duties stipulated in the Qatari Constitution. Discrimination against Qatari nationals in their children's education, health care and employment, compared to the citizens of the Gulf Cooperation Council (GCC) countries who enjoy more rights than those of Qataris, and compared to those of parents who have the same Qatari nationality.

The Committee also reiterated that the distinction between citizens of Qatari origin and naturalized nationals should be reconsidered in the respective rights.

The Committee on the Elimination of Racial Discrimination of the United Nations recommended that Qatar include in its national law a definition of racial discrimination. The Committee noted with concern the discriminatory provision contained in the Nationality Law, which prohibits Qatari women married to non-Qataris from granting their Qatari nationality to their children.

During her visit in 2014, the Special Rapporteur on the independence of judges and lawyers was concerned about the extent to which women's rights were reflected in the justice system. She expressed concern about the low number of female judges. According to the figures she received, only two women (Out of a total of 198 judges and one assistant judge among 14 assistant judges.

The Special Rapporteur also expressed her concern about the prevalence of domestic and sexual violence against women in Qatar, particularly among female domestic migrant workers.

In Qatar, the criminal treatment of children under the umbrella of Act No. 1 of 1994 on Juveniles, the Penal Code and the Code of Criminal Procedure is also subject to the provisions of the Islamic Shariah in certain cases when the accused or the victim is a Muslim.

The minimum age for criminal responsibility is 7 years. The law defines an event as a person who is over 7 years of age and does not exceed sixteen at the time of the offense. The provisions of the Juveniles Act shall apply to them, at the time of the crime.

In its report on the human rights situation in 2015, the National Human Rights Committee recommended that the Children's Act, which contains provisions prohibiting all forms of corporal punishment against children of both sexes, should be finalized and that the age of criminal responsibility for juveniles .

The Committee on the Rights of the Child expressed its concern that the minimum age for criminal responsibility, which is still limited by seven years, is far too low, and is also concerned that children between the ages of 16 and 18 may be treated as adults.

The Committee recommended that the State of Qatar raise the age of criminal responsibility to at least 12 years and provide children, both victims and accused, with appropriate legal assistance throughout legal proceedings,

And to take all necessary measures, including the promotion of alternative punishment policies for juvenile delinquents, so as to ensure that children are detained only as a last resort and for the shortest possible time,

Therefore, we are faced with a state that discriminates against its citizens and denies the principle of equality among its citizens. The United Nations and its bodies recognize that these practices are carried out under the guise of national law. Even the Qatari National Committee on Human Rights has not been able to turn a blind eye to these discriminatory practices against women and children in Qatar. »
