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议程项目 3

促进和保护所有人权——公民权利、政治权利、  
经济、社会及文化权利，包括发展权

对卡塔尔的访问

人权与国际团结独立专家的报告<sup>\*</sup>，<sup>\*\*</sup>

概要

按照人权理事会第 35/3 号决议，人权与国际团结独立专家于 2019 年 9 月 2 日至 10 日对卡塔尔进行了访问。访问的主要目的是了解和理解卡塔尔是如何将人权纳入其国际团结战略和行动的，收集这方面的好做法，并找出有待改进的领域。独立专家还试图了解该国国内是如何实行团结的。

<sup>\*</sup> 报告概要以所有正式语文分发。报告正文附于概要之后，仅以英文和阿拉伯文分发。

<sup>\*\*</sup> 由于提交过程中的疏忽，该文件在截止日期之后提交处理。



## Annex

### Report of the Independent Expert on human rights and international solidarity on his visit to Qatar

#### I. Introduction

1. The Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor, visited Qatar from 2 to 10 September 2019 at the invitation of the Government. In accordance with his mandate, the Independent Expert's objective for undertaking the visit was to learn about the nature and scope of development cooperation and other human rights-related solidarity policies and activities in Qatar; to engage in dialogue with the Government, United Nations entities, civil society and development agencies in Qatar, on their efforts to implement human rights-based solidarity at the national level; and to identify practical solutions and good practices in international solidarity conducive to the realization of human rights in Qatar. The Independent Expert was also keen to learn about the policies and activities of Qatari non-State actors, such as private businesses and their role in promoting human rights-based solidarity. To those ends, the Independent Expert focused on three main thematic areas: development and the 2030 Sustainable Development Agenda, climate change and water management, and cross-border migration.

2. During his visit, the Independent Expert held meetings in Doha with a number of senior government officials in the Ministry of Foreign Affairs (the Human Rights Department, the Department of International Organizations and the Department of International Cooperation), the Ministry of the Interior (the Human Rights Department and the Search and Follow-Up Department), the Ministry of Justice (the Department of Agreements and Cooperation), the Ministry of Municipalities and the Environment (the Climate Change Department), the Ministry of Education and Higher Education (including the Qatari National Committee for Education, Culture and Science), the Ministry of Administrative Development, Labour and Social Affairs, the Planning and Statistics Authority, the Regulatory Authority for Charitable Activity and the Supreme Committee for Delivery and Legacy.

3. The Independent Expert also met with senior leaders of Qatar Petroleum, the Qatar Fund for Development, Silatech (a youth empowering initiative promoted by Sheikha Moza),<sup>1</sup> the Qatar Foundation for Education, Science and Community Development, representatives of the Arab Network for National Human Rights Institutions, the Qatar National Human Rights Committee, the Center for Conflict and Humanitarian Studies of the Doha Institute, and academics.

4. The Independent Expert visited various United Nations entities present in the country, including the offices of the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Humanitarian Envoy of the Secretary-General and the Training and Documentation Centre of the Office of the United Nations High Commissioner for Human Rights (OHCHR). He also met with representatives of migrant communities who shared their experiences of working and living in Qatar. The Independent Expert thanks all those who took the time to meet and exchange views with him.

5. It is usual practice for special procedure mandate holders to meet with independent civil society organizations that work on human rights when making country visits; the Independent Expert regrets to report, however, the lack of many such organizations in Qatar. Indeed, he received information concerning restrictions laid down in law No. 12 of 2004<sup>2</sup> that

<sup>1</sup> <https://silatech.org/>.

<sup>2</sup> See for instance the joint submission of CIVICUS: World Alliance for Citizen Participation and the Gulf Centre for Human Rights for the universal periodic review (2018) available at [www.civicus.org/documents/JointUPRSubmissionQatar.pdf](http://www.civicus.org/documents/JointUPRSubmissionQatar.pdf).

impede the formation of such organizations and that limit the participation of non-nationals, despite the fact that they account for the majority of the country's inhabitants.<sup>3</sup>

6. The Independent Expert commends Qatar for being the first State in the Gulf region to issue a standing invitation to the special procedures of the Human Rights Council, and for facilitating his visit to the country, the first such visit for some time by a special procedure mandate holder. The Independent Expert also notes that his visit was followed by those of three other mandate holders. He also commends the State's active engagement with international and regional organizations and hosting of various United Nations bodies, facts that reflect the significant contribution the State makes to solidarity with other Member States and peoples, including in the context of human rights. The mandate holder appreciates the fact that Qatar has hosted several relevant international conferences, and has regularly made voluntary contributions to United Nations funds and entities, including to OHCHR, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), in addition to the international Red Cross and Red Crescent movement. This assistance facilitates the enjoyment of human rights-based international solidarity throughout the world.

## II. Applicable constitutional and human rights framework

7. The system of governance of Qatar is hereditary, in the family of Al Thani and the male line of Hamad ibn Khalifa ibn Hamad ibn Abdullah ibn Jassim. In 2004, the Constitution of Qatar, comprising 150 articles, was promulgated to secure the foundations of Qatari society. Part I of the Constitution, concerning the State and the foundations of governance, affirms that the State religion is Islam and that sharia is a principal source of law. According to an explanatory memorandum to the Constitution, no legislation may be adopted in Qatar that conflicts with the absolute, definitive and fixed principles of Islamic sharia. Part II of the Constitution, concerning the guiding principles of society, states that Qatari society is founded on justice, benevolence, freedom, equality and high moral values. The Constitution establishes that the State is responsible for upholding these principles and for guaranteeing security, stability, equal opportunity, solidarity and fellowship among citizens. It emphasizes the role of the family as the foundation of society, the mainstays of which are religion, morality and patriotism. It defines the State's obligations towards the family and evinces concern for young persons, stating that they must be protected from immorality, exploitation and the evils of physical, mental and spiritual neglect, and provided with conditions favourable to the development of their potential. Part III of the Constitution is devoted to fundamental rights and freedoms. It affirms that citizens have equal public rights and duties before the law and that there can be no discrimination on grounds of sex, origin, language or religion. The Constitution states that the foreign policy of Qatar is guided by a number of principles: the consolidation of international peace and security; respect for human rights; the rejection of violence and the use of force; the promotion of the settlement of international disputes by peaceful means; and cooperation with peace-loving nations (HRI/CORE/QAT/2019, paras. 34–39).

8. The Emir of Qatar is the Head of State. His person is inviolable and must be respected by all. He is the Commander-in-Chief of the Armed Forces and represents the State at home and abroad and in all international relations. He concludes treaties and conventions by decree and informs the Advisory Council thereof. Once ratified and published in the Official Gazette, these instruments acquire the force of law. The Emir draws up the general policy of the State with the assistance of the Council of Ministers, and ratifies and promulgates laws. No law may be promulgated unless ratified by the Emir. He establishes, regulates and defines the functions of ministries, other governmental bodies

<sup>3</sup> The Gulf Centre for Human Rights submitted information on the lack of a robust civil society space in Qatar, highlighting the fact that civil society organizations are rarely able to engage in politics and that non-nationals are at times deported for activism. See Gulf Centre for Human Rights, "Qatar, civil society and human rights: lack of civil society space hinders work of human rights defenders", Mission Report, March 2016. Some independent organizations representing migrants do, however, operate in Qatar.

and the consultative bodies that assist and advise him in the task of directing and overseeing higher State policy (*ibid.*, para. 41).

9. Under the Constitution, the Advisory Council is vested with the power to legislate, approve the general budget and exercise oversight of the executive branch. Article 77 establishes a unicameral legislative system for Qatar. The Advisory Council consists of one chamber that comprises both elected and appointed members, and in which the elected members form a clear majority. Article 77 states that the Advisory Council consists of 45 members, two thirds of whom are elected by direct, secret and universal suffrage. The other members are appointed by the Emir. The Elections Act defines the conditions for the nomination of members of the legislature and their election to office (*ibid.*, para. 42).

10. The Council of Ministers assists the Emir in performing his functions and exercising his powers under the Constitution and the law. In its capacity as the supreme executive body, the Council of Ministers manages all internal and external affairs falling within its purview under the Constitution and the law. It is responsible for proposing laws and decrees to be put before the Advisory Council for discussion. If approved, they are submitted to the Emir for ratification and promulgation in accordance with the Constitution. Among other functions, the Council of Ministers also adopts regulations and decisions drawn up by ministries, oversees law enforcement, and monitors the conduct of the Government's financial and administrative affairs (*ibid.*, para. 43).

11. The Constitution espouses the principle of the rule of law. Article 129 stipulates that "the rule of law is the basis of government in the State. The honour, impartiality and fairness of judges serve as a guarantee of rights and freedoms". Article 130 stipulates that "the judiciary is independent and judicial authority is vested in courts of various kinds and levels". According to article 131, judges are independent and subject to no authority other than the law; there may be no interference in legal proceedings or in the administration of justice". Article 137 stipulates that "the judiciary shall have a supreme council to oversee the conduct of the work of the courts and their auxiliary bodies. The composition, powers and functions of the council shall be prescribed by law" (*ibid.*, para. 44).

12. The Office of the Public Prosecutor is an independent judicial body charged with bringing public legal actions on behalf of society. It oversees criminal investigations and monitors law enforcement. It initiates and pursues criminal proceedings and takes all appropriate measures in accordance with the law. It also has powers to conduct investigations and bring charges (*ibid.*, para. 47).

12. In assessing the situation of human rights-based solidarity in Qatar, the Independent Expert refers to the applicable normative framework established by international human rights treaties, the draft declaration on the right to international solidarity (A/HRC/35/35, annex), the universal periodic review of Qatar and relevant findings of the treaty bodies. The Independent Expert also notes relevant domestic legislation.

13. Qatar acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 2018, although the Independent Expert recalls that the Committee on the Elimination of Racial Discrimination noted with regret the State party's reservations to them.<sup>4</sup> It is also noteworthy that Qatar is now party to seven human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

14. The draft declaration on the right to international solidarity is a useful framework for analysing information gathered on country visits. It defines international solidarity as the expression of a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the

<sup>4</sup> CERD/C/QAT/CO/17-21, para. 4. See also the submission of Amnesty International for the universal periodic review of Qatar (available from [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRQASTakeholdersInfoS33.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRQASTakeholdersInfoS33.aspx)), p. 1; and Human Rights Watch, "Partial Reforms Risk Undermining Progress: Important Measures, but Fall Short of Promises, Obligations", 17 January 2019.

recognition of different needs and rights to achieve common goals. It furthermore identifies the components of international solidarity as reactive solidarity (collective actions of the international community to respond to situations of crisis), preventive solidarity (shown when stakeholders act to address shared challenges proactively) and international cooperation (which encompasses the processes by which States provide international assistance to contribute to the fulfilment of human rights in other States). In the sections below, the Independent Expert reviews positive examples of reactive and preventive solidarity and international cooperation, as well as areas for improvement that he identified during his visit to Qatar.

15. In preparation for his visit, the Independent Expert considered the third universal periodic review of Qatar, held in May 2019. During his visit, the Ministry of Foreign Affairs informed the Independent Expert that the Government was developing a national action plan to follow up on the review outcome. The Ministry also informed him that a committee would carry out national consultations for the formation of a human rights action plan, which will be guided by the Qatar National Vision 2030 programme<sup>5</sup> and international agreements.

16. According to information received from the Ministry of Foreign Affairs, the Government has recently enacted several new laws relating to human rights-based solidarity, including law No. 15 of 2017 relating to domestic workers, law No. 11 of 2018 on asylum, law No. 13 of 2018 on the entry and exit of expatriates, Law No. 11 on political asylum and Law No. 21 of 2019 on the election of worker representatives. The Independent Expert notes the adoption of new protections for migrants and domestic workers, and that Qatar is the first State in the Gulf region to pass legislation governing asylum.<sup>6</sup> The Independent Expert reviews in the section below certain provisions of the new laws.

### III. Development and the 2030 Agenda for Sustainable Development

17. In recent years, Qatar has built and strengthened the infrastructure needed to promote and effectively deliver its human rights-based international solidarity agenda, including through the creation of a number of foundations largely funded by the State. Although Qatar has demonstrated its commitment to human rights-based international solidarity through its substantial support of international development and cooperation, the Independent Expert encourages the Government to mainstream sustainability concerns to more comprehensively reflect the goals of the 2030 Agenda for Sustainable Development. During his visit, the Independent Expert was informed that the Ministry of Foreign Affairs, the Qatar Fund for Development, the Ministry of Education, the Ministry of Planning and Statistics, the Supreme Committee for Delivery and Legacy and Silatech (see para. 3 above) contributed to the State's actions on development and the Sustainable Development Goals.<sup>7</sup> In accordance with the Qatar National Vision 2030 programme, Qatar has launched its national development strategy for 2018–2022.<sup>8</sup>

18. Qatar practices reactive solidarity, in accordance with the draft declaration on the right to international solidarity, through the significant monetary support that it provides to States around the world in the wake of natural or man-made disasters. Qatar directs this assistance bilaterally and/or through the United Nations<sup>9</sup> or other entities, including in the fields of health,<sup>10</sup> education

<sup>5</sup> [www.gco.gov.qa/wp-content/uploads/2016/09/GCO-QNV-English.pdf](http://www.gco.gov.qa/wp-content/uploads/2016/09/GCO-QNV-English.pdf).

<sup>6</sup> Human Rights Watch, "Gulf's First Refugee Asylum Law: Positive Step, But Unnecessary Rights Restrictions", 30 October 2018.

<sup>7</sup> Since 2008, the Silatech initiative has contributed to the creation of more than 1.4 million jobs in Africa and Asia.

<sup>8</sup> See [www.mofa.gov.qa/en/foreign-policy/international-cooperation/second-national-development-strategy-2018-2022](http://www.mofa.gov.qa/en/foreign-policy/international-cooperation/second-national-development-strategy-2018-2022).

<sup>9</sup> See for instance the contribution of Qatar to UNRWA at [www.unrwa.org/newsroom/press-releases/qatar-makes-unprecedented-donation-unrwa](http://www.unrwa.org/newsroom/press-releases/qatar-makes-unprecedented-donation-unrwa) and to UNHCR at [www.unhcr.org/news/press/2018/7/5b4618414/qatar-charity-unhcr-extend-lifeline-30000-syrian-refugee-families.html](http://www.unhcr.org/news/press/2018/7/5b4618414/qatar-charity-unhcr-extend-lifeline-30000-syrian-refugee-families.html).

<sup>10</sup> See for instance [www.gavi.org/investing-gavi/funding/donor-profiles/state-qatar](http://www.gavi.org/investing-gavi/funding/donor-profiles/state-qatar).

and development; for instance, at the fourth World Innovation Summit for Education, held in Doha in 2012, it launched a global initiative to deliver quality schooling to the world's hardest-to-reach children, mostly in urban slums, disaster-prone regions and conflict zones. The State is also a member of the Top Donors Group for the Syrian Arab Republic, and has participated in humanitarian coordination and funding efforts with the Dominican Republic, Turkey and Yemen.<sup>11</sup>

19. With regard to preventive solidarity, the Independent Expert lauds Qatar for the investments it has made in education at home and abroad. Qatar contributes through international organizations, such as UNICEF. Moreover, the Qatar Fund for Development informed the Independent Expert about its nascent "education in emergencies" programme and the goal of Sheikh Tamim Al-Thani to provide quality education to 1 million girls worldwide by 2021.<sup>12</sup> The Silatech initiative, promoted by Sheikha Moza, is another example of human rights-based international solidarity, as it seeks to empower youth worldwide. Sheikha Moza is also the founder and chair of the Education Above All Foundation,<sup>13</sup> and whose advocacy for the Sustainable Development Goals has been recognized by the Secretary-General.<sup>14</sup> During his visit, the Independent Expert was informed of pilot projects involving the introduction of human rights education in school curricula.<sup>15</sup>

20. The Independent Expert commends Qatar for resolutely upholding the third element of international solidarity: international cooperation. Qatar hosts offices of a number of international organizations, including ILO and the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Human Rights Training Centre<sup>16</sup> and UNICEF. In 2018, Qatar announced its multi-year support for several United Nations entities, inter alia, \$28 million for UNDP, \$8 million annually between 2019 and 2023 for UNHCR, \$16 million for UNRWA, \$4 million annually for UNICEF and \$15 million annually for the Security Council Counter-Terrorism Committee.<sup>17</sup> Furthermore, the State has opened dedicated international cooperation departments in many government ministries, to mainstream the principle of international cooperation more effectively. The Independent Expert advises the Government to integrate measures to achieve the Sustainable Development Goals in all its ministries, rather than allocate monitoring of progress in the Sustainable Development Goals to the Planning and Statistics Authority, as is now the case.

21. The Independent Expert was informed that Qatar was attempting to systematically incorporate climate change considerations into the State's development practice, both at home and abroad; in 2019, for example, Qatar pledged \$100 million to help least developed countries and small island developing States to cope with the challenges posed by climate change. He learned that the Qatar Fund for Development was studying how its projects could be made more environmentally friendly. The Independent Expert notes the importance of disaggregated data collection for measuring progress with regard to each of the Sustainable Development Goals.

## IV. Climate change

22. Regarding the intersection of human rights-based international solidarity and climate change, the Independent Expert welcomes the State's participation in relevant international forums, but stresses the need for Qatar to do more to reorient its policies and activities towards combating climate change systematically. The Government informed the

<sup>11</sup> See [www.unocha.org/middle-east-and-north-africa-romena/qatar](http://www.unocha.org/middle-east-and-north-africa-romena/qatar).

<sup>12</sup> See also <https://qatarfund.org.qa/en/>.

<sup>13</sup> See <https://educationaboveall.org/#/home>.

<sup>14</sup> See <https://www.un.org/sustainabledevelopment/blog/2018/12/sdg-advocate-her-highness-sheikha-moza-bint-nasser-met-with-antonio-guterres-and-henrietta-for-at-hamad-bin-khalifa-university-to-discuss-progress-on-sdg-4/>.

<sup>15</sup> See also <https://www.middleeastmonitor.com/20200115-qatar-to-teach-human-rights-in-schools/>.

<sup>16</sup> See [www.ohchr.org/EN/Countries/MENARRegion/Pages/SouthWestSummary.aspx](http://www.ohchr.org/EN/Countries/MENARRegion/Pages/SouthWestSummary.aspx).

<sup>17</sup> See <https://dohaforum.org/media/press-releases/2019/04/28/qatar-announces-half-a-billion-usd-in-funds-to-un-agencies>.



Independent Expert that the Ministry of Foreign Affairs, the Ministry of Municipalities and the Environment, Qatar Petroleum<sup>18</sup> and the Supreme Committee for Delivery and Legacy played an important role in the State's action on climate change; the hosting of an "environmentally friendly" and carbon-neutral FIFA 2022 World Cup using solar power in stadiums and cooling and lighting technology characterized by the economical use of water and energy bore witness to that role.

23. Within the framework of the draft declaration on the right to international solidarity, Qatar has demonstrated reactive solidarity by taking certain measures to cut greenhouse gas emissions. The Independent Expert learned that the national oil and gas company, Qatar Petroleum, had for 15 years been committed to reducing its carbon footprint, and that the resulting decrease had been significant. The State took the measures as follow-up on a review conducted by Qatar Petroleum of all offshore and onshore facilities to identify ways to eliminate gas flaring from their operations. The Supreme Committee for Delivery and Legacy, which is responsible for overseeing the State's preparations for the 2022 World Cup, including the construction of stadiums, informed the Independent Expert that mitigating and reducing carbon emissions was a priority, as reflected in the Green Generation Initiative,<sup>19</sup> and that it would also be purchasing carbon offset credits. According to information received from the Ministry of Foreign Affairs, Qatar has also extended financial support and solidarity to small island States disproportionately affected by climate change.

24. With respect to preventive solidarity, Qatar co-founded the Global Green Growth Institute, a treaty-based international, intergovernmental organization dedicated to supporting and promoting strong, inclusive and sustainable economic growth in developing countries and emerging economies, and has helped to fund its projects in developing countries. The creation of Qatar Rail, operational since May 2019, reflects efforts to increase low carbon-emitting public transportation options. The Ministry of Municipalities and the Environment also provided information to the Independent Expert about the Government's decision to acquire technology to improve the production efficiency of a water desalination plant that is in use in Qatar, thereby reducing emissions. Using resources from the Qatar National Research Fund, the Ministry has been designing projects aimed at increasing sustainability in the construction industry.

25. In the area of international cooperation, Qatar hosted the eighteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in 2012,<sup>20</sup> and has participated in every Conference of the Parties since. Qatar ratified the Paris Agreement on climate change in 2017. The Government informed the Independent Expert that Qatar remains engaged with the Framework Convention and the Intergovernmental Panel on Climate Change.

26. The Independent Expert nevertheless notes that Qatar remains heavily reliant on natural gas, and to a lesser extent on oil, both of which serve as the State's main economic engine and source of revenue.<sup>21</sup> Given these circumstances, the Independent Expert appeals for a paradigm shift towards renewable energy and combating climate change. In this regard, he refers to the Qatar National Vision 2030 programme, which calls for a balance between development and environmental protection. Furthermore, as Qatar prepares to host the 2020 World Cup, the Independent Expert underscores the imperative that domestic development be undertaken sustainably in order to reflect human rights-based solidarity. The World Cup stadium currently being constructed as a "recyclable" stadium could serve as a creative example of this approach, which could be replicated.<sup>22</sup> Generally, however, recycling is minimal in Qatar; more effort should therefore be made to encourage and systematize it throughout this small country.

<sup>18</sup> See <https://qp.com.qa/en/QPActivities/QPOperations/Pages/EnvironmentandSociety.aspx>.

<sup>19</sup> See [www.qatar2022.qa/en/opportunities/generation-amazing/green-generation](http://www.qatar2022.qa/en/opportunities/generation-amazing/green-generation).

<sup>20</sup> See FCCC/CP/2012/8.

<sup>21</sup> Central Intelligence Agency, *The World Factbook*, Qatar (2019) <https://www.cia.gov/library/publications/the-world-factbook/geos/qa.html>

<sup>22</sup> India Block, "Qatar's shipping-container football stadium can be taken apart and reassembled after the match", *De Zeen*, 7 December 2017.

## V. Migration

### A. International engagement

27. Internationally, Qatar has funded assistance to refugees of crisis or conflicts, either directly or through support provided to UNHCR and the International Organization for Migration (IOM). Most of the State's work in this area has focused on countries in situations of conflict and countries of refuge in the Middle East, Africa and Asia. In 2018, for instance, UNHCR signed a memorandum of understanding and three cooperation agreements for a total of \$16 million with the Government of Qatar, the Qatar Fund for Development and Qatar Charity to support UNHCR operations around the world. The agreements were aimed at, inter alia, supporting UNHCR efforts to provide international protection to refugees and displaced persons and to identify durable solutions to their needs in the areas of voluntary repatriation, integration into host countries where they have sought asylum, or resettlement in a third country. Furthermore, Qatar supports 14 UNHCR projects worth more than \$33 million in Bangladesh, Iraq, Jordan, Lebanon, Myanmar, Somalia, the Syrian Arab Republic and Yemen.<sup>23</sup> In 2015, Qatar and IOM signed a memorandum of understanding to support the extension of voluntary return and reintegration assistance to stranded migrants. The project primarily targeted migrants who had been victims of abuse, exploitation or mistreatment, including human trafficking.<sup>24</sup>

### B. National measures

28. More than 85 per cent of the population of Qatar and more than 92 per cent of its labour force are migrant workers.<sup>25</sup> The situation of migrants in Qatar has historically been marred by certain issues of concern, such as the mortality rate of workers on construction sites (due to heat exposure),<sup>26</sup> forced labour,<sup>27</sup> the withholding of pay, and some systematic violations resulting from the *kafala* sponsorship system, including the inability of workers to change jobs or to leave the country without the employer's (sponsor's) permission.

29. In June 2014, delegates of ILO filed a complaint concerning the State's failure to observe the Forced Labour Convention, 1930 (No. 29) and the Labour Inspection Convention, 1947 (No. 81). Subsequently, in March 2016, ILO gave Qatar one year to reform the *kafala* system of sponsorships-based employment and its labour laws before taking a decision on the launch of an official commission of inquiry, the Organization's highest level of sanction. At its 329th session, in March 2017, ILO deferred its decision to launch a commission of inquiry until its session in November 2017. On 8 November 2017, ILO withdrew the complaint against Qatar after the Government pledged further reforms and agreed to a technical cooperation agreement with the agency for the period 2018–2022.

30. The Independent Expert was informed that several new laws had been enacted in recent years resulting in significant improvements in the compatibility of the State's legal framework with international human rights law. The most notable new laws or amendments are described below.

<sup>23</sup> See UNHCR, "UNHCR signs several agreements with Qatar in support of refugees", 17 December 2018 and "New initiative to enroll 172,000 refugee children", 20 November 2012.

<sup>24</sup> IOM, "IOM and Qatar to Cooperate on Migrant Returns", 15 September 2015.

<sup>25</sup> In a joint submission to the Committee on the Elimination of Racial Discrimination, the Global Detention Project estimated the percentage of foreigners in Qatar at 90 per cent; see [www.globaldetentionproject.org/submission-cerd-qatar](http://www.globaldetentionproject.org/submission-cerd-qatar). According to information provided by the Ministry of Administrative Development, Labour and Social Affairs, there are more than 1,910,00 migrant workers in Qatar. The majority are from India, followed by Bangladesh, Nepal, the Philippines, Egypt, Pakistan, the Sudan, Jordan and the Syrian Arab Republic. There are also nationals from Kenya, Burundi, Ethiopia, Ghana and Nigeria.

<sup>26</sup> See for instance Human Rights Watch, "Qatar: Urgently Investigate Migrant Worker Deaths", 10 October 2019.

<sup>27</sup> See for instance Amnesty International, "Qatar: Abuse of World Cup workers exposed", 31 March 2016.



31. In 2015, Qatar adopted Act No. 21 and the amendment thereto, law No. 1 of January 2017, regulating the entry, exit and residence of migrant workers. The Act removed the constraints previously imposed on some migrant workers when changing employers. According to the amendment, a worker's departure from the country is no longer tied to notifying the competent authority at the Ministry of the Interior three days prior to each trip outside the country. Leaving the country for holidays or for an emergency, or for any other purpose becomes a worker's right after the worker has notified the employer.

32. More recently, in January 2020, a ministerial decree came into force, removing exit permit requirements for workers not covered by changes previously made in 2018, namely, domestic workers, workers in government and public institutions, workers employed in the oil and gas sector and workers employed at sea and in agriculture. Exit permit requirements remain in place for members of the armed forces and for a limited number of workers in key posts in companies.<sup>28</sup>

33. In February 2017, the Council of Ministers adopted Act No. 15 on domestic workers, and promulgated it in August of the same year. The law prohibits the employment of domestic workers before they have obtained a work permit in the country. It also prohibits the employment of domestic workers, of both sexes, who are under 18 years or over 60 years of age. The law sets down a maximum limit for hours of work, which is 10 hours a day, during which time will be allowed for worship, rest and food. Such periods will not enter into the calculation of the hours of work. Workers are also granted paid weekly rest for no less than 24 consecutive hours, and annual holidays of a three-week duration for each year spent in service, sick leave, and an end-of-service bonus. Under Chapter 11 bis of the Labour Code, disputes arising between an employer and a worker are to be referred to a workers' dispute resolution committee.

34. In 2018, Qatar adopted law No. 13 on dispute resolutions, amending several provisions of the Labour Code and the Civil and Commercial Proceedings Law issued on 16 August 2017. The law obliges both workers and employers, in the event of a dispute between them relating to the application of the law or the employment contract, to submit the dispute first to the competent department at the Ministry, which consequently takes the measures necessary to settle the dispute amicably. If the dispute is not settled or if the worker or employer refuses the settlement proposed by the department concerned, the dispute is referred to a committee specialized in settling worker disputes. The Government also informed the Independent Expert about the formation of worker dispute resolution committees at the Ministry of Administrative Development, Labour and Social Affairs, chaired by a judge from a court of first instance selected by the Supreme Judiciary Council, and composed of two other members nominated by the Minister. Other new laws include Act No. 11 of 2018 regulating political asylum, which, while a welcome development, has to date fallen short of international obligations, as it restricts the freedom of movement and freedom of expression of refugees.

35. Other positive developments include the setting in 2017 of a "temporary" minimum wage of 750 Qatari riyals (QR) pending the enactment into law of a permanent minimum wage; shelter for abused workers run by the Red Crescent was becoming operational at the time of the visit, a service that is urgently needed; and, in what is considered progress in giving voice to migrants, representatives of migrant workers now sit in biannual forums with representatives of the Ministry of Labour. A fund to compensate unpaid workers while their claims are being processed is in its pilot phase. An anonymous hotline for those working on the construction of stadiums in view of the World Cup is something that could be replicated for the workforce in general, and emulated internationally. Workers involved in building the stadiums seem overall to enjoy better conditions than other construction workers in the country.

36. Despite the significant progress made in the above-mentioned areas, a number of important concerns remain, especially in the implementation of admittedly progressive legal developments. The Independent Expert notes that the daily life of migrant workers is

<sup>28</sup> ILO, "Exit permits consigned to history for almost all migrant workers in Qatar", press release, 16 January 2020.

still challenging. Furthermore, immense inequalities persist between employers and migrant workers.

### **C. Domestic workers**

37. Protections for (usually female) migrant domestic workers continue to lag behind those for other foreign workers. Domestic workers face distinct and extreme difficulties. Despite improvements introduced in law, migrant domestic workers, like a large proportion of the migrant workforce, remain excluded from the continued application of the Non-Objection Certificate, which requires the approval of employers for a domestic worker to change jobs. In practice, many domestic workers still do not enjoy any rest days as prescribed by law, and the law is not clear about whether they have to stay indoors during the rest days to which they are entitled. Furthermore, moving to a different or higher-paying job remains a challenge for most domestic workers. The domestic workers with whom the Independent Expert spoke stated that many domestic workers continued to work as many as 16 hours a day, with few realistic forms of recourse to protest, despite such conditions being clearly prohibited by State laws. Many workers are denied mobile telephones by their employers, which hinders their access to the outside world; some employers even deny domestic workers their medical cards. In the absence of robust monitoring and inspection mechanisms, domestic workers remain a particularly vulnerable and largely invisible category.

### **D. Temporary minimum wage**

38. In November 2017, Qatar introduced a temporary minimum salary of QR 750 (around \$200) per month.<sup>29</sup> While this measure is a step in the right direction, as highlighted also by the mandate holder in his end of mission statement, the Independent Expert hoped a permanent minimum wage would be significantly larger, non-discriminatory and apply to all sectors of the economy. The State's resources and wealth should allow it to set a minimum wage that ensures decent and fair remuneration to all workers. The minimum wage should therefore be reviewed regularly and accompanied by solid mechanisms to identify and hold accountable employers who do not comply with it.

### **E. Non-Objection Certificate**

39. Despite welcome amendments, further improvements are required for the Non-Objection Certificate. First and foremost, a robust and independent system to monitor the actual ability of migrant workers to change jobs at any time and to hold accountable individuals or companies that do not comply is required. While the Non-Objection Certificate is by law free, the Independent Expert heard accounts that some companies charge employees a fee for its issuance, a fact that highlights the need for strong independent monitoring.

### **F. Access to justice**

40. The Independent Expert was informed that access to justice in cases where the rights of migrant workers, including those of domestic workers, have been violated continued to be a serious challenge. This has been the case for different reasons, including the lack of legal aid in civil matters (legal aid is available only in criminal cases), language barriers during encounters with the police or while attempting to file a complaint at the Ministry of Labour, and general uncertainty among many migrants of how to seek justice or redress. Some reported a lack of adequate protection for workers who file complaints against employers. Too many migrant workers are still scared to file complaints for fear of retaliation by powerful employers, as many of those who have filed complaints have been deported at the initiative of their employers, or are prevented from working. Migrant

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<sup>29</sup> "Qatar to introduce minimum wage for workers", *The Peninsula*, 25 October 2017.

workers must be able to enjoy full access to justice no matter who their employer is. The complaint processes offered by the Ministry of Labour, the Qatar National Human Rights Committee and the Human Rights Department at the Ministry of the Interior are often slow and unclear, causing frustration among workers. A central database for all complaints filed with the Ministry of Labour that is accessible to deportation courts and the police would substantially improve the situation of migrant workers who file complaints.

## **G. Wage protection system**

41. In order to address the non-payment of wages by some employers, in November 2015 the Government introduced a wage protection system, which requires companies (though to date not employers of domestic workers) to pay their employees by electronic transfer. By means of the system the authorities are able to monitor compliance and to blacklist companies that fail to pay workers. Blacklisted companies are unable to hire new employees or to carry out certain bureaucratic transactions. Although the system is a positive measure, it still has some blind spots; according to reports, the system does not always detect delays in the payment of salaries, which can have a serious impact on the lives of migrants and their families. The system should therefore be closely monitored and improved.

42. In November 2018, the Government decided to establish a workers' fund. Once the fund is fully operational, it will pay workers their unpaid wages immediately following a decision by a labour dispute committee, while the Government recovers them from the employers.

43. The Independent Expert also noted other areas where improvements could be made, such as the opening of more private shelters (including shelters for persons who file complaints against employers), regular sensitization of employers about the rights of workers, and sustained increase of well-resourced labour inspection bodies. He was also informed about (though did not personally observe) overcrowding in pre-deportation detention centres run by the Search and Follow-Up Department. In any case, the Independent Expert encourages greater use of alternatives to the detention of migrant workers.

## **VI. Gulf crisis**

44. In 2017, a diplomatic crisis engulfed Qatar, with several neighbouring States causing hardship and inconvenience to not only many of its citizens, but also to residents, including migrant workers, who were forced to endure an increase in the cost of certain commodities and food prices as a result of the crisis. The sudden closing of borders by neighbouring States affected Qatari students in States involved in the crisis, interrupted medical care, access for Qataris to places of faith was hindered, and some Qatari families with relatives in other Gulf States were separated from their relatives for periods of time. The crisis particularly affected mixed-nationality families. In the meantime, travel to and from Qatar remains restricted, and the land border with Saudi Arabia remains closed. Qataris can only travel to visit relatives in neighbouring States involved in the crisis if they obtain a government authorization explaining the "humanitarian" purpose for their trip.

## **VII. Conclusions and recommendations**

### **A. Conclusions**

45. **The Independent Expert praises Qatar for its robust support for international development and cooperation, which concretely demonstrates the State's commitment to international solidarity.**

46. **With regard to the domestic implementation of the 2030 Agenda for Sustainable Development, the Independent Expert notes that Qatar has taken important measures to address some of the inequalities affecting the migrant worker population, but emphasizes that Qatar must redouble its efforts to further its domestic efforts to achieve the Sustainable Development Goals. Similarly, he urges Qatar to do**

even to take climate change into account in its development practices, in order to better safeguard the human rights of the most vulnerable populations in Qatar and abroad.

47. The Independent Expert concludes that the Government must make a paradigm shift in the State's approach to combating climate change; away from reliance on natural gas (and to a lesser extent oil) and towards a greater use of renewable energy. In so doing, Qatar will strengthen the commitments laid out in the Qatar National Vision 2030 programme and the Sustainable Development Goals.

## **B. Recommendations**

48. The Independent Expert recommends that the Government of Qatar ratify the international human rights instruments to which it is not yet a party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

49. The State should open up more space for the operation of civil society organizations, and reduce registration procedures and limitations on their ability to operate and function independently. The Independent Expert recalls that active, independent civil society organizations play an integral and vital role in the promotion and fulfilment of human rights-based international solidarity. He notes that other United Nations human rights actors have also made similar calls.

50. The Government should work towards lifting its reservations on the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights it ratified in 2018, and improve the asylum law to bring it into line with international standards, also by removing restrictions on the freedoms of movement and of expression of refugees.

51. In the area of sustainable development, the Independent Expert recommends that the Government continue to strengthen its efforts in its oversight and implementation of the 2030 Agenda for Sustainable Development, including by focusing on sustainability.

52. The Government should integrate measures to achieve the Sustainable Development Goals in its ministries and different governmental entities rather than allocate monitoring of progress in the Goals to the Planning and Statistics Authority, as is currently the case.

53. With respect to domestic education, the Independent Expert urges Qatar to continue efforts to introduce human rights education at the different levels of the national curriculum, as this will play an important role in instilling human rights-based international solidarity for generations to come.

54. In the area of climate change, the Independent Expert urges Qatar to strengthen domestic action on renewable energy to mitigate climate change, to ensure that it grows sustainably and to reduce its emissions.

55. Qatar remains reliant on natural gas (and to a lesser extent oil), which serve as the country's main economic engine and government revenue source. The Independent Expert appeals for a paradigm shift towards renewable energy and combating climate change. Despite its small size, Qatar could become an example to the entire region.

56. With regard to migrant workers and particularly domestic workers, the Independent Expert recommends that the Government establish stronger monitoring and inspection mechanisms, including with regard to the implementation of recently enacted laws, such as an independent mechanism to monitor the functioning of the wage protection system and access to justice for foreign migrant workers. Without optimal implementation and enforcement, reforms will not achieve their intended goals. The Independent Experts also urges the State to entirely rescind the employer approval requirement from the Non-Objection Certificate.