



Submission to the United Nations Human Rights Council, on the Universal Periodic Review for Qatar in 2019

About the Submitting NGOs

1. Access Now (www.accessnow.org) is an international organisation that works to defend and extend digital rights of users globally. Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the protection of fundamental rights and the internet's continued openness. Access Now engages through an action-focused global community, and Technology Arm operating a 24/7 digital security helpline.
2. The Gulf Centre for Human Rights (GCHR) is an independent, non-profit CSO founded in April 2011. GCHR provides support and protection to human rights defenders (HRDs) in the Gulf region and neighbouring countries to promote human rights, including the freedoms of association, peaceful assembly and expression.
3. Americans for Democracy & Human Rights in Bahrain (ADHRB) is an ECOSOC accredited non-governmental organization that promotes human rights in Bahrain and the Gulf. ADHRB maintains a robust documentation program through which we record violations of human rights and transmit the information to the United Nations Special Procedures and other treaty bodies and human rights mechanisms. Based on this documentation, ADHRB engages global policymakers to foster awareness of and support for democratic and human rights reform efforts in Bahrain throughout the Gulf.

Introduction and Second-Cycle Universal Periodic Review (UPR) Recommendations

4. During its second UPR cycle in 2014, Qatar received 12 recommendations pertaining to free expression, free press, and the right to privacy.¹
5. These included 124.49 (France) to "Guarantee freedom of expression by protecting journalists, bloggers and media professionals from arbitrary arrest and detention and from censorship, including by amending those provisions in the Criminal Code and the draft media law that are inconsistent with international standards of freedom of expression;" 124.53 (Sweden) to "Take immediate measures to ensure that the national regulations pertaining to the Internet guarantee freedom of expression;" 124.52 (Austria) to "Amend those articles of the draft media law and the draft cybercrime law that are inconsistent with international standards of freedom of expression;" and 124.54 (Czech Republic) to "Ensure that the judicial and law enforcement system is not abused to harass individuals for expressing their political or religious views, including on the Internet."

¹ 122.59, 124.4, 124.9, 124.45, 124.47, 124.48, 124.49, 124.51, 124.52, 124.53, 124.54, and 125.7. See: "Responses to Recommendations & Voluntary Pledges – Qatar, Second Review," UPR Info, https://www.upr-info.org/sites/default/files/document/qatar/session_19_-_april_2014/recommendations_and_pledges_qatar_2014.pdf



6. Although the Qatari government ultimately made efforts to meet some important second-cycle recommendations in the ensuing four years, such as partially implementing 125.7 (United States of America) to release prisoners of conscience like poet Mohammed Al-Ajmi – a recommendation that was originally rejected by Qatar – it has failed to make the majority of necessary reforms to guarantee free expression, including on the internet. Qatari authorities have continued to restrict these fundamental freedoms and infringe on the right to privacy.

Domestic and international human rights obligations

7. Qatar has ratified the International Covenant on Civil and Political Rights (“ICCPR”), in line with several second-cycle UPR recommendations such as 124.4 (United States of America), and the International Covenant on Economic, Social, and Cultural Rights (“ICESCR”), in line with several second-cycle UPR recommendations such as 124.3 (Turkmenistan).
8. Article 37 of the Constitution of Qatar protects the right to privacy, stating that no person can be subjected to interference in private matters or correspondence. However, it qualifies the protection, adding “except according to the provisions of law.”²
9. Article 48 of the Constitution of Qatar protects freedom of the press, but only “according to the law.”³

Developments of digital rights in Qatar

10. In November 2014, Qatar’s Ministry of Transport and Communications announced a new “Open Data Policy” that purportedly aims to create an “open, transparent culture where knowledge bases are kept current and easily accessible, which in turn develops the capacity and culture for routinely processing, sharing and interpreting information.”⁴ The policy is intended to make “non-personal government data” like crime figures available to the public, and it also institutes a mechanism through which citizens may request information.⁵ Privacy is said to be guaranteed under the policy.
11. Law No. 13 of 2016 Concerning Personal Data Protection, known as the DPL, became law in Qatar on December 29 of 2016. This law protects an individual’s right to have their personal data protected. It mandates that any party who processes personal data practice transparency through practices such as requiring the approval of the data subject, requiring a notification to the data subject, and requiring notification of a data breach to the data subject, among other protections.⁶

² https://www.constituteproject.org/constitution/Qatar_2003.pdf?lang=en

³ https://www.constituteproject.org/constitution/Qatar_2003.pdf?lang=en

⁴ “Open Data Policy,” Ministry of Transport and Communications, Government of Qatar, 24 November 2014, <http://www.motc.gov.qa/en/documents/document/open-data-policy>

⁵ “Qatar adopts ‘open data’ policy to boost transparency,” Doha News, 5 December 2014, <https://dohanews.co/qatar-adopts-open-data-policy-boost-transparency/>

⁶ <https://www.clydeco.com/insight/article/data-protection-law-in-qatar>



12. Qatar's Shura Council began drafting a new version of the 1979 Press and Publications Law in 2011 that walked back some restrictions on online media and instituted new protections for journalists, while retaining penalties for government criticism.⁷ In September 2018, local media reported that the cabinet had endorsed the draft law, but it remains unclear when or if it will be fully implemented with the approval of the emir.⁸ The current press law imposes heavy constraints on free expression and free press, including prohibiting criticism of Qatar's emir and any content that is deemed threatening by the government.⁹

Violations of access to information & freedom of expression

13. Media outlets and journalists are subject to significant restrictions in Qatar, and the legal landscape encourages much self-censorship. Although it is the home of Al Jazeera, which is permitted to air critical reports on foreign countries and leaders, journalists in Qatar are subject to prosecution for criticizing the government, ruling family, or Islam. The 1979 Press and Publications Law assigns imprisonment for libel, and the country's anti-terrorism legislation can also be used to restrict freedom of expression.¹⁰ The 2014 Cybercrime Prevention Law and Law No. 18 of 2004 also additionally restricts freedom of speech online with vague language, criminalizing distributing "false news," violating "social values or principles," and any behavior online that jeopardizes state security.¹¹ In November 2016, the government of Qatar blocked Doha News, a popular English-language news website that often covered sensitive political topics. The news organization's URL, dohanews.co, was simultaneously blocked by both of Qatar's internet service providers, Ooredoo and Vodafone. The organization temporarily diverted users to another domain, doha.news, but the new URL stopped working shortly after.¹²
14. As an example of self-censorship, after Amnesty International published a report in March of 2016 about the treatment of migrant laborers building facilities for the 2022 World Cup, most local media outlets did not cover the topic, with the exception of Doha News.¹³ The report detailed squalid living conditions, inadequate pay, confiscation of passports, and many other violations of migrant worker rights.¹⁴

⁷ Freedom House. (2017). Freedom House Qatar 2017 Report. Available at: <https://freedomhouse.org/report/freedom-press/2017/qatar>.

⁸ "Cabinet nod for draft law on publications and media activities," The Peninsula Qatar, 20 September 2018, <https://thepeninsulaqatar.com/article/20/09/2018/Cabinet-nod-for-draft-law-on-publications-and-media-activities>

⁹ Kingdom of Qatar (1979). Law No. 8. Article 46, Article 47a Available at: <http://www.almeezan.qa/LawView.aspx?opt&LawID=414&language=en>

¹⁰ Kingdom of Qatar (1979). Law No. 8. Available at: <http://www.almeezan.qa/LawView.aspx?opt&LawID=414&language=en>

¹¹ Kingdom of Qatar (2014). Law No. (14) of 2014. Article 6 Available at: http://chato.cl/blog/files/QatarCybercrimeLaw_unofficial_translation.pdf; and <https://freedomhouse.org/report/freedom-press/2017/qatar>

¹² <https://dohanews.co/doha-news-statement-blocking-website-qatar/>

¹³ <https://freedomhouse.org/report/freedom-press/2017/qatar>

¹⁴ <https://www.amnesty.org/download/Documents/MDE2235482016ENGLISH.PDF>



15. Authorities in Qatar have a history of interfering with journalists who attempt to investigate workers' living and employment conditions, generating pressure for self-censorship. In March 2015, authorities arrested a crew filming a documentary on corruption around the World Cup for German public broadcasters WDR and ARD and confiscated their equipment.¹⁵ The same thing happened in May 2016, when authorities detained and expelled a BBC journalist and his crew for covering migrant labor conditions, despite being on an official trip to "witness the progress the government said it has made in improving labor conditions for migrant workers."¹⁶ In May 2016, journalists from the Danish Broadcasting Corporation that were filming a migrant workers' soccer tournament, with permission, were detained and their footage taken away.¹⁷ Before Doha News was blocked, authorities also temporarily detained one of the outlet's assistant editors under the cybercrime law for covering a case of child sexual abuse.¹⁸
16. Likewise, in June 2016 – a year before the current diplomatic row between the United Arab Emirates (UAE) and Qatar – Qatari authorities detained an American student from Georgetown University's School of Foreign Service who was set to study migrant labor conditions while at the affiliate campus in Doha.¹⁹ Qatari officials told her that she was on a Gulf Cooperation Council (GCC) "blacklist" because she "made trouble" during an earlier semester of studying abroad in the UAE, and the Emirati government confirmed to the United States (US) Department of State that it had in fact blacklisted her for "unspecified 'security-related reasons.'"²⁰ A cybersecurity expert determined that her private emails had been hacked and, just before she left for the trip, she received a strange email titled "Planned visit to Qatar" that warned that "the U.A.E. authorities have informed their counterparts in Qatar regarding your planned visit," accusing her of conducting a "dirty mission" to "gather some confidential information."²¹ Although the student was ultimately allowed to enter the Qatar, security authorities kept her under surveillance, and the government later rejected further visa applications.
17. Other civil society actors like artists also face restrictions on free expression in Qatar. In 2012, the authorities sentenced poet Mohammed Al-Ajmi to life in prison (later reduced to five years on appeal) for the contents of his poems, which criticized authoritarianism and expressed support for Arab Spring movements. Al-Ajmi was pardoned by the emir amid an international campaign for his release in March 2016, partially meeting second-cycle UPR recommendation 125.7 (United States of America), which called for his release by name.²²

¹⁵ "Qatar detains international journalists for the second time this year," Committee to Protect Journalists, 18 May 2015, <https://cpj.org/2015/05/qatar-detains-international-journalists-for-the-se.php>

¹⁶ Ibid.

¹⁷ <https://cpj.org/2016/05/danish-television-crew-detained-by-qatari-authorit.php>

¹⁸ *Freedom of the Press 2017*, Freedom House, 2017, <https://freedomhouse.org/report/freedom-press/2017/qatar>

¹⁹ Kristina Bogos, "American Universities in a Gulf of Hypocrisy," *The New York Times*, 15 December 2016, <https://www.nytimes.com/2016/12/15/opinion/american-univisities-nyu-georgetown-in-a-gulf-of-hypocrisy.html>

²⁰ Ibid.

²¹ Ibid.

²² "Qatar poet Mohammed Al-Ajami released after pardon," BBC, 17 March 2016, <https://www.bbc.com/news/world-middle-east-35830372>



Nevertheless, authorities continued to target Al-Ajmi's lawyer, Najeeb Al-Nuaimi, after he criticized flaws in Qatar's judiciary. In February 2017, the government imposed an arbitrary travel ban on Al-Nuaimi and called him before the public prosecution.²³

Violations of the right to privacy

18. Freedom of information requests submitted by the BBC and the Dagbladet Information newspaper in Denmark revealed that BAE Systems, a UK defense company, exported a cyber-surveillance system to Qatar, among other countries. BAE Systems used its Danish subsidiary, ETI, to export a cyber-surveillance system called Evident, which enables governments to conduct mass surveillance of their citizens' communications. Although it is not possible to link individual cases with the larger Evident system, increased surveillance since the Arab Spring has had a direct and massive impact on human rights defenders in all the states that have obtained the system.²⁴
19. In 2014, the telecommunications company Vodafone released a detailed transparency report, identifying surveillance laws and policies in the 29 countries in which it operates.²⁵ Many governments require, through law and telecom licenses, the ability to tap directly into networks to intercept communications. Although the company could not name specific countries for fear of retaliation, it reported that in about six countries in which it operates, the law either allows governments to install direct access pipes or requires telecoms to do so.²⁶ Vodafone hints at this capability in Qatar by noting in the report that the government could possibly access its networks without the operator's control or oversight.

Recommendations

20. To meet its obligations to protect privacy, free expression, and digital rights, the Qatari government should:
 - a. Restore arbitrarily banned media outlets such as Doha News and encourage independent press;
 - b. End all judicial harassment, surveillance, and other forms of reprisal against journalists, academics, human rights defenders, and other civil society actors, including those monitoring migrant labor abuses;
 - c. Cease any unlawful mass or targeted surveillance using cyber tools that infringe on the right to privacy, such as Evident;
 - d. Restrict authorities from forcing telecommunication providers to allow direct government access to their networks without transparent oversight and controls in place.

²³ "Travel ban imposed on human rights lawyer Najeeb Al-Nuaimi," Frontline Defenders, 10 February 2017, <https://www.frontlinedefenders.org/en/case/travel-ban-imposed-human-rights-lawyer-najeeb-al-nuaimi#case-update-id-5142>

²⁴ <https://www.accessnow.org/eu-european-parliament-must-vote-stop-surveillance-equipment-going-rights-abusing-governments/>

<https://www.bbc.co.uk/news/world-middle-east-40276568>

²⁵ <https://www.accessnow.org/vodafone-reports-on-law-enforcement-access-to-user-data-worldwide/>

²⁶ <https://www.theguardian.com/business/2014/jun/06/vodafone-reveals-secret-wires-allowing-state-surveillance>



21. Regarding legislation, we recommend Qatar:

- a. Repeal or substantially amend the 2014 Cybercrime Prevention Law and Law No. 18 of 2004, which restrict freedom of speech online by removing vague language, including clauses criminalizing distributing “false news,” violating “social values or principles,” or other broad provisions that restrict peaceful free expression and any behavior online that jeopardizes state security;
- b. Remove language criminalizing “false news,” speech that harms state security, or other broad provisions that restrict peaceful free expression;
- c. Promulgate a new media law that guarantees freedom of the press and removes penalties of imprisonment for libel;
- d. Amend the 1979 Press and Publications Law so that it does not restrict freedom of expression, including through the censorship of print media, broadcast media or online media.
- e. Amend the Protection of Society Law, the Penal Code and the Combating Terrorism Law suitably in accordance with the ICCPR and the UN Declaration on Human Rights Defenders

Conclusion

22. The UPR is an important UN process aimed at addressing human rights issues all across the globe. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable to international law. We are grateful to make this submission.

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