

Gulf Centre for Human Rights (GCHR)

Mission Report

Qatar, civil society and human rights: Lack of civil society space hinders work of human rights defenders

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I. Introduction

Qatar is a country ruled by a monarchy with an unusually large immigrant population. It has been subject to significant criticism for its treatment of migrant workers and women as well as those who attempt to speak out against the state. In spite of these abuses there has been very little oppositional reaction from civil society in Qatar. This report examines the lack of civil society space, especially as it relates to human rights defenders.

The report discusses the human rights problems in Qatar, and highlights the need to expand the ability of civil society to address the current human rights concerns and sustain the environment for civil society engagement, both national and non-national. Human rights priorities, as found by this research, are migrant workers' rights, women's rights, freedom of expression and access to justice.

The first section of the report introduces a factual background on the country's socio-economic situation, plus the regional and international political position and interests of the country. Evidenced by related literature, international reports and news articles, the second section discusses the human rights situation of human rights defenders in Qatar. While the third section includes four main subsections to discuss thoroughly civil society space in relation to the human rights priorities as introduced above, many of the problems discussed throughout the report are strongly interconnected and in many places they intersect. The report concludes by drawing on the main findings and providing a set of recommendation to the government of Qatar.

II. Methodology

The Gulf Centre for Human Rights (GCHR) has been monitoring the human rights situation in Qatar since 2011. During that time it has received reports of a number of incidents involving the repression of human rights defenders due to their work in the country. In December 2015, GCHR sent a mission¹ to Doha to investigate the lack of civil society space available to human rights defenders hoping to conduct their work in Qatar. As part of the mission and follow-up research, interviews were conducted with over a dozen members of civil society including staff at international NGOs which work on the Gulf region and Qatar.

Many of those interviewed preferred to give their stories anonymously. This is understandable due to the fact that many such interlocutors were non-Qatari nationals and therefore potentially subject to immigration controls. Although a number of people were willing to speak on the record, all submissions have been anonymised to ensure the protection of the identities of those who have contributed.

Alongside the interviews, the researcher had recourse to publicly available documents published by organisations such as Amnesty International and Human Rights Watch, human rights websites, academic resources, as well as the conclusions of United Nations human rights bodies, including the Universal Periodic Review. The accounts were consistent, both internally and with one another, as well being supported by the evidence of experts and reports of international organisations.

¹ The mission was conducted by a barrister at Garden Court Chambers, London, the United Kingdom and a lecturer in criminology at the Open University.

III. Background

Sitting on large reserves of natural gas, Qatar is blessed with the highest per capita income of any nation on earth. Its citizens live lives of exceptional privilege and benefit from jobs with high salaries and great benefits. The country has clear and developed ambitions to be a major player on the international stage. It runs a global media empire in English and Arabic through the Al-Jazeera Network and its military has intervened in conflicts including in Libya² and Syria and provided financial support to the Muslim Brotherhood in Egypt.³ The Taliban opened an office in Doha in 2013.⁴ Alongside these military and media interests the government runs the Qatar Investment Authority, a significant sovereign wealth fund valued at somewhat more than \$300 billion.⁵ The country has also invested heavily in cultural commodities and has been listed as the world's largest art buyer by value.⁶ It has also agreed to host the 2022 World Cup,⁷ the first time the football tournament will be held in the Middle East.

In terms of its governance, Qatar is run by the Emir, Tamim Bin Hamad Al-Thani,⁸ whose family has ruled since the 1800s. A Constitution was passed into law in April 2004 following a referendum where the population was allowed to vote. 96% of the population approved the Constitution which provided for a Shura (Advisory) Council. This Shura Council is elected by the citizens of Qatar and has the power to pass legislation. While having an appearance of democratic input, the Shura Council can only override the Emir's veto with a two-thirds majority. This is unlikely to occur, given that the Emir appoints one-third of the delegates. There remains a lack of transparency in decision making. Many major decisions, such as judicial appointments and the transfer of power from the previous Emir to his son, are made entirely by the Emir himself.⁹

Socially, there seems to be a clear divide in Qatari society between Qatari nationals and non-nationals. This dichotomy is central to understanding the unique nature of Qatari society and the state of civil society in the country.

The World Bank estimates that the 2014 population of Qatar is 2.17 million.¹⁰ The Qatari government does not keep statistics on the number of Qatari nationals, however demographers estimate that there were 290,000 nationals in early 2015.¹¹ This means that only some 13% of the population are Qatari nationals.

² Black, I, (2011), 'Qatar admits sending hundreds of troops to support Libya rebels', *Guardian*, 26 October, <<http://www.theguardian.com/world/2011/oct/26/qatar-troops-libya-rebels-support>>.

³ Stork, J and McGeehan, N, (2013), *Qatar's human rights record*, Oslo: Norwegian Peacebuilding Resource Centre, <https://www.hrw.org/sites/default/files/related_material/MENA_2013_September_Qatar's%20human%20rights%20record.pdf>.

⁴ Ibid.

⁵ Blas, J (2016), 'Shrinking sovereign wealth funds are ducking Davos', *Bloomberg Business*, 19 January, <<http://www.bloomberg.com/news/articles/2016-01-19/the-incredible-shrinking-wealth-funds-that-are-ducking-davos>>.

⁶ Esman, A, (2011), Qatar revealed as world's biggest contemporary art buyer, *Forbes*, 7 July, <<http://www.forbes.com/sites/abigaillesman/2011/07/07/qatar-revealed-as-the-worlds-biggest-contemporary-art-buyer-the-art-newspaper/#1673c34144fa>>.

⁷ FIFA.com (2010), '2022 FIFA World Cup awarded to Qatar', 2 December, <<http://www.fifa.com/fifa-tournaments/news/y=2010/m=12/news=2022-fifa-world-cup-awarded-qatar-1344500.html>>.

⁸ Ministry of Foreign Affairs, State of Qatar (2016), <<http://www.mofa.gov.qa/en/TheMinistry/VIPs/Pages/HHShkTamimBinHamadAlThani.aspx>>.

⁹ Stork, J and McGeehan, N, (2013), *Qatar's human rights record*, Oslo: Norwegian Peacebuilding Resource Centre, <https://www.hrw.org/sites/default/files/related_material/MENA_2013_September_Qatar's%20human%20rights%20record.pdf>.

¹⁰ World Bank (2016), *Qatar: Population, total*, <<http://data.worldbank.org/indicator/SP.POP.TOTL/countries/QA?display=graph>>.

¹¹ Winckler, O (2015), *How many Qatari nationals are there? Middle East Quarterly*, Spring, <<http://www.meforum.org/meq/pdfs/5081.pdf>>.

That 13% are very well looked after by the Qatari state. Justin Gengler describes it thus:

Home to the richest people in the world, the country has annual oil and gas revenues that alone amount to more than \$165,000 per citizen, much of which is duly distributed via a vast complex of salaries, allowances, land allotments and other economic benefits. That Qataris should feel no strong desire to alter this comfortable status quo, whatever the attendant annoyances, would seem to require little by way of explanation.¹²

This neatly sums up one of the central difficulties in the development of oppositional civil society in Qatar; nationals have very little incentive to challenge this state that looks after them so well. This may go some way to explaining why there is no significant movement in Qatar to establish a democratically elected parliament or executive. Indeed one interviewee stated that, given the wealth distributed among Qatari nationals, there was really nothing an opposition party could offer beyond this.

The situation for non-nationals is not always as good however. The remaining non-national population of Qatar comprises some 750,000 blue collar workers, an unknown number of domestic and service workers and a large cadre of professionals filling many roles in the private sector. The civil service is largely comprised of Qatari nationals, although there are many international consultants providing expertise in senior roles. Qatari nationals can expect a well-paying job in the civil service and they are sparsely represented in the private sector.

As a result of the small number of Qatari nationals of working age, many senior jobs need to be filled by non-nationals. This can include judges,¹³ academics and professionals. The rest of the economy, including the vast construction industry, must be staffed by non-nationals. This has led to a huge influx of workers from around the world. The treatment of these migrant workers has caused significant concern internationally. It is perhaps Qatar's most pressing and high profile human rights issue. As discussed below, the vast workforce required to support the construction of football stadia and infrastructure is kept in check using carefully constructed nationality laws and controls.

These controls not only affect blue collar migrant workers. They also affect those who have a long established commitment to living and working in Qatar. Nationality is generally only obtained by patrilineage. This means that there are many second generation immigrants who have been born, educated, worked and lived their whole lives in Qatar, yet do not share in the largesse of the state which is reserved for Qatari nationals. Non-nationals can, and have, found that they are unable to return to Qatar on the basis of executive whim. Indeed many of the interviewees spoken to for this report wished to remain anonymous so that they could continue to conduct their work without their immigration status being altered and therefore being effectively removed from Qatar.

¹² Gengler, J (2013), *Collective Frustration, but no Collective Action*, in Qatar, *Middle East Research and Information Project*, December, <<http://www.merip.org/mero/mero120713>>.

¹³ Special Rapporteur on the Independence of Judges and Lawyers (2014), *Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaut, Addendum: Mission to Qatar*, A/HRC/29/26/Add.1 Geneva: Human Rights Council, at p11.

Internationally, Qatar has had a complex role in the region and at the wider international level. As the Arab Spring bloomed across the Middle East and North Africa in 2011, Qatar was initially supportive of protest movements, even taking a leading role regarding international humanitarian and military intervention in what later became full-scale wars in Libya and Syria,¹⁴ and playing a role in transitional justice in Yemen. Unlike neighbouring countries where uprisings broke out, such as Bahrain and Yemen, as well as Egypt, Libya, Syria and Tunisia, not to mention other countries where large and small protests took place, a protest movement did not grip the small Gulf state, and the authorities were able to focus their attention abroad. In a paper for the Carnegie Endowment for International Security, Kristian Coates Ulrichsen writes:

*During the Arab Spring, Qatar moved away from its traditional foreign policy role as diplomatic mediator to embrace change in the Middle East and North Africa and support transitioning states. Regional actors viewed Qatar's approach as overreaching, and skepticism of Doha's policy motivations increased.*¹⁵

The country's support for the Muslim Brotherhood and other Islamist parties in the region led to political complications as various governments struggled for dominance in the region.

Although Qatar is seeking to project its power and leadership on the world stage it has not always done so in relation to human rights and human rights defenders. It continues to refuse to sign the International Convention on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights.

A more recent example can be found in Qatar's abstention from the first ever UN General Assembly resolution on human rights defenders in 2015.¹⁶ The resolution was opposed by Russia and China. Although it was adopted in the end after 114 countries voted for it, Qatar joined some 40 states in abstaining, The act of abstaining described by the Norwegian government and the International Service for Human Rights as "a cowardly position" and "a failure to recognise the important role of defenders and the need for their protection."¹⁷

¹⁴ Steinberg, Guido (2012) *Qatar and the Arab Spring Support for Islamists and New Anti-Syrian Policy*, German Institute for International and Security Affairs https://www.swp-berlin.org/fileadmin/contents/products/comments/2012C07_sbg.pdf

¹⁵ Coates Ulrichsen, K (2014) *Qatar and the Arab Spring: Policy Drivers and Regional Implications*, New York: Carnegie Endowment for International Security, 24 September at <<http://carnegieendowment.org/2014/09/24/qatar-and-arab-spring-policy-drivers-and-regional-implications>>.

¹⁶ The record of states' voting on the resolution can be found at <http://www.un.org/en/ga/third/70/docs/voting_sheets/L.46.Rev.1.pdf>

¹⁷ International Service for Human Rights (2015), *General Assembly Adopts Important Resolution on Human Rights Defenders in face of Opposition from China and Russia*, 25 November, at <<http://www.ishr.ch/news/general-assembly-adopts-important-resolution-human-rights-defenders-face-opposition-china-and>> and Amnesty International (2015), *UN General Assembly Third Committee puts Resolution on Human Rights Defenders to the Test*, 25 November, at <<https://www.amnesty.org/en/documents/ior40/2942/2015/en/>>.

IV. Violations of the rights of human rights defenders

GCHR and other international NGOs have documented a number of violations against human rights defenders in Qatar. This is not an exhaustive list of cases of persecuted human rights defenders. However it gives a sense of how Qatar works to hinder the work of human rights defenders.

Sultan Al-Khalaifi is a blogger and former Secretary-General of the Al-Karama foundation, which he left in 2010 in order to found his own human rights organisation. On 2 March 2011, he was arrested by plainclothes officers at his parents' home. He was taken to his own home, which was searched for several hours and a number of items, including a laptop computer, were seized. The agents stated to his wife that they were acting on behalf of the Attorney General, but no judicial warrant was produced.¹⁸

On 29 November 2011, poet **Mohamed Rashid Al-Ajami** was sentenced to life imprisonment. This was reduced to 15 years in prison. The sentence was imposed for insulting the Emir of Qatar and allegedly "inciting to overthrow the ruling state." He was arrested after the publication of his "Jasmine Uprising" poem which criticised governments across the Gulf region in the wake of the Arab Spring uprisings.¹⁹ He read the poem to a gathering in a private residence in Cairo and was unaware that he had been recorded. He was convicted after a trial described by Amnesty International as "unfair."²⁰ He remains in prison.

Two human rights activists, **Muhammad Issa Al-Baker** and **Mansour bin Rashed Al-Matroushi**, were arrested by plainclothes officers on 22 March 2013. They were held in detention without communication.²¹ They were alleged to have written a threatening letter to the French embassy in Doha complaining about the French involvement in the conflict in Mali.

On 6 September 2014, **Krishna Upadhyaya** and **Ghimire Gundev** were arrested by the State Security forces. Both men are British citizens working to investigate the conditions of migrant labourers constructing facilities for the 2022 World Cup. Both men were employed by the Global Network of Rights and Development. They had flown into Doha on 27 August 2014 to investigate the conditions of Nepalese labourers on Qatari building sites. They were detained on 31 August 2014 and released on 9 September 2014, having been kept in custody without access to legal representation. Representatives of the British embassy were able to visit them only on the evening of 6 September 2014.²²

¹⁸ Front Line Defenders (2011) *Qatar: Incommunicado detention of human rights defender Mr Sultan Al-Khalaifi*, 9 March, <<https://frontlinedefenders.org/node/14477>> and Al-Karama (2011) *Qatar: Arrest of Sultan Al-Khulaifi and three other Qatari nationals*, 3 March, <<http://en.alkarama.org/yemen/675-qatar-arrest-of-sultan-khulaifi-and-three-other-qatari-nationals>>.

¹⁹ Gulf Centre for Human Rights (2014) *Qatar: Anniversary of sentence poet recalls the need for the promotion and protection of freedom of expression and all human rights*, 29 November, <<http://www.gc4hr.org/news/view/826>>.

²⁰ Amnesty International (2015) *Qatari authorities must free poet serving 15-year jail sentence*, 10 November, <<https://www.amnesty.org/en/latest/news/2015/11/qatari-authorities-must-free-poet-serving-15-year-jail-sentence/>>.

²¹ Gulf Centre for Human Rights (2013) *Qatar- Human rights defenders Mohammed Issa Al-Baker and Mansoor Rashed Al-Matroushi on hunger strike until they are released*, 12 April, <<http://www.gc4hr.org/news/view/381>> and Doha News (2013), *Qatari Activists held for a week over 'threatening' letter to French embassy*, 29 March, <<http://dohanews.co/qatari-activists-held-for-a-week-over-threatening/>>.

²² Front Line Defenders (2014) *Update: Qatar-Human rights defenders Messrs Krishna Upadhyaya and Ghimire Gundev released, 10 September*, <<https://frontlinedefenders.org/node/27157>> and Pattison, P (2014) *UK human rights researchers held in Qatar freed*, *Guardian*, 9 Sept, <<http://www.theguardian.com/world/2014/sep/09/uk-human-rights-researchers-qatar-freed>>.

V. Civil society and human rights defenders in Qatar

Civil society may be relatively well developed in some quarters of Qatari society. However, as discussed above, there is a distinct lack of oppositional civil society and a dearth of human rights activism in the country. As for civil society organisations in Qatar, they mainly represent “traditional, non-democratic forms of societal involvement.”²³ They are often heavily prevented from having opportunities to work outside the country, thus without any chances to learn about and practice democracy or to deploy the needed support for particular issues, such as human rights in this context.

This section looks at four particular areas where this lack of civil society has negative effects for the work of human rights defenders in the country. The areas are the treatment of migrant workers, which has the effect of hindering and indeed prohibiting the organisation of labour; women’s experience in Qatari society; freedom of expression; and access to justice. Each of these topics demonstrates some of the problems faced by civil society in Qatar. Furthermore it shows the challenges faced by human rights defenders, such as trade unionists, women’s rights advocates, journalists and lawyers, in conducting their work.

Migrant workers

The plight of migrant workers is one of the greatest human rights challenges facing Qatar. Hundreds of thousands of migrant labourers work on Qatar’s building sites. Most of these workers come from India and Nepal although many come from other countries. They are subject to the strict immigration controls called the *kafala* (sponsorship) laws. Attracted by the prospect of working for higher wages than are available at home, many migrants pay intermediary recruitment agencies to obtain work permits. These fees can result in workers obtaining family loans or approaching loan sharks, both of which demand high levels of interest. These debts can often take as long as a year to pay back. The repayment period can be even longer if there are remittances to be paid to dependants at home.

Interviewees stated that in many cases employers keep the worker’s passport. If a worker wishes to leave, whether due to poor working conditions, stalled or failed payments, health or family reasons, he or she must obtain a notice of consent (NOC) from the employer along with an exit visa and their passport. The worker cannot simply withdraw their labour without the consent and documentation provided by the employer.

In certain circumstances this may amount to human trafficking, forced labour and debt bondage. These issues are not unique to Qatar, however it has one of the largest proportionate populations of migrant workers in the Middle East. While trafficking may not be unique to Qatar, it has been normalised. One interviewee explained that these techniques breach at least three aspects of the Palermo Protocol²⁴ on human trafficking. Workers are bound by debt and controlled by their sponsors under the *kafala* system.

²³ Foreign Policy (2011): Civil society and democratization in the Arab Gulf <http://foreignpolicy.com/2011/07/25/civil-society-and-democratization-in-the-arab-gulf/>

²⁴ United Nations (2000), *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, Palermo: United Nations.

Reforms to these laws were introduced in 2014 which have changed the conditions slightly.²⁵ It is now possible to obtain an exit visa with 72-hours' notice. The Ministry of the Interior, Ministry of Labour and employer must be told, so the worker needs three approvals to leave their job. It is possible to change employer at the end of contracts, but this has led to contracts getting longer. If there is no contract expiration date, the contract is interpreted as lasting five years.

These changes are due to pressure from international NGOs and UN agencies. There are no local unions for non-Qataris. Labour strikes in Qatar require three weeks' notice and wildcat strikes are unacceptable. Those who engage in them would be arrested and deported. Although they do occasionally occur they are usually suppressed before they can be reported. Interviewees state that when there are strikes they are about failure to pay wages (or delayed payment) rather than about conditions or health and safety.

Interviewees have described many cases where workers have not been paid their wages. Sometimes this occurs by simple refusal to pay, however it can also take place by irregular payments (in both value and timing) which makes it difficult for migrant workers to know how much they have been paid and when they will be paid next.

In August 2015, Qatar introduced a wage protection system²⁶ which is run through the national bank. Ministries involved will know if there is a breach and can step in immediately. However, as with all reforms of Qatari regulations on migrant workers, the difficulty rests with the implementation and enforcement rather than the letter of the law. It is too early to tell if recent reforms will have an impact. Health and safety standards are in place which is broadly modelled on those found in the United Kingdom. Standards are high in the building sites of major international construction firms. The more difficult issues arise in sites run by small and medium sized enterprises.

When considering violence against women it is also important to consider the vulnerability of female domestic workers. Domestic workers are exempt from labour law and protections. As they work within their employer's residence there are few checks or balances to ensure their safety and security. Reforms of labour laws have not covered these, usually female, employees.

Health and safety is not the only problem facing workers. The method by which workers are recruited is one that involves significant levels of corruption. Workers should not have to pay to be recruited. However an interviewee has pointed to the practise of agencies paying building contractors for the right to find workers. On the other end of the spectrum, workers report they are still paying fees to be recruited in their home countries. The problem can occur further down the supply chain and large and small companies have been, wittingly and unwittingly, involved in employing workers who have paid to be recruited, among other violations of their rights. To prevent this taking place, the Ministry of Labour in Qatar and Nepal have agreed to only source workers who have not paid a fee. Foreign legislation with international jurisdiction, such as the Bribery Act in the UK and the Foreign Corrupt Practices Act in the United States are having an impact on international firms. The Supreme Committee has had companies reimburse money to recruitment agencies and prosecutions do occur.

²⁵ Global Construction Review, (2014), *Qatar to abolish kafala in labour law reforms*, 14 May, at <<http://www.globalconstructionreview.com/news/qatar-abolish-kafala-labour-6law-88reforms/>>.

²⁶ Ernst & Young (September 2015), *Qatar Government introduces new wage protection system requiring salaries to be paid into Qatar based accounts* <<http://www.ey.com/GL/en/Services/Tax/Human-Capital/HC-Alert--Qatar-Government-introduces-new-wage-protection-system-requiring-salaries-to-be-paid-into-Qatar-based-accounts>>.

While there are examples of progress, the problem remains with enforcement. The labour inspectorate is not big enough and the staffs are not well trained enough. Although there has been a doubling of the number of inspectors.

These circumstances would appear to be fertile ground for the formation of labour organisations. To some extent a civil society has developed in this context. There are many organisations working within non-national communities to provide cultural, welfare and other services to workers and others in Qatar.²⁷ However here again we see civil society involvement ending at the point where opposition to policy or advocacy in defence of human rights begins. While it is acceptable to engage in civil society activities around welfare provision and cultural support, there is a distinct lack of freedom of association opportunities when it comes to the formation of trade unions.

Labour organisation is very far from being realised in Qatar. One interviewee stated that although every analysis of Qatar has called for free association and the right to collective bargaining, there has been no progress on the issue. Qataris see unions as a security threat. There is a fear that organising can escalate and become substantial in scale. If such organising were to take place and it lead to a general strike the economy could very quickly grind to a halt. With such a large proportion of migrant workers in the population unions could be seen as an existential threat to Qatar.

The techniques used to control labourers (the *kafala* system, prevention of labour organisation, etc.) are thus preferable for the ruling elite than negotiating fair wages and enforcing safety standards on the country's building sites. This is notwithstanding the fact that to do the latter would be relatively inexpensive for a state as wealthy as Qatar.

Qatari authorities may claim that it is possible to form unions, but conditions are difficult. Qatari nationals in organisations that have a larger workforce than 100 employees may form unions, provided that they are not working in essential services.

For non-nationals, the barriers to the formation of civil society groups are substantial and perhaps insurmountable. Law 12 of 2004 requires that any organisation have financial reserves of QAR10 million (USD\$2.75 million), a minimum of 20 members and have the backing of a Qatari sponsor. It may be easier to form a company, but even then it needs to be at least 51% Qatari owned. The requirement to have such substantial reserves can be waived by the cabinet. NGOs so formed are not allowed to engage in politics. Therefore, even if the high barriers to formation can be met, there are formal prohibitions on the activities of such an organisation including advocacy of human rights or the other oppositional aspects of a thriving civil society.

When migrant worker campaign groups have formed, they have been short lived. Organisers have been refused entry to Qatar and their work has been shut down. By using the nationality laws to control the entry of non-nationals engaged in such work, the Qatari state is able to remove (without any judicial process or appeal) those who begin to form organisations capable of human rights advocacy. Those who remain have been forced to reduce or terminate their work for fear of similar punishment.

The end result is that there are no civil society organisations working publicly to challenge the state on its handling of migrant welfare.

²⁷ See for example the list of affiliated bodies maintained by the Indian Cultural Centre, Doha, on their website, <<http://www.iccqatar.com/affiliated-bodies/>>.

Women's rights

The issue of women's rights is another area where Qatar has a lot of work to do. There are numerous laws which directly discriminate against women. For example, the minimum age for marriage is lower for girls than for boys and Qatari women are not allowed to transfer their nationality to their children²⁸.

Qatar has not ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also retains a number of reservations to the Convention itself.²⁹

Women remain underrepresented in key roles in Qatari society. Despite the fact that they are educated to degree level in numbers equivalent to men, they often do not take up opportunities in the workplace. This has led to a lack of gender diversity in the judiciary³⁰ amongst other key roles.

Although women are noted for their involvement in a *Majlis* (local council) within their community³¹ these forms of community engagement again provide examples of non-oppositional civil society.

Freedom of Speech

Doha is home to one of the largest international television networks in the world, Al-Jazeera. The English language version of the network focuses on international news and does not tend to cover Qatari issues specifically, unless they are sufficiently important to be of international significance. As a result they do not appear to come into conflict with the Qatari authorities very often.

Things appear to be different for the local written press. The quality of local Arabic language journalism is regularly the subject of criticism and spurs accusations of censorship. There are clear taboos which cannot be discussed in the press. There is therefore a lack of debate and critical analysis of government policy. Editors of the major papers are older male Qataris. There is a lack of imagination and drive, notwithstanding the skills of the younger Qatari graduates of journalism schools at the international universities in Doha. The problem is further compounded by the competing business interests of the newspaper owners. This is obviously a problem with any privately run, profit-making press, but in the end, because of a combination of these factors, the Arabic press in Qatar does little to critically assess the policies of the government, call to account those in power or probe the state's lack of institutional transparency. Interviewees repeatedly described self-censorship. Whether this is a result of direct pressure from the authorities or the business interests of newspaper owners, the ultimate effect is the same for ordinary Qataris - a lower standard of journalism and a reduction in the capacity of the press to hold the powerful to account.

²⁸ UN Committee on the Elimination of All Forms of Discrimination Against Women (2014), *Concluding observations on the initial report of Qatar*, Geneva: UNCEDAW, at paras 15-16, pp3-4.

²⁹ Amnesty International (2014) 'Qatar's human rights record marred by discrimination against women, denial of freedom of expression, and exploitation of migrant workers', 19 September, at <<https://www.amnesty.org/en/documents/mde22/009/2014/en/>>.

³⁰ Special Rapporteur on the Independence of Judges and Lawyers (2014), *Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, Addendum: Mission to Qatar*, A/HRC/29/26/Add.1 Geneva: Human Rights Council, at pp15-16.

³¹ Mitchell, J, C Paschyn, K Pike and T Kane (2016), *Qatari Women: Engagement and Empowerment*, Doha: Northwestern University in Qatar, <<http://www.qatar.northwestern.edu/research/projects/qatari-women/>>

Even the English print media can face restrictions. According to a 2013 article on JustHere,³² Andrea Busfield, Deputy Editor of the *Gulf Times* in 2008, said, “I have worked in the newspaper industry for more than 15 years – for local and national newspapers in the UK, for NATO in Afghanistan and for the *Gulf Times* in Qatar – and I have to say, I found Qatar to be the most challenging in terms of retaining any sort of journalistic integrity... the constraints imposed on journalists are very real, and nothing I had come across before, not even in Afghanistan, compares.”

On the other hand, the English language online press appears to be a relatively free space for journalism. Online newspapers in English are able to cover difficult topics, such as the plight of migrant workers, in relative freedom. This is in marked contrast to the Arabic language experience. This is of significance for the formation of a healthy oppositional civil society.

Without open Arabic language discussion it becomes very difficult to engage Qatari nationals in debate and build their support for civil society work, especially that which is oppositional in nature. It is clear that no oppositional civil society can ever develop without the buy-in and support of ordinary Qatari nationals and without the dissemination of critical analysis and challenging journalistic work, this is significantly less likely to occur.

Aside from these general comments on the Arabic language press in Qatar, the research found there are a number of other issues relating to freedom of expression in the country. Foreign journalists have been harassed and sometimes detained³³ when coming to Qatar to cover the situation of migrant workers in the country. However the repression of free speech extends beyond the press. Notwithstanding Qatar’s efforts to be a leading global centre for the arts, poet **Mohamed Rashid Al-Ajami** was imprisoned for 15 years in November 2011 for conducting a private reading of poetry critical of the Emir.³⁴ (See below for more details.)

A particularly disturbing development is the enactment of a cybercrimes law in 2014.³⁵ The vaguely worded law is inconsistent with international standards. It provides the government with powers to punish anyone who posts or shares content which are determined by officials to be inconsistent with Qatar’s “social values.” The law provides the state with the tools to engage in arbitrary crackdown on peaceful dissent. The law is described by Amnesty International as “a major setback for freedom of expression in Qatar.”³⁶

This law comes into force in the context of established anti-terror legislation which has been in place since 2012. By signing the Gulf Cooperation Council’s (GCC) Convention on the Suppression of Terrorism, Qatar has agreed to suppress “interference in the domestic affairs” of the other members of the GCC. The vague language allows for peaceful dissent to be criminalised and “suppressed” under the terms of the Convention.³⁷

³² Vani Saraswathi, V (2013) <<http://www.justhere.qa/2013/03/why-does-journalism-in-qatar-look-more-like-pr/>> , 25 March

³³ See for example the case of German television reporters arrested and detained while covering conditions on World Cup stadium building sites. BBC (2015) Journalists arrested over Qatar World Cup stadium documentary, 5 May, <<http://www.bbc.co.uk/sport/football/32601845>>.

³⁴ Gulf Centre for Human Rights (2014) *Qatar: Anniversary of sentence poet recalls the need for the promotion and protection of freedom of expression and all human rights*, 29 November, <<http://www.gc4hr.org/news/view/826>>.

³⁵ Gulf Centre for Human Rights (2014) <http://www.gc4hr.org/news/view/747> *Qatar: New Cyber Crime Law poses real threat to Freedom of Expression*

³⁶ Amnesty International (2014) *Qatar: New cybercrimes law endangers freedom of expression*, 18 September <<https://www.amnesty.org/en/latest/news/2014/09/qatar-new-cybercrimes-law-endangers-freedom-expression/>>.

³⁷ Ibid.

These rules combine to create a legal framework which can be used to undermine freedom of speech. Whether they are used or not is immaterial as they contribute to self-censorship. This chastened press restricts the potential for civil society growth in Qatar, particularly among Arabic speaking Qatari nationals.

Access to Justice

There is no legal aid in Qatar. Whether in civil or criminal cases, the indigent are unable to access justice without finding a lawyer to act *pro bono*. No Arab countries have a law on legal aid and there are no studies of the topic in Qatar. Article 39 of the 2004 Constitution of Qatar guarantees the right to a fair trial. International standards dictate that this would include the right to make a defence and to be represented when doing so. However the Constitution and legislation are silent on how such a defence is to be paid for.

The experience of migrant workers and other vulnerable groups within Qatar can demonstrate the difficulties in obtaining access to justice. One interviewee described a case of a worker being compensated for losing a leg. However, this was one incident and there have been no other known cases of workers with such serious injuries being compensated. Although there are tables setting out the damages to be paid for injuries, these are rarely followed.

Some lawyers have taken on cases for migrant workers *pro bono*. However workers are often unwilling to engage in the lengthy and complicated struggles involved in litigating for their own rights or pay. Other costs are also prohibitive when it comes to access to justice. If, for example, a wage complaint is made, the complainant must get an independent auditor to report if it is a legitimate grievance. This costs approximately QAR 600 (USD\$165), which is impossibly expensive for most workers. There is no advantage to organising. If the complaint affects many workers, a separate report is needed for each worker, even if the employer and the facts are the same.

Access to justice needs to be improved for the most vulnerable people in Qatar. Indeed, a report published by the Child Rights International Network³⁸ in February 2016 ranked Qatar 179 out of 197 countries for access to justice for children. Whether it is a domestic violence victim, an injured migrant worker or a person accused of crime, there needs to be a properly structured and sufficiently funded legal aid system to ensure the weakest members of Qatari society enjoy the protection of the law.

³⁸ Child Rights International Network (2016), *Rights, Remedies and Representation: Global Report on Access to Justice for Children*, London: CRIN, at <https://www.crin.org/sites/default/files/crin_a2j_global_report_final_1.pdf>.

VI. Conclusion

While there are many civil society organisations in Qatar that provide support to vulnerable people and, as well as providing cultural outlets for the many nationalities represented in the country's population, there is very little civil society space for challenging the decisions of the unelected government of the country.

The central mechanism by which Qatar stifles oppositional civil society is through the use of its nationality laws. There is a spectrum of how this can work. Those who are non-nationals are at risk of being deported (in the case of migrant workers who go on strike for example.) Other non-nationals may moderate their oppositional activities for fear of being refused entry to Qatar after a trip abroad or for fear that such activities may affect the renewal of their visas.

Alongside this use of nationality laws there is a difficult regulatory environment for the establishment of NGOs. Not only is it expensive to form an NGO (requiring a starting capital of QAR10 million) but certain types of activities are formally outlawed. An NGO, once it is formed, cannot engage in political activity and trade unions can only be formed in very particular circumstances. These rules make it impossible for vulnerable non-nationals such as the hundreds of thousands of migrant workers constructing Qatar's lavish infrastructure, to advocate for their basic human rights. Women working in domestic service are particularly vulnerable to abuse and have very little, if any, mechanism by which to advocate for the improvement of their conditions.

These issues are compounded by the fact that there is very little space for free expression in Qatar, particularly of ideas that challenge government policy. There is a dangerously loosely drafted cyber-crimes law which gives state agents great power to engage in arbitrary crackdown on peaceful dissent. While there are examples of impressive press freedom in English language online press, the Arabic language press is slow to provide critical or penetrative news and analysis of Qatari policy. Such meek coverage of politics and policy in the country makes it exceptionally difficult for healthy civil society to develop any reach within the country. It also creates a challenging environment for journalists on the national level to advocate for human rights.

There is no system of legal aid in Qatar and this makes it difficult for vulnerable members of society to advocate for their human rights to be vindicated in court. While there are some examples of successful cases being conducted there is not a robust, sustainable system of accessing justice.

All of these factors combine to leave Qatar bereft of oppositional civil society. There remains a need for healthy debate about government policy, among Qataris and non-nationals alike. While Qataris may be well looked after economically, and have little reason to disagree with the government, this is not the case for the many non-nationals in the country.

There are serious ongoing concerns about the well-being of migrant workers on building sites and working in domestic service, yet there is no open, vocal mechanism for these vulnerable members of society to advocate for their human rights.

Qatar is a wealthy country with ambitions of playing a leading role in the international affairs of the Gulf region and beyond. The best way it could play that role is by being an international leader in human rights. By starting to allow human rights defenders to work safely in an open civil society, Qatar can provide significant leadership by example across the entire region.

VII. Recommendations to the Government of Qatar

In order to improve the prospects of the healthy development of civil society in Qatar, the Gulf Centre for Human Rights (GCHR) recommends that, at a minimum, the government of Qatar take the following steps:

- Amend its nationality laws to ensure security of residence status for all residents and prevent the use, or threat of use, of nationality laws as a means of stifling civil society.
- Ratify the International Covenant on Civil and Political Rights.
- Ratify the International Covenant on Economic, Social and Cultural Rights.
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and remove reservations to the Convention itself.
- Demonstrate international leadership by supporting motions at the UN and other international organisations supportive of human rights defenders in the Gulf region and globally.
- Demonstrate international leadership by negotiating an amendment to the GCC Convention on the Suppression of Terrorism so as to protect peaceful expression and political opposition.
- Amend Law 12 of 2004, which governs the formation of NGOs. This amendment should, at a minimum, make it cheaper to form NGOs and allow non-nationals to form NGOs. Furthermore, remove the requirement that NGOs may not engage in political activity.
- Alter laws on forming unions to allow non-nationals to form trade unions. Furthermore, permit collective bargaining and allow workers to take collective action in support of such negotiations.
- Amend the cybercrimes law to bring it into line with international human rights law and standards.
- Provide access to justice for the most vulnerable in society. This should include effective legal aid funding in both civil and criminal cases and support for lawyers working with the vulnerable, including in circumstances where their interests conflict with those of the state.