



# QATAR

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POPULATION: 1,409,000  
GNI PER CAPITA: US\$72,795

<b>COUNTRY RATINGS</b>	<b>2004</b>	<b>2009</b>
NONDISCRIMINATION AND ACCESS TO JUSTICE:	1.8	2.1
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	2.0	2.3
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	2.7	2.9
POLITICAL RIGHTS AND CIVIC VOICE:	1.7	1.8
SOCIAL AND CULTURAL RIGHTS:	2.4	2.5

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

## INTRODUCTION

With major reforms beginning as early as 1995, Qatar has taken several steps in recent years toward promoting equality and addressing cultural and social traditions that discriminate against women. The 2004 enactment of a new constitution provides hope that equality will be achieved both in law and in practice, but to accomplish this, existing laws must be brought into accord with the nondiscrimination clause in the constitution and women need to be educated about their new rights. These efforts on the part of the government are necessary in light of the challenges to gender equality presented by strict cultural norms, as well as sheer demographics. As in many other oil-rich nations that depend on foreign guest workers to fuel their national economy, women in Qatar are outnumbered by men nearly two to one, creating a society saturated by men. This, in turn, inherently influences women's economic participation and involvement in all aspects of Qatari society.

Women's sense of security, enjoyment of personal freedoms, and ability to make autonomous life decisions has improved with the enactment of the country's first codified family law in 2006. Previously, cases dealing with

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personal status issues—such as marriage, divorce, child custody, and inheritance—were decided by judges based on their interpretations of Shari‘a (Islamic law), the process which was often arbitrary and detrimental to women’s rights. While the new law is perceived as a notable improvement over the old system, women remain disadvantaged in comparison to men. In addition, the Supreme Council for Family Affairs (SCFA), the government entity charged with protecting and supporting the family unit, now formally recognizes that domestic violence is an issue and has openly initiated a social dialogue on this previously taboo subject.

Women remain underrepresented in the workforce, predominantly as a result of cultural and social, rather than legal norms. Nonetheless, the female labor participation has been on the rise, as more women graduate from universities and seek employment. Citizens are entitled to free education through secondary school, and today, more women are literate than men. A woman’s ability to choose her profession remains legally and socially restricted to fields that offer “acceptable” roles for women, and in practice, most women are employed as health care or education professionals or fill clerical jobs. Very few women work in the private sector, and even fewer hold top-level positions, but the government has established the Qatari Business Women Forum to encourage female leadership in private businesses.

Political rights for all Qataris remain limited despite provisions within the new constitution that promised an elected parliament, and women remain underrepresented at various levels of government. In 2007, only one woman succeeded in her bid for a seat in the citizen-elected Central Municipal Council, an advisory body for the minister of municipal affairs. Freedoms of assembly, expression, and the press are also restricted for all Qataris, although women are now employed as media and press professionals in greater numbers than before. Government posts have been filled by women more often in recent years, but not at a rate representative of their proportion of society, and men continue to hold the primary positions of power. For women to have an opportunity to effect change in their lives, the political rights of all Qataris must be improved and society must address the cultural biases that currently prevent women from being viewed as suitable leaders.

Several governmental and quasi-governmental organizations have been created to analyze and address human rights concerns. The National Human Rights Committee (NHRC) is an often bold quasi-governmental

organization established in 2002 for the purpose of monitoring the rights of all residents of Qatar. In an effort to ensure greater personal safety, the government established a shelter for women and children in 2003. Other centers and forums have been founded to develop women's roles in society, such as the Center for Girls' Creativity, the aforementioned Qatari Business Women's Forum, and a committee concerning women's sports. Government institutions have made efforts to adopt, either formally or informally, policies that increase participation by women in their activities.

Despite many legal changes, however, traditional gender roles continue to persist. Women are conditioned from an early age to avoid direct confrontation with their male counterparts, relying instead on dialogue and gradual persuasion as means through which to achieve their goals. While this allows women to exercise some rights without causing friction within their families, adhering to customs that retain women's traditional role within family and society often inhibits the overall improvement of women's rights. It is not enough to have laws and organizations that support women if the social value system and the stereotypical image of women remain unchanged. As such, it is important to alter the content of educational material, the media, and the socialization of children to reduce gender bias and create a new image of a Qatari woman.

## **NONDISCRIMINATION AND ACCESS TO JUSTICE**

Although the principles of equality and nondiscrimination are enshrined in Qatar's constitution, de jure and de facto gender discrimination continue to exist. Noncitizen husbands of Qatari women and their children are greatly disadvantaged in their ability to obtain Qatari citizenship, particularly as compared to the noncitizen wives of Qatari men and their children. The government—especially the SCFA and the Qatar Foundation for the Protection of Women and Children (Qatar Foundation)—has made efforts to inform women of their legal rights and provide them with social and legal services. However, the 2004 law governing private associations is so restrictive that independent women's rights NGOs remain nonexistent, thereby limiting civil society's influence on related legal and policy issues.

Qatar's constitution explicitly prohibits gender-based discrimination under Article 35, which reads: “[A]ll people are equal before the law. There shall be no discrimination on account of sex, origin, language or

religion.” Article 34 also provides that all citizens have equal rights and duties, thereby providing female citizens with additional legal protection against discrimination. Women who feel they have been the victims of gender-based discrimination may complain to the police, appeal through the judicial system, or approach the NHRC, although not many use these complaint mechanisms. Any individual who has been affected by a discriminatory administrative decision may file a claim with the Administrative Court under Law No. 7 of 2007, or, if the complaint is labor-related, the affected woman can file a case with the labor court or complain to the Ministry of Labor. Most rights in the constitution (among them, rights related to employment and property ownership) apply only to Qatari citizens, which is significant in a country where the majority of residents are noncitizens.

Qatari women have the limited ability to pass their nationality to their non-Qatari husbands and children. The Qatari Citizenship Act (No. 38 of 2005) replaced its 1961 predecessor, a notoriously exclusive law that previously limited citizenship to descendants of those persons living in Qatar before 1930. The new law provides several avenues by which citizenship may be obtained, but it retains preferential treatment for native as opposed to naturalized citizens and continues to discriminate against Qatari women. For instance, Article 8 grants citizenship to the foreign wives of Qatari men after five years of marriage and upon notification to the Ministry of the Interior, but the noncitizen husbands of Qatari women face far more onerous preconditions for obtaining citizenship under Article 2.

Article 2 permits any person—including noncitizen husbands and children—to seek Qatari citizenship subject to extensive restrictions. The applicant must have maintained 25 successive years of residence in Qatar; traveled abroad for less than two months each year; maintained legal employment; established a good reputation and maintained good behavior; and learned to communicate adequately in Arabic. As noted by the NCHR, the 25-year residency requirement limits this law’s value because children’s needs for the benefits conferred by citizenship, such as health care and education, are most acute while they are still young.<sup>1</sup> On the other hand, children of native-born Qatari fathers gain full citizenship rights upon birth.

Qatar’s judicial system is comprised of the Supreme Court, the court of appeals, and courts of first instance. The Shari’a courts that existed prior to 2003 were abolished and any matters pending before them were

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assimilated into the new court system. The courts of first instance are divided into criminal, administrative, and civil courts. The appeals court is divided into circuits and hears both civil and criminal matters. Most recently, a Constitutional Court was created in October 2008 as a division of the Supreme Court under Law No. 6 of 2008, the purpose of which is to settle disputes between opposing lower courts and determine the constitutionality of laws and regulations.<sup>2</sup> This added layer of independent oversight regarding judicial decisions, legislation, and regulations could help to ensure enforcement of legal protections for women and eliminate discriminatory provisions that currently exist.

The new courts still apply Shari'a principles when dealing with family and probate issues between Muslim couples. In at least some instances within family law a woman's testimony or worth as a witness is unequal to that of a man's. For example, under Article 36 of the newly codified Family Law (No. 22 of 2006), two men must witness a marital contract and may testify to its validity before a court of law while women are excluded from acting as witnesses in such cases. Additionally, when determining the identity of a child's father, Articles 93 through 95 of the same law require either two men or one man and two women as witnesses. No such gender-based testimony or witness preferences exist within the criminal and civil code.

Women usually attend court proceedings in which they are involved and may either represent themselves or, increasingly, be represented by an attorney. There are no female judges in Qatar, the result of social rather than legal norms. Many, including legal professionals, deem women too emotional or inconsistent to be competent judges, although this opinion may change with the increasing number of women in the legal profession.<sup>3</sup> After the first woman, Haifa al-Bakr, was granted a license to practice law in 2000, the number of female lawyers in private practice has increased sharply, and there are now more female than male students in Qatar University's college of law.<sup>4</sup> However, women remain underrepresented within the legal profession, although they are permitted to be professors in the Shari'a law faculty at Qatar University.

Most foreign female laborers in Qatar are domestic workers and have only moderate access to justice, both because many are illiterate and consequently face difficulties in learning their legal rights and because inadequate efforts have been made to enforce existing laws and inform such workers of their rights. All forms of compulsory labor are prohibited under Emiri Decree (No. 74 of 2006), which amends in part the Labor Law (No.

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14 of 2004).<sup>5</sup> Domestic workers are protected under a different decree issued in 2008, which stipulates that domestic workers are to work only in conditions agreed upon by both parties and should not be forced to work in a way that would insult them either mentally or physically. The sponsor must provide them with suitable accommodation and health care and pay the agreed-to salary into the worker's bank account at the end of every month or three days after. If the worker has no bank account there should be a proof that the salary was paid in full.

Despite legal protections, domestic workers who do face physical, mental, and sexual abuse are often reluctant to seek court protection due to fears of job loss and deportation. It is thus too early to tell how effective the new laws will be, particularly without significantly strengthened enforcement mechanisms and public education about their existence.

Both the Penal Code (No. 11 of 2004) and the Code of Criminal Procedure (No. 23 of 2004) treat men and women equally. Accused criminals are presumed innocent until proven guilty in a court of law and are entitled to all "necessary legal assistance" under Article 39 of the constitution. Although Shari'a prohibits all forms of physical violence, the Qatari legal system often treats leniently those men who commit acts of violence against women who, in their view, behave immodestly.<sup>6</sup> In January 2007, the sentence of a Jordanian teenager convicted of murdering his sister was reduced by an appeals court from three years' imprisonment to a one-year suspended sentence. The sentence was reduced because the court found there to be insufficient evidence to establish premeditated murder. This ruling overturned the lower court, which had held that it was a premeditated murder based on the suspect's admitted displeasure that the sister had been having a "telephone affair" with one of his friends. The lower court, however, stopped short of calling it an honor killing because the autopsy proved that the sister was still a virgin.<sup>7</sup>

Article 36 of the constitution protects all persons from arbitrary arrest and detention, and Article 38 protects citizens from exile. In practice, unjustified gender-based imprisonment and detention are rare. Prisons generally meet international standards, with overcrowding as the main concern, and women are held separately from men. At the end of 2004, women constituted only 1.1 percent of convicted prisoners, down significantly from 11.8 percent in 2000.<sup>8</sup> Detention centers for noncitizens awaiting deportation, however, have been roundly criticized by both the NHRC and international bodies as failing to satisfy detainees' basic rights

to personal freedom and safety. Those awaiting deportation are generally simple laborers who often spend six months to two years in the detention centers, with extreme cases ranging up to four years or more, as they await final adjudication on labor disputes or a paid flight home from their former employers. In 2006, out of the approximate 1,500 detainees in such centers only 250 were women, reflecting the lower number of female compared to male migrant workers in Qatar.

In April 2009, Qatar became the final Arab country to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) following a strong push by domestic activists and governmental officials, particularly from the NHRC.<sup>9</sup> However, the government placed reservations on Article 2(a), regarding gender equality in domestic laws and policies; Article 9, paragraph 2, regarding the right of women to pass their citizenship to their children; Article 15, paragraphs 1 and 4, regarding equality before the law, freedom of movement, and freedom to choose one's own domicile; Article 16, paragraph 1(a), (c), and (f), regarding marital, parental, and divorce rights; and Article 29, paragraph 2 regarding dispute resolution. Qatar has also indicated interest in ratifying the International Convention on Civil and Political Rights in the near future.<sup>10</sup>

Women's rights organizations continue to be predominantly state-run, mainly because of the strict regulations placed on nongovernmental associations. The Associations and Private Institutions Law (No. 12 of 2004) was passed in 2004 and, as a practical matter, originally allowed only for professional associations and trade unions.<sup>11</sup> Civil society organizations such as the Migrant Workers Protection Society have since formed, but their finances and activities are heavily monitored.<sup>12</sup> Organizations are prohibited from participating in undefined "political issues" under Article 35(3) and existing NGOs do not generally have goals that push the bounds of culturally accepted topics.<sup>13</sup> NGOs are also not free to affiliate with foreign organizations. Article 31 initially prohibited domestic organizations from partnering with foreign NGOs at all, although a 2006 amendment now permits such affiliations upon approval by the Ministry of Civil Services and Housing.<sup>14</sup> Although the association law is a step in the right direction, it is too restrictive to permit the existence of an effective civil society.

As a result, it falls upon governmental and quasi-governmental organizations to advocate for equality in Qatar. In particular, the Qatar Foundation provides women with legal aid, advocates for policy reforms that

would better protect women, and raises awareness of women's issues.<sup>15</sup> The SCFA has, among other things, compiled gender statistics and has issued reports on Qatar's implementation of the Beijing Declaration, the World Millennium Challenge, and the UNDP *Human Development Report*. In 2005 and 2006, the NCHR issued frank, critical, and relatively thorough human rights reports that outlined legal provisions related to equality and nondiscrimination and highlighted the plight of vulnerable populations such as women, children, and migrant workers.<sup>16</sup> Finally, a variety of charitable associations, including the Qatar Red Crescent Society, focus on the welfare of Qatar's residents and in so doing sometimes address gender issues.<sup>17</sup>

Despite the progress made by these governmental entities, most Qatari women remain unaware of their impact or even their existence. According to one survey, 53 percent of female respondents had not heard of the Qatar Foundation.<sup>18</sup> Traditional cultural norms hold a family's honor above all other considerations, preventing many women from approaching these organizations for fear of bringing shame to their families. For the government entities to be truly effective, these social norms must be addressed and women must be made aware of the nature of the organizations so that they feel comfortable asking for help.

### *Recommendations*

- ❖ The government should ensure that all laws are consistent with constitutional guarantees of gender equality and train judicial personnel to enforce them effectively.
- ❖ Article 8 of the citizenship act should be made gender neutral, thereby permitting all noncitizen spouses of Qatari nationals to become naturalized citizens after maintaining five years of residence in Qatar.
- ❖ The SCFA should publish brochures containing information about women's legal rights, and the channels through which to uphold them, and distribute them to the most vulnerable portions of society, with a special emphasis on impoverished women and foreign female guest workers.
- ❖ Adjudication of deportation should occur at a much swifter pace, and the number of detainees in deportation centers must be reduced. To increase the number of cases being heard at any given time, the government should allocate resources toward training deportation judges, lawyers, and ancillary personnel (courthouse clerks, legal aids) to increase the number of cases heard.



- ❖ To encourage women's rights organizations to form without fear of undue influence by the government, the Associations and Private Institutions Law (No. 12 of 2004) should be amended to ease registration requirements for new societies. Additionally, the government's ability to monitor the activities and finances of organizations should be limited to instances where fraud or criminal activity is reasonably suspected.
- ❖ The government should remove the reservations to CEDAW and fully implement the convention within domestic law.

## **AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON**

Qatar has taken notable measures to ensure freedoms for women in recent years, but it remains a patriarchal society in which men are the primary decision makers of the family. Activism by the SCFA pushed the government to codify a new family law in 2006, and although the new law succeeded in instituting some improvements, women continue to be treated unequally. The government has recognized that violence against women is an issue but has not yet specifically outlawed domestic violence. Despite increased legal protections, noncitizen women continue to be subject to harsh treatment and exploitation, particularly at the hands of their employers.

The state religion of Qatar is Islam, and women of all faiths are largely free to practice their religion and beliefs. Article 50 of the constitution formally guarantees freedom of worship to all. Although the national population is overwhelmingly Sunni, there is also a significant Shi'ite minority, and the expatriate population includes practitioners of many other religions. In March 2008, Qatar's first Christian church, St. Mary's Roman Catholic Church, opened in Doha on land donated by the emir, and five additional churches are under construction. A 2004 law criminalizes the possession of non-Muslim missionary materials and proselytizing, with penalties of up to 10 years in prison, and it is illegal for Muslims to convert to other religions. While Muslim men may marry non-Muslim women of monotheistic faiths, Muslim women are not permitted to marry men of other faiths.

Qatari women face certain restrictions in their freedom of movement. While foreign women may obtain a driver's license, Qatari women are required to have the permission of their male guardian.<sup>19</sup> Social norms

restrict interactions between unrelated men and women, and some areas of the public sphere such as workplaces and public schools are largely segregated. Law No. 5 of 2007 permits adult women to obtain a passport without the permission of a male guardian and they are not legally required to have a male guardian's approval to travel abroad, but few women travel alone. Men can prevent female relatives from leaving the country by giving their names to immigration officers at departure ports, but women in this situation may appeal to the NHRC to intervene on their behalf.

Employers often restrict the freedom of movement of noncitizen women, particularly domestic workers, and their ability to travel abroad.<sup>20</sup> Employers must give consent before exit permits are issued to foreign workers wishing to leave the country.<sup>21</sup> The NHRC reported in 2006 that more than 200 non-Qatari women were detained in deportation centers in unhealthy conditions. While some of the women have been detained to provide them shelter, others are kept in detention at the request of their sponsors.<sup>22</sup>

Largely as a result of the advocacy of the SCWA, Qatar ratified the new family law in 2006 that regulates engagements, marriage contracts, separation and divorce, child custody, guardianship, and inheritance, among other things. Where the law makes no specific proscriptions, it allows judges to draw upon any of the four main Islamic legal schools in rendering decisions when appropriate. For non-Muslims the law stipulates that their cases be determined by "the respective laws of the groups concerned."<sup>23</sup> Women are now granted custody of boys up to the age of 13 and girls up to the age of 15; previously, mothers lost custody once boys turned seven and girls hit puberty.<sup>24</sup> Fathers, however, retain the guardianship and the right to gain custody of older children should they so desire.

Women have the legal right to negotiate a marriage contract, which may grant them greater rights than those guaranteed by law, but they do not have full and equal freedom to choose their marriage partner. While a woman's consent is necessary for a marriage contract to be legal, Article 28 of the family law stipulates that her guardian carries out the contract on her behalf, ultimately subjecting her choice of husband to the guardian's approval. If the guardian is not present, a prospective bride can ask the judge to carry out the contract instead. Both husband and wife may include conditions in the marriage contract and both are legally required to uphold such conditions.

The high profile case of Hamda Fahad Jassem al-Thani, a member of the ruling family, illustrates an extreme example of the extent to which a

woman's freedom of movement and freedom to choose her marriage partner may be inhibited by her family. Al-Thani married an Egyptian national in November 2002 in Egypt without her family's permission; nine days later she was kidnapped and returned to Qatar. After being detained by security forces for several months she was transferred to her family's home in October 2003 where she remained under house arrest until October 2006, when she was hospitalized following an escape attempt. At that point, the NHRC, the Ministry of the Interior, and other officials stepped in to protect her and secure travel documents so that al-Thani could return to her husband in Egypt.<sup>25</sup>

Men in Qatar have the right to divorce by verbally announcing their intent to do so three times, a common Islamic practice found throughout the region. Options for women are far more limited. They may seek a judicial divorce by citing injury caused by the husband, or they may invoke *khula*, a practice that permits women to obtain a divorce unilaterally upon satisfaction of certain conditions. The first option requires that a woman go before a court and satisfy one of several codified reasons for a divorce. These relate to the husband's failure to uphold his marital duties, and many are difficult or embarrassing to prove. They include, for example, his inability to provide adequate fiscal support, an absence lasting longer than a year, and his contraction of a contagious disease. The second option for divorce, *khula*, is codified in Article 122 of the family law. A rapid resolution requires the husband's consent, but if he does not agree to the divorce, a mandatory six-month period of arbitration and reconciliation is necessary. If the spouses still cannot be reconciled, the court may order the divorce, though this obliges the woman to give up any right to financial support and return her *mahr* (dowry).

The codification of *khula*, despite its restrictions, is considered a boon to women's rights in that it provides the opportunity to escape unhealthy marriages. However, it is rarely invoked. The divorce rate in Qatar is high, with one in three marriages ending in divorce in 2007.<sup>26</sup> The vast majority of these were initiated by men, and of the 971 registered divorces, only 41 were *khula* divorces.<sup>27</sup> Divorce stigmatizes women more than men, both socially and psychologically, leaving them less desirable to potential future husbands, potentially limiting their ability to remarry. In a society in which women are often dependent upon their spouses for financial support, *khula* carries high risks for those who do not have extended families on which to rely.

The terms and conditions of polygamy are outlined in Article 14 of the personal status law. Polygamy is an accepted tradition but has become less widespread due to changing social and economic realities that place a heavy fiscal burden on the husband.

An update to the penal code in 2004 formally criminalized slavery, bondage, and forced labor. Violations can result in prison terms of up to seven years.<sup>28</sup> Yet, despite measures taken by the government, including the creation of the National Organization for the Combating of Human Trafficking (NOCHT) in 2005, Qatar remains a destination country for women who are trafficked and placed in situations of coerced labor.<sup>29</sup> In its 2006 annual report the NHRC reported that trafficking in foreign women was on the rise.<sup>30</sup> Although Qatar codified expanded protections for foreign workers, domestic workers, particularly from Asia, often labor under conditions approaching involuntary servitude (long hours, withheld pay, restricted movement), and some are sexually exploited.<sup>31</sup> The government has put in place punishments for violators of the labor laws, and those found guilty of withholding pay for forced labor are subject to prison terms of up to six months and fines of up to 3,000 riyals (US\$825).<sup>32</sup> Nevertheless, the laws are not consistently enforced, particularly for domestic workers, many of whom are unwilling to report abuses.<sup>33</sup> Foreign embassies occasionally provide shelter for their citizens who have left employers due to abuse or for other reasons.<sup>34</sup>

Women are generally free from torture and cruel, inhuman, and degrading punishment, and violence against women outside the home is rare. Pursuant to Article 279 of the penal code, the maximum penalty for rape in Qatar is death, although no specific law protects women from domestic violence.<sup>35</sup> Article 57 of the 2006 family law, however, states that a woman's marital rights include the right to be free from physical and mental harm at the hands of her husband. The Qatari Foundation reported 107 instances of domestic abuse in 2007.<sup>36</sup> Additionally, according to a 2006 survey carried out by the SCFA, nearly 20 percent of the 2,787 female Qatar University students questioned had been subjected to childhood violence.<sup>37</sup> In an effort to further understand the role of violence in Qatari society, the SCFA is currently conducting a survey of violence against married women.<sup>38</sup> The Qatar Foundation has established a family consultation center and a hotline for women and children to report abuse and continues its efforts to educate women on their legal rights and advocate on their behalf.<sup>39</sup>

Violence against women has been officially recognized by government officials as an important issue in need of attention. During a two-day seminar held in November 2008, a representative of the SCFA called upon the country to address violence against women openly and without shame. The event, which followed another held in November 2006, gathered women's rights leaders from around the world, including the UN special rapporteur on violence against women, to discuss how to prevent violence from occurring, protect victims, and effectively prosecute perpetrators.<sup>40</sup> Some protection from domestic violence is provided by social networks rather than by law. Notably the tendency toward family endogamy (a cultural preference for marriage between cousins) offers some protection to women because an abuser married to his cousin would have to answer to his wife's parents, who are members of the same clan and may come to her defense. As family standing is critical to economic and social access and success in Qatar, this pressure can be formidable.

There are few, if any, independent, nongovernmental women's rights groups working on domestic violence or immigrant women's rights issues in Qatar, and no organizations of female lawyers or independent legal aid groups operate in the country.

### *Recommendations*

- ❖ The government should criminalize domestic violence and take effective measures to prosecute offenders and protect victims by, among other things, increasing police and medical training to recognize and intervene where abuse is evident, continuing to conduct workshops and seminar series intended to help society overcome its reluctance to address the issue, and providing shelter and economic aid to victims of domestic abuse and their dependent children.
- ❖ The government should rescind the law requiring a male guardian's permission for a woman to obtain a driver's license and abolish rules that may prohibit women from travelling freely.
- ❖ The government should deepen its commitment to fighting human trafficking by establishing more severe punishments for violators and by more strictly enforcing existing labor laws.
- ❖ To further understand the extent to which trafficking is an issue and how to allocate its resources better, the government should collect gender-disaggregated data regarding how many people are trafficked

each year, their countries of origin, and their intended role and alleged treatment while residing in Qatar.

- ❖ Child custody should not be allocated based on the age and sex of the children. Instead, each case should be decided based on the best interests of the children in light of the individual parent's ability to provide care for them.

## ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Despite fluctuating oil prices, Qatar has experienced unprecedented economic growth since the discovery of oil in the 1940s and has become per capita one of the wealthiest countries in the world. Women's economic rights and academic opportunities have also increased in recent years as more women pursue university education and seek employment outside the home. The education system is undergoing extensive reform, and courses are being offered for women that reflect the actual market demands for labor. As a result, women are increasingly encouraged to enter fields traditionally deemed inappropriate for them. Despite progress, women in Qatar remain underrepresented in the workforce, particularly in leadership positions, and are subjected to strong cultural and familial pressures when making career and academic choices.

Women in Qatar have property rights similar to those of men. Law No. 40 of 2004 provides Qatari men and women with the same rights of guardianship over their individual incomes, and no legal restrictions exist on women's right to own and have independent use of their land and property. Noncitizens, however, are not permitted to own property, and cultural norms tend to inhibit the ability of all women to exercise these rights fully.

In Qatar, as in many neighboring states, Muslim women do not have equal inheritance rights, and they inherit half what a similarly situated male relative would receive. The common rationale behind this tenet is that Shari'a and cultural traditions require men to bear the financial burden for their entire families, including all female family members, while women may retain their inheritance and any other assets for their own personal use.

A woman has the right to enter into business and economic contracts and activities without the permission of her husband or legal guardian. A woman's participation in business activities that require close contact with

unrelated men, however, will typically face family opposition. Several mechanisms exist to support the participation of women in the sector, including the Women's Investment Company of Qatar and the Businesswomen's Club, a division of the Qatar Chamber of Commerce and Industry. Although only a small fraction of women engage in investment activities, anecdotal evidence shows that those numbers have increased recently, particularly with the advent of online banking. Internet-based investment tools appeal to women because they allow transactions to be conducted from home without requiring interaction with financial advisers, most of whom are male.

The government emphasizes the importance of education for the continued economic growth of Qatar, and beginning in 2001, the Supreme Education Council spearheaded intense reform efforts for the primary, secondary, and postsecondary education systems. On the outskirts of Doha, Education City now houses campuses for more than half a dozen foreign universities, including Northwestern University and Georgetown University. The entire public education system in Qatar is segregated by gender, and Qatar University has separate campuses for men and women. However, foreign universities within Education City are not required to be gender-segregated.

Article 49 of the constitution grants the right to free and compulsory education up to the secondary level to all citizens. Women are slightly more likely to be literate than men,<sup>41</sup> and women constituted 50 percent of students enrolled in secondary education and 68 percent of all graduates from postsecondary education in 2007.<sup>42</sup> Women's outstanding achievements in academia indicate that society has put credence in the idea that education will eventually lead to gender equality. Promoting education among women, however, is not enough if they are unable to find positions of power in their chosen professions or if they are not accepted by society as adequate leaders. In late 2008, women were accepted into the electrical engineering program at Qatar University for the first time in the hope of cutting back Qatar's dependence on foreign workers for research and development jobs. The university also recently permitted women to study architecture and chemical engineering for the first time.

Employed women tend to be highly educated compared to their male counterparts, with 66.6 percent of female citizen laborers and 35.1 percent of female noncitizen laborers holding degrees.<sup>43</sup> Despite this, they remain

underrepresented in the workforce, constituting only 14 percent of the total adult workforce, a statistic tempered only by the fact that there are half as many women as men in Qatar to begin with.<sup>44</sup> Nonetheless, more women hold jobs or seek employment now than ever before. Approximately 42 percent of adult women participated in the labor force as of 2007, compared to 38 percent in 2002.<sup>45</sup>

Although women's academic choices are increasing, long-standing cultural ideals regarding proper professions for women persist. Article 94 of the labor law prohibits women from undertaking dangerous or arduous work, or that which could be deemed detrimental to their health or morals, while Article 95 permits the minister of labor to determine suitable work hours for women. Both of these provisions treat women as minors who are unable to make decisions regarding their own safety. Additionally, Qatari women remain excluded from the diplomatic service.<sup>46</sup> In practice, women are employed almost entirely in the health care, education, and clerical professions,<sup>47</sup> fields that are predominantly gender segregated and do not challenge traditional female gender roles. Qatari men, meanwhile, are distributed relatively evenly across most professions except education, where they are significantly underrepresented.<sup>48</sup>

Qatari nationals generally, and women in particular, exhibit reluctance to work in the private sector, an additional limitation for women. Instead, 9 out of 10 Qatari citizens are public employees, and women make up 33.6 percent of the total government workforce.<sup>49</sup> A recent government-sanctioned study analyzed the reasons behind Qataris' prejudices against the private sector. Of the women surveyed, 76 percent cited concerns over a mixed-gender work environment, 53 percent felt it conferred a low social status, and 18 percent cited low wages. Conversely, the men surveyed cited low wages as their top concern, followed by poor working hours and low social status. Based on these findings, societal restrictions regarding what constitutes a proper work environment for women play heavily into women's occupational choices, while men tend to have other concerns.<sup>50</sup>

As academic choices for women are slowly growing, so too are occupational choices, and a small percentage of women are now doctors, lawyers, and police officers.<sup>51</sup> Nevertheless, social opinions still affect the nature of women's employment, and this will continue for years to come if the situation remains unaddressed. Formal statistics indicate that very few upper management positions are occupied by women, regardless of the fact that



they have the necessary skills. In 2005, only 8.1 percent of all management and senior positions were held by women.<sup>52</sup>

The government has also encouraged female leadership within the private sector by establishing the Qatari Business Women Forum, which has more than 500 registered members. According to the Qatar Chamber of Commerce, women were issued approximately 1,360 business licenses between 2003 and 2005. Moreover, approximately 17 percent of all entrepreneurs in 2005 were women.<sup>53</sup>

In accordance with the government's goal of preserving the family unit, female employees are eligible for maternity benefits. Under Article 96 of the labor law, if a woman has worked for her current employer for at least a year, she is entitled to 50 days of maternity leave, at least 35 days of which must be used after the baby is delivered. If the birth renders a woman unable to return to work, she has 60 days (continuous or interrupted) of unpaid leave pending medical certification of such need. Additionally, Article 97 provides new mothers with an hour per day to breast feed in addition to normal rest periods required by law. Sexual harassment is punishable by imprisonment and fines under Article 294 of the penal code, which the public prosecutor has invoked against men who harass women with obscene gestures or phone calls. In 2006, there were eight reported cases of sexual harassment, five of which ended in convictions.<sup>54</sup>

Article 93 of the labor law mandates equal pay for men and women if they perform the same work, as well as equal opportunity for training and promotion. The NHRC found that employers consistently violate the principle of equal pay for equal work. In particular, the NHRC noted that this form of discrimination tended to manifest itself in benefits provided by the employer, such as "residence allowances, or senior official loans or allocation of land."<sup>55</sup>

Several governmental and quasi-governmental organizations monitor women's economic rights. The Women's Affairs Department was established by the Council of Ministers in 1996 for the purpose of "finding work opportunities compatible with the Qatari women's nature and role in society."<sup>56</sup> The Women's Affairs Committee of the SCFA proposes "policies, plans and programs" that it deems necessary for the improvement of women's cultural, economic, and political standing.<sup>57</sup> Although the NHRC does not focus solely on women's issues, portions of its annual

reports are dedicated to analyzing violations of women's rights, including their economic rights. Additionally, the Social Development Center is a nonprofit organization established by Her Highness Sheikha Moza bint Nasser al-Missned, the emir's wife, that attempts to empower low-income families and women with the goal of creating self-sufficiency. These entities have stridently advocated on behalf of women, albeit within the traditional social and cultural constraints.

### *Recommendations*

- ❖ The government should encourage women's participation in the private sector by directly addressing and, where possible, remedying the cultural stigmas associated with such work.
- ❖ The government should continue to tailor academic opportunities for women to the actual market needs of Qatar in an effort to diversify future job options for women. Additionally, high schools and universities should coordinate with local businesses to create internship programs that involve female students in fields in which women are underrepresented.
- ❖ The government should amend Articles 94 and 95 of the labor law, which treat women as minors who are unable to make informed decisions when choosing their professions, and should permit women to act as representatives of Qatar abroad by allowing them to participate in the Foreign Service.
- ❖ The government should actively recruit qualified female jurists to serve in all levels of the judiciary, thereby expanding professional opportunities for women and encouraging more women to study law.
- ❖ The work of the SCFA should be expanded to prepare women for professional careers outside the home and should include training programs that encourage women to work in sectors traditionally dominated by men such as banking, science, and technology.

## **POLITICAL RIGHTS AND CIVIC VOICE**

Qatari women remain underrepresented in political life even within the limited field of activity allowed by the emir, who appoints the government and rules without an elected parliament. Although the 2004 constitution has the potential to increase male and female citizens' participation in

public affairs, promised legislative elections have been delayed, and there has been little progress in easing legal constraints on political activity.

Qatari women began participating in a form of electoral politics in 1996, when elections were established for the country's commercial and industrial chambers. Female candidates have since been nominated for membership many times, but none have won. Women's electoral participation expanded after Law No. 12 of 1998 created the Central Municipal Council (CMC), a 29-member body tasked with advising the minister of municipal affairs and agriculture on issues including trash collection, street repair, and other public works.

The emir granted women suffrage in a 1999 decree. In the first CMC elections that year, women accounted for about 45 percent of the 13,656 voters who took part. However, none of the 6 women in the field of 230 candidates were successful. The sole female candidate in the 2003 elections won a seat, but only after her male opponent withdrew. In the 2007 election the percentage of female voters rose to 46.6, but there were just 3 female candidates facing 118 men. Sheikha Yusuf al-Jifairi, an incumbent and the only one of the three women to win, was reelected to her seat with 96 percent of her constituency's votes.<sup>58</sup> The role of women in CMC elections is noteworthy, but the body has no power to make policy, and the eligible electorate consists of only about 28,000 people. This leaves hundreds of thousands of male and female residents entirely out of the process. Of those eligible to vote, about 51 percent turned out in 2007, up from 32 percent in 2003.<sup>59</sup>

Article 77 of the new constitution intended to convert the country's appointed 35-member Consultative Council into a 45-seat body with 30 elected members, offering female voters and candidates a more substantial role in national politics. The envisioned legislature would have the power to approve the government's proposed budget, draft legislation and pass it with a two-thirds majority (although the emir's approval would be required for a bill to become law), and scrutinize cabinet ministers through questioning and confidence votes.<sup>60</sup> The first elections for the new council were repeatedly postponed, however, after the constitution took effect, and they have not taken place to date. In the meantime, Qatari women have prepared for the promised elections by attending training courses organized by the Elections Committee and monitoring elections in neighboring countries.

As with the few available elective positions, women are not adequately represented in appointive government offices, although their numbers have increased in recent years. As previously mentioned (see “Nondiscrimination and Access to Justice”), the emir, who appoints judges, has chosen no females for the positions. However, women now head the Ministry of Health and the Ministry of Education and have been appointed as president of the Supreme Council for Information and Communication Technology, president of Qatar University, manager of NOCHT, president of the Elections Committee, executive director of the Family Consultation Center, and executive director of the Social Development Center. Despite these advances, women fail to hold positions of power such as ambassadorships or as police commissioners, or any positions within the security systems and planning fields. On the other hand, women dominate leadership positions in education.

Political parties are banned in Qatar, meaning the country's limited political and electoral activity is generally based on family and local ties. While the constitution does guarantee freedom of association within the confines of the law, the relevant legislation imposes a number of bureaucratic obstacles to the formation and operation of civil society groups. Licensed groups are barred from straying beyond their approved missions and into politics or other sensitive areas.<sup>61</sup> Government-affiliated organizations like the NHRC, however, have advocated improvements in women's rights, including political and associational rights.

The constitution guarantees the right of assembly “in accordance with the provisions of the law” under Article 44, but this right is severely restricted for both men and women.<sup>62</sup> The few demonstrations that have been allowed in recent years are typically aimed at supporting foreign policy positions favored by the government. For instance, an officially sanctioned rally in March 2007 expressed support for Iraqi unity and the Palestinian cause.<sup>63</sup>

Similarly, the constitutionally guaranteed freedoms of expression and the press are curtailed rather than protected by the law.<sup>64</sup> The country's only broadcasters—Qatar TV, the satellite television station Al-Jazeera, and the Qatar Broadcasting Service radio network—are either run by or financially dependent upon the state. Al-Jazeera's international programming has highlighted women's issues on occasion, however, and local newspapers have highlighted the plight of women evicted from their homes for failure to pay rent.

While the media environment on the whole is restrictive, women have increased their participation as professionals in the press and broadcast media in recent years. Female writers work in various fields, in many cases displaying courage in the issues they discuss. Some women, such as Miriam al-Saad, have gained significant recognition through their writing.

Women's participation in civic affairs is further limited by social conventions that hold certain fields to be unfit for female involvement. It is acceptable for women to engage in charitable activities, for example, but it is not as readily accepted for women to take on political or leadership roles. Nevertheless, in the past three years, women have started to break into more public activities within the small civil society sector, expanding beyond charitable and humanitarian fields.

In a 2007 study that investigated political attitudes, 55 percent of the survey sample supported women's political participation.<sup>65</sup> However, when the respondents were asked whether they would elect a male or female candidate, approximately 62 percent said they would choose the male. Interestingly, this figure was the same for both male and female respondents. Although the existing laws and government policies officially aim to raise the status of Qatari women and increase their involvement in political life to some extent, the social and cultural structure is unlikely to change radically in the near term.

### *Recommendations*

- ❖ The legislative body envisaged by Article 77 of the constitution should be fully realized.
- ❖ In keeping with the current positive trend, women should be progressively appointed to leadership roles within diverse areas of the government and should be given positions of power at a rate on par with their proportion of the citizen population.
- ❖ Female candidates for municipal elections should receive training on how to effectively communicate their message and campaign for public office.
- ❖ Existing laws on peaceful assembly should be reformed to meet international standards, and demonstration permit denials should be subject to appeal in the courts, thereby permitting all legal protesters, including women, to fully realize their right to assembly.
- ❖ Annual conventions should be held for high-school girls that show distinct leadership qualities that provide them with the opportunity meet

with female politicians, activists, and government officials from the region. Speakers should discuss obstacles that they faced as women and offer the girls advice on how to avoid or address such obstacles.

## SOCIAL AND CULTURAL RIGHTS

As the Qatari government takes a mostly hands-off approach in addressing women's social and cultural issues, tradition and custom continue to control the extent of women's activities at home and in the community. The government, however, has taken some measures to improve the lives of divorced and widowed Qatari women who lack families that can provide them with support by providing housing programs. In recent years activism on behalf of women has been directed from government leaders, and few grassroots organizations have been established to help address the concerns or interests of citizen and noncitizen women alike.

Family dominates the social lives of Qatari men and women. Little meaningful social, economic, or political life takes place outside the family. In the home, women organize the daily routine and holiday family gatherings and play a central role in arranging marriages. While women are able to participate in all matters related to the family (marriage, children's education, health care, housing), tradition holds that men have the final word regarding many key decisions, particularly with regard to finances. Public life is customarily segregated by gender; many public places have separate times or spaces for men and for "families" (women and children). Although they are not compulsory, most women wear the hair-covering *hijab* and the black cloak-like *abaya* in public.

Qatar nationals have free access to a government-supported health care system while noncitizens must generally pay for services. The labor law stipulates that employers must provide health care for their workers and improves care for expatriates, although these relatively new regulations are not often carried out in practice.<sup>66</sup> Qatar's health care system covers a range of health issues, including mental, dental, and complete maternity care programs.<sup>67</sup> Women have significant freedom to make independent decisions about their health, and the vast majority of women receive professional pre- and postnatal care.

Women's reproductive rights are rarely discussed in public, although birth control is widely available; issues such as rape and non-marital sex are seldom addressed. Based on laws passed in 1971 and 1983, abortion

is permitted in the first trimester if a physician determines that the pregnancy would cause harm to the mother's health or if the fetus has a serious, incurable physical or mental defect. Both husband and wife must consent to the abortion, and it must be carried out in a government hospital. Qatari society traditionally values large families, and women are typically pressured by their families to have children. Abortions are not legal in cases of rape or incest.<sup>68</sup>

While it is not formally prohibited, few Qatari women or men live alone. Young women are likely to face opposition from their families and possibly male harassment if they try to live on their own. The man is considered the head of household in Qatar and is therefore responsible for providing housing for his wife and the family. In 2007 the government passed a new law expanding opportunities for Qatari and non-Qatari women to take advantage of government housing programs. Qatari women married to foreign nationals are eligible for government housing, as are widows and divorced women with children who did not inherit homes from their husbands. Unmarried women over 35 who support members of their family are also eligible for state housing assistance.

Women work in both print and broadcast media in Qatar, employed as journalists, reporters, broadcasters, and producers, but their numbers in the field are modest. Among the obstacles to women's participation in the media are the social customs that restrict women's work to a narrow field of careers. The media tend to portray women in stereotypical roles and rarely cover the problems of and restrictions on women's lives.

Although little research has been conducted on the problem of poverty in Qatar, local observers note that small numbers of Qatari nationals struggle to make ends meet. Widows, divorced women, and deserted wives make up a significant proportion of the ranks of the Qatari poor.<sup>69</sup> Information on the economic, social, and cultural problems of non-Qatari women is scarce, partly due to the lack of independent groups to investigate these issues.

While the government has undertaken important steps toward improving the lives of women in recent years, the future of these reforms continues to remain uncertain. The reforms that have provided women with important rights have come about not through democratic mechanisms but through decrees from the top, with many reforms the result of the activism of Her Highness Sheikha Moza. For progressive reforms such as these to endure beyond the current heads of state, they must be institutionalized

through democratic means. Moreover, in a society where cultural norms are the source of most restrictions on women's lives, and where laws are often unknown to people and inconsistently enforced, legal reforms alone will be of limited consequence.

### *Recommendations*

- ❖ The government should implement improvements to and ensure enforcement of health insurance and health care for non-Qatari women.
- ❖ The government should allow and encourage the creation and institutionalization of nongovernmental organizations serving women and addressing women's concerns.
- ❖ The media should examine the impact of increased economic participation on women's role in society and consistently report on violations of women's rights, paying particular attention to the plight of impoverished women.
- ❖ Foreign embassies should make efforts to provide basic computer literacy courses to their citizens residing in Qatar and offer online and printed materials that inform these individuals about their employment, housing, and health care rights and the means by which to invoke them in the Qatari legal system.

## **AUTHORS**

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## NOTES

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- <sup>29</sup> "Trafficking in Persons Report" (Washington, DC: U.S. Dept. of State, June 4, 2008).
- <sup>30</sup> *The Situation of Human Rights in Qatar* (NHRC, 2006), 28. There are more than 500,000 foreign workers in Qatar, around 70 percent of the total population.
- <sup>31</sup> Sigma Huda, *Mission to Bahrain, Oman and Qatar*, 13–14.
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- <sup>34</sup> “Reply by the State of Qatar to the Questionnaire to Governments on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-third Session of the General Assembly (2000)” (Supreme Council for Family Affairs, 2004), 16, <http://www.un.org/womenwatch/daw/Review/responses/QATAR-English.pdf>; see also “The Qatari Foundation for the Protection of Women and Children” (SCFA, 2005), [http://www.scfa.gov.qa/foundation\\_women\\_children.asp](http://www.scfa.gov.qa/foundation_women_children.asp).
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