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Resilient nations

# Qatar

## Gender Justice & The Law

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# Qatar

## Gender Justice

Assessment of laws affecting gender equality and protection against gender-based violence

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# ACRONYMS

<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEDAW Committee</b>	UN Committee on the Elimination of Discrimination against Women
<b>ESCWA</b>	Economic and Social Commission for West Asia
<b>FGM/C</b>	female genital mutilation / cutting
<b>GBV</b>	Gender-based violence
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>NGO</b>	Non-government organization
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>SDGs</b>	Sustainable Development Goals
<b>UNDP</b>	United Nations Development Programme
<b>UNESCWA</b>	United Nations Economic and Social Commission for West Asia
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commission for Refugees (UN Refugee Agency)
<b>UNICEF</b>	United Nations Children's Fund
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>WHO</b>	World Health Organization
<b>Arabic terms</b>	
<b>fatwa</b>	Ruling or pronouncement on a point of Islamic law
<b>'idda</b>	The period a woman must observe after the death of her spouse or after a divorce during which she may not remarry
<b>khalwa</b>	Social mingling of men and women who are unrelated
<b>khul'a</b>	Divorce process initiated by the wife requiring return of her mahr
<b>mahr</b>	Mandatory payment by the groom or his father to the bride which then becomes her property
<b>talaq</b>	Repudiation; divorce process whereby the husband repudiates his wife
<b>'urf</b>	Custom
<b>wali</b>	Guardian
<b>wilaya</b>	Guardianship
<b>zina</b>	Unlawful sex, including adultery and sex between two persons neither of whom are married

# INTRODUCTION

## Scope

UNDP, in partnership with UN Women, UNFPA, and ESCWA, has conducted a study on Gender Justice and the Law to provide a comprehensive assessment of laws and policies affecting gender equality and protection against gender-based violence in the Arab states region.

The study is composed of an introductory piece that describes the background, rationale, analytical framework and methodology, and a total of 18 country profiles. Each country profile maps the country's key legislative and policy developments regarding gender justice.

This country profile presents the findings of the study relating to Qatar. It provides an analysis of whether the country's laws and policies promote or impede equality between women and men before the law, and whether they provide protection against gender-based violence.

This country profile includes analysis of the following areas of the law:

- Constitutional guarantees of gender equality and constitutional protections against gender-based violence
- Status of penal codes and whether the country has domestic violence laws that address gender-based violence
- Status of personal status codes and how they impact gender equality
- Status of nationality laws and whether they ensure that women and men enjoy equal rights in relation to citizenship
- Status of labour laws and whether they provide protection from discrimination and gender-based violence in the workplace

## Methodology and acknowledgements

The study was conducted in two phases:

1. A literature review was conducted between January 2016 and June 2017 of the various laws, regulations, policies, and law enforcement practices related to gender justice in each of the 18 countries, which then formed the basis of draft country profiles.
2. Realizing the limitations of desk-based literature reviews, country validation processes for each of the draft country profiles were led by UN Country Teams and national consultants. Country validation processes took place between September 2017 and August 2018 to ensure the accuracy of each country profile. These sought the views of government partners and other key national stakeholders.

Comments on drafts of this country profile were provided by the National Human Rights Committee of Qatar whose contribution are greatly acknowledged.

The literature reviews that formed the basis of the country assessment were authored by consultants John Godwin and Nadya Khalife. They also edited the final drafts for publication after feedback from national counterparts. Their insights and hard work are recognized with gratitude. Nadya Khalife and Amr Khairy translated the outputs of the study into Arabic and English. Gratitude is also extended to John Tessitore for assistance with copyediting in English.



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## Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

The colour-coded representation below provides a comparison of the laws identified in the country profile with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women and country recommendations under the country's respective Universal Periodic Reviews.

### YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

### NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

### Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

## Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Qatar ratified CEDAW in 2009. Reservations were made to Articles 2(a), 9(2), 15(1), 15(4), 16(1)(a), (c), and (f). Qatar also included several declarations, including that Article 5(a) must not be understood as encouraging women to abandon their role as mothers and their role in child-rearing.

## Constitution

The 2004 Constitution states that all persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion.

## NATIONALITY LAW

### NATIONALITY

Women do not have the same rights as men to pass citizenship to their children or to a foreign spouse under the Nationality Law (Law No. 38 of 2005).

## CRIMINAL LAWS

### Domestic violence

There is no domestic violence legislation in Qatar.

### Abortion for rape survivors

Under the Penal Code, abortion is generally illegal, except if necessary to save the life of the woman.

### Female Genital Mutilation / Cutting (FGM/C)

There are no laws prohibiting FGM/C. However, FGM/C is not practiced in Qatar.

### Marital rape

Marital rape is not criminalized. Due to the obedience requirement in the Family Law, cases of marital rape do not come before the courts.

### Sexual harassment

Offensive remarks, sounds, or gestures against women and girls are criminalized by Article 291 of the Penal Code.

### Human trafficking

Qatar adopted a comprehensive law against trafficking in 2011. The Law on Combating Human Trafficking includes penalties up to 15 years in prison and protective services for victims of trafficking

### Rape (other than of a spouse)

Rape is criminalized by Article 279 of the Penal Code. The death penalty applies in aggravated circumstances, e.g., rape of a minor by a relative.

### Honour crimes: Mitigation of penalty

Article 47 of the Penal Code allows for reduction in penalty for perpetrators of 'honour' crimes.

### Sex work and anti-prostitution laws

Prostitution is prohibited by Article 298 of the Penal Code.

### Exoneration by marriage

There is no marry-your-rapist law in Qatar.

### Adultery

Adultery is an offence under Articles 281, 282, and 285 of the Penal Code.

### Sexual orientation

Sexual conduct between consenting adults outside of marriage is criminalized by Articles 281, 282, 285, and 298 of the Penal Code. Article 296 criminalizes seducing for sodomy or to commit immoral acts.

## PERSONAL STATUS LAWS

### Minimum age of marriage

The Family Law of 2006 establishes the minimum age for marriage as 18 for boys and 16 for girls. Judges may grant approval for marriage below these ages in exceptional cases.

### Guardianship of children

Fathers are the sole guardians of children.

### Male guardianship over women

Permission of a marriage guardian (wali) is required for a woman to marry. There are some legal protections for women under guardianship. The bride's guardian must conclude her marriage contract with her permission.

### Custody of children

After divorce or separation, the mother retains custody of her sons until age 13 and of her daughters until age 15.

### Marriage and divorce

The Family Law requires the husband to maintain the wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul'a divorce without grounds if she forgoes financial rights.

### Inheritance

The Family Law defines the rules of inheritance, which follow Sharia principles. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

### Polygamy

Polygamy is permitted by the Family Law.

## LABOUR LAWS

### Right to equal pay for the same work as men

Article 93 of the Labour Law of 2004 states that women shall be given equal remuneration to men when they do the same work and shall have the same opportunities for training and advancement as men.

### Domestic workers

Domestic workers do not enjoy the same rights as workers protected by the Labour Law. The sponsorship system was abolished by Law No. 21 of 2015 and replaced with labour contracts. Law No. 15 of 2017 on Domestic Workers specifies maximum working hours, paid leave, and workplace health and safety rights.

### Dismissal for pregnancy

Employers are prohibited from dismissing women because of pregnancy by Article 98 of the Labour Law.

### Paid maternity leave

Under the Labour Law, women are entitled to 50 days of maternity leave, which is paid by the employer. This is less than the ILO standard of 14 weeks.

### Legal restrictions on women's work

The Labour Law provides that women shall not be employed in dangerous work, arduous work, work that is detrimental to their health or morals, or other works to be specified by a Decision of the Minister. The Minister may also specify that women cannot be employed during certain times, such as at night.

# OVERVIEW

## Legal framework

### International law

Qatar ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2009. The following reservations to CEDAW were made upon accession:

- Article 2 (a), in connection with the rules of hereditary transmission of authority, as it is inconsistent with the provisions of Article 8 of the Constitution.
- Article 9(2), as it is inconsistent with the Qatari law on citizenship.
- Article 15(1), in connection with matters of inheritance and testimony, as it is inconsistent with the provisions of Islamic law.
- Article 15(4), as it is inconsistent with the provisions of family law and with established practice.
- Article 16(1)(a) and (c), as they are inconsistent with the provisions of Islamic law.
- Article 16(1)(f), as it is inconsistent with the provisions of Islamic law and family law.

Qatar also included the following declarations:

1. The Government of the State of Qatar accepts the text of Article 1 of the Convention provided that, in accordance with the provisions of Islamic law and Qatari legislation, the phrase “irrespective of their marital status” is not intended to encourage family relationships outside legitimate marriage. It reserves the right to implement the Convention in accordance with this understanding.
2. The State of Qatar declares that the question of the modification of “patterns” referred to in Article 5 (a) must not be understood as encouraging women to abandon their role as mothers and their role in child-rearing, thereby undermining the structure of the family.
3. In accordance with Article 29, paragraph 2, the State of Qatar declares, under the terms of that text, that it does not consider itself bound by paragraph 1 of that article (related to resolution of disputes).

### Domestic law

The main laws of Qatar relevant to gender justice are:

- Constitution of 2004
- Penal Code of 2004
- Labour Law of 2004
- Nationality Law of 2005
- Law on Combating Human Trafficking of 2011
- Family Law of 2006
- Law on Domestic Workers of 2017

### Constitution

Article 1 provides that Sharia law shall be a main source of legislation of Qatar. (This Article is used to justify CEDAW reservations and declarations).

The following provisions are relevant to gender justice:

- Article 6 provides that the State shall respect international conventions and strive to implement all international agreements, charters, and conventions to which it is party.
- The Constitution guarantees equality of all its citizens in Articles 34 and 35 as follows:
  34. The Citizens of Qatar shall be equal in public rights and duties.
  35. All persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion.<sup>1</sup>

The CEDAW Committee has noted the absence of a definition of discrimination as used in this Article of the Constitution.<sup>2</sup>

- Article 18 provides that “The Qatari society shall be based on justice, kindness, freedom, equality, and morals.”
- Article 21 states: “The family shall be the foundation of the society. Its pillars shall be religion, morals, and love for the

<sup>1</sup> The Permanent Constitution of the State of Qatar (2004), <http://www.parliament.am/library/sahmanadrutyunner/katar.pdf>.

<sup>2</sup> United Nations, CEDAW Committee, Concluding Observations on the initial report of Qatar (10 March 2014), [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fQAT%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fQAT%2fCO%2f1&Lang=en).

nation. The law shall organize means of protecting the family, supporting its principles, bolstering its ties, preserving ideals of matrimony, childhood, and the elderly.”

## Policy framework

The National Development Strategy 2011–2016 includes a sectoral strategy on family cohesion and empowerment of women (Chapter 5), with a section on domestic violence. The Strategy seeks to decrease family violence and increase protection for survivors in addition to increasing the participation of women in decision-making and the economy.<sup>3</sup> The Strategy refers to the social and economic costs of violence against women and children, which “includes physical, emotional, and sexual abuse that directly undermine Qatar’s goal of providing social care and protection for all its citizens.”<sup>4</sup>

The government also developed the General Strategy of the Family 2011–2016, which included strategic objectives related to violence.<sup>5</sup>

The Supreme Council for Family Affairs was established in 1998 to protect the security of the family. During its existence the Council pursued legal and policy reforms, including the updating of family and inheritance laws in 2006. The Council was dismantled in 2014, and it is unclear which agency will replace its role.

The government developed a National Plan for Combating Human Trafficking for 2010–2015, and the Qatari Foundation for Combating Human Trafficking was established by decision No. 1 of 2008 by the President of the Supreme Council for Family Affairs. The Foundation was active in preventing and combating human trafficking and providing protection and care to trafficking survivors. However, enforcement of the Law on Combating Human Trafficking has been affected by the 2013 merger of the Qatari Foundation for Combating Human Trafficking with the Qatar Foundation for Protection and Social Rehabilitation. As a result, the Qatari Foundation for Combating Human Trafficking no longer has an effective role.

To improve enforcement of anti-trafficking measures, Cabinet Decision No. 15 of 2017 requires the establishment of the National Committee against Trafficking in Humans to act as the national coordinator for monitoring, preventing, and combating trafficking in humans through coordination with concerned authorities. The National Committee’s role includes to:

1. Develop a national plan to combat trafficking in humans and prepare programmes and mechanisms implemented in coordination with the relevant authorities in the State.
2. Prepare a database of international legislation relating to human trafficking, trafficking methods, and related studies.
3. Review the relevant national legislation and ensure its consistency with the international conventions and covenants ratified by the State.
4. Prepare and publish an annual report on State efforts to prevent and monitor the fight against human trafficking.
5. Study international and regional reports on the prevention, monitoring, and control of human trafficking and take action thereon.
6. Coordinate with the competent authorities and concerned parties to provide protection and support to victims of human trafficking, including the protection and rehabilitation programme to assist victims in community integration.
7. Raise awareness of the means related to human trafficking through the holding of conferences and symposia, and to prepare bulletins and training programmes to achieve the objectives of the Committee.
8. Exchange information and experiences with Arab and regional organizations and committees to combat human trafficking and strengthen links with them.
9. Participate with the concerned authorities in the State in international conferences and forums related to combating human trafficking.
10. To carry out any work assigned to the Committee in the field of combating human trafficking.

## Legal and support services

The Qatar Foundation for Protection of Children and Women aims to protect groups affected by violence in the family and society. The Foundation provides accommodation, legal information, and legal assistance as well as referral to health services. The National Human Rights Committee has a research and advocacy role for women’s rights.

<sup>3</sup> National Development Strategy 2011–2016, <http://www.agenceecofin.com/images/Finance/Qatar%20National%20Development%20Strategy%202011-2016.pdf>.

<sup>4</sup> Ibid., pp.169–170.

<sup>5</sup> National Council for Family Affairs, National Report on Beijing+20, (February 2014), p. 29, <http://www.escwa.org.lb/sites/BeijingPlus20/docs/QatarAR.pdf>.

# PROTECTION FROM DOMESTIC VIOLENCE AND SEXUAL VIOLENCE

There is no specific domestic violence law. However, a committee was formed in 2014 to draft a law on domestic violence and submitted its report to the Council of Ministers.<sup>6</sup>

Protections from violence are provided by the general provisions of the Penal Code of 2004, which criminalizes assault under “Crimes Afflicting People’s Lives and Safety,” subcategory “Murder, Suicide, and Assault.”<sup>7</sup> Sentences are imposed on the husband if he is proven to have assaulted his wife. The Family Law of 2006 states that it is the wife’s right not to be subject to financial or moral harm inflicted by her husband.<sup>8</sup>

Rape is criminalized in the Penal Code under the title of “Adultery and Honour Crimes.”<sup>9</sup> The Penal Code does not state that rape in marriage is excluded from the criminal offence of rape. However, due to the existence of the obedience requirement in the Family Law,<sup>10</sup> cases of marital rape do not come before the courts. There is no provision prohibiting the wife from filing a complaint against her husband for beating or raping her, but Qatari courts have never had cause to consider marital rape cases.

The Penal Code criminalizes sexual harassment of women as an offence that punishes directing offensive remarks, sounds, or gestures at a woman or intruding upon a woman’s privacy. Punishment is up to one year’s imprisonment and/or a fine.<sup>11</sup>

## HONOUR CRIMES

Chapter 4 of the Penal Code addresses “Adultery and Honour Crimes.”

The courts allow lenient sentences to men who commit honour crimes.<sup>12</sup> The Penal Code states: “Nothing is an offence which is done in good faith, in exercising the right justified by the Law or Islamic Sharia and within the limits thereof.” One of the justified rights is “the necessary violence to arrest a perpetrator caught *flagrante delicto*.”<sup>13</sup>

Concerns have been raised that some women may be deterred from reporting rape or sexual violence in Qatar due to the fear of being charged with adultery or illicit relations (*khalwa*).<sup>14</sup> However, the National Human Rights Committee states that there is no evidence that women and girls who have reported incidents of sexual harassment to the Public Prosecutor have ever been charged with illicit relations. The Philippine Embassy also has files of female domestic workers who have been raped in which the court has treated them appropriately as victims.

6 National Human Rights Committee the State of Qatar, A Shadow Report On the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (February 2014), [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT\\_CEDAW\\_NHS\\_QAT\\_16146\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NHS_QAT_16146_E.pdf).

7 Penal Code, Arts. 300–314.

8 Family Law, Art. 57.

9 Penal Code, Art. 279.

10 Family Law, Art. 58.

11 Penal Code, Art. 291.

12 United Nations Children’s Fund, Qatar, MENA Gender Equality Profile (2011), <http://www.unicef.org/gender/files/Qatar-Gender-Equality-Profile-2011.pdf>.

13 Penal Code, Art. 47.

14 Amnesty International, “Qatar UN Review: Crucial Reforms Needed to Protect Women and Migrant Workers” (7 May 2014), <https://www.amnesty.org/en/latest/news/2014/05/qatar-un-review-crucial-reforms-needed-protect-women-and-migrant-workers/>.

# ADULTERY AND SEX OUTSIDE OF MARRIAGE

The Penal Code criminalizes adultery and all other forms of consensual sexual relations outside of marriage for males and females above 16 years.<sup>15</sup> Penalties include up to seven years imprisonment.

## ABORTION FOR RAPE SURVIVORS

Under the Penal Code, abortion is generally illegal, except if necessary to save the life of the woman. A pregnant woman who performs an abortion on herself or consents to its performance is subject to up to five years' imprisonment. A person who intentionally performs an abortion on a pregnant woman is subject to the same penalty if she consents, or to up to ten years' imprisonment if she does not consent. Law No. 2 of 1983 governing the practice of the medical professions provides that if the pregnancy is of less than four months' duration an abortion may be legally performed:

- a. If continuation of the pregnancy would cause certain and serious harm to the mother's health; or
- b. If there is evidence that the child would be born with serious and incurable physical malformations or mental deficiency, and both spouses consent to the abortion.

## FEMALE GENITAL MUTILATION/CUTTING (FGM/C)

There are no laws prohibiting FGM/C in Qatar, but according to the National Human Rights Committee, FGM/C is socially rejected by Qatari citizens and it is not a part of local customs and traditions. Although some residents of Qatar originate from countries where FGM/C is traditionally practiced, there are no confirmed cases of FGM/C occurring within Qatar.

## FAMILY MATTERS

### Marriage

The Family Law of 2006 establishes the minimum age for marriage as 18 for boys and 16 for girls. Judges may grant approval for marriage below these ages in exceptional cases. Judges reportedly do not apply consistent criteria to justify the marriage of girls under 16.<sup>16</sup> Polygamy is permitted.

Marriage below the minimum age is allowed only after the approval of both parties' guardians, the consent of intending spouses, and the permission of a judge.<sup>17</sup> The bride's male guardian, regardless of her age, must conclude her marriage contract with her permission.<sup>18</sup>

The Family Law includes an obedience clause, which states that a man is the head of the household and the wife has a duty to obey him.<sup>19</sup> A woman may lose financial support if she is disobedient to her husband for any of the following reasons:<sup>20</sup>

1. If she refuses to surrender herself to the husband or to move to the marital home without legitimate reason.
2. If she leaves her marital home without legitimate reason.
3. If she prevents the husband from entering into the marital home without legitimate reason.

<sup>15</sup> Penal Code, Arts. 281, 282, 285.

<sup>16</sup> Musawah, *Thematic Report on Article 16, Qatar*, <http://www.musawah.org/sites/default/files/MusawahThematicReportArt16Qatar.pdf>.

<sup>17</sup> Family Law, Art. 17.

<sup>18</sup> *Ibid.*, Art. 28.

<sup>19</sup> *Ibid.*, Art. 58.

<sup>20</sup> *Ibid.*, Art. 69.

4. If she refuses to travel with her husband when moving to another dwelling without legitimate excuse or if she travels without his permission.
5. If she works outside the home without the permission of her husband, unless he is abusing his right in preventing her from working.

## Divorce

A husband has the right to unilateral divorce (*talaq*), which can be pronounced out of court but requires acknowledgement and proof. A declaration must be made by the husband before a judge for the divorce to take effect. Prior to hearing the declaration, the judge will try to reconcile the couple.

A man does not need to provide reasons for requesting divorce. However, a woman can only seek divorce under certain conditions that must be proven in court. The Family Law sets out the grounds on which the wife may request divorce, which include situations where the husband has not paid his wife maintenance or has been missing for more than a year. A wife can request divorce based on proof of harm or injury due to a husband's failure to fulfil marital obligations.

Both spouses may agree on *khul'a* divorce, but only after reconciliation has failed. In *khul'a* divorce, the wife forfeits her financial rights to the dowry (*mahr*) and alimony / maintenance (*nafaqa*). *Khul'a* usually requires the consent of the husband, though refusal of consent may be overruled by a judge. If the husband refuses, there is a mandatory six-month arbitration period to attempt reconciliation, if possible.<sup>21</sup>

## Guardianship and custody of children

The father has guardianship rights over his children. The mother does not have guardianship, but has custody rights up to a prescribed age. Custody terminates when a male child turns 13 years and a female child turns 15 years, unless the Court rules otherwise.<sup>22</sup> Divorced women who remarry risk losing custody of their children to the father. Judges are required to consider the interests of the child in settling custody disputes and have the discretion to allow the mother to retain custody after remarriage.<sup>23</sup>

## INHERITANCE

The Constitution provides that the right of inheritance shall be maintained and governed by Sharia law.<sup>24</sup> The Family Law provides that a deceased's assets will be divided among his or her heirs as dictated by the Sharia inheritance rules, which means that male heirs generally receive twice as much as female heirs.

## NATIONALITY

The Nationality Law (Law No. 38 of 2005) does not allow women to pass citizenship automatically to their children or spouse in the same way as men. The Law allows for the children of a Qatari woman to apply for naturalization, but it discriminates against them by failing to provide the same automatic right to transfer citizenship to their children and spouses that men enjoy.<sup>25</sup> The Cabinet has approved a draft law allowing children of Qatari women married to non-Qataris to acquire permanent residence, but not full nationality, unlike children of Qatari men. Permanent residents can get free government health care and education, but do not receive a Qatari passport.<sup>26</sup>

<sup>21</sup> Freedom House, *Women's Rights in the Middle East and North Africa, Qatar (2010)*, [https://freedomhouse.org/sites/default/files/inline\\_images/Qatar.pdf](https://freedomhouse.org/sites/default/files/inline_images/Qatar.pdf).

<sup>22</sup> Family Law, Art. 173.

<sup>23</sup> Ibid., Art. 170.

<sup>24</sup> Constitution, Art. 51.

<sup>25</sup> Nationality Law, Art. 2.

<sup>26</sup> Human Rights Watch, "Qatar: Residency Reform Doesn't End Gender Bias" (4 August 2017), <https://www.hrw.org/news/2017/08/04/qatar-residency-reform-doesnt-end-gender-bias>.

# LABOUR LAWS

## Entering employment

There is no specific provision in the Labour Law of 2004 prohibiting discrimination on the grounds of sex or gender in recruitment or hiring. There are restrictions on women's employment in some occupations. The Labour Law provides that women shall not be employed in dangerous work, arduous work, work detrimental to their health or morals, or other work to be specified by a Decision of the Minister.<sup>27</sup> The Minister may also specify that women cannot be employed during certain times, e.g., night work.<sup>28</sup>

Women participate in a range of occupational roles, including scientific, engineering, and administrative work in all sectors, civil aircraft, the armed forces, and the police, in addition to work in hotels and restaurants. However, women in these occupations must adhere to prescribed working hours, and they are not directly involved in the construction, infrastructure, transport, energy, or manufacturing sectors.

## Remaining in employment

The Labour Law of 2004 states that "women shall be given equal remuneration to men when they do the same work and shall have the same opportunities for training and advancement."<sup>29</sup> There is no specific provision in the Labour Law guaranteeing equal pay for work of equal value, which is a broader concept than equal remuneration for the same work.

The Employment Regulations of the Qatar Financial Centre provide that employers licensed by the Centre are prohibited from discriminating against employees on the grounds of sex and must, as far as is reasonably practicable, provide and maintain a workplace that is safe and presents no risks to employees' health.<sup>30</sup> A female of the Qatar Financial Centre shall be paid a wage equivalent to the wage payable to a male if she performs similar work. She shall be offered the same training and promotion opportunities.<sup>31</sup>

The Labour Law provides that women are entitled to 50 days of maternity leave, which the employer is liable to pay.<sup>32</sup> The Labour Law prohibits dismissal of a woman due to her marriage or taking maternity leave.<sup>33</sup>

## Workplace sexual harassment

The Labour Law does not prohibit sexual harassment. However, the Penal Code criminalizes persons who make offensive remarks, sounds, or gestures directed at a woman or intrude upon a woman's privacy with up to one year's imprisonment and/or a fine.<sup>34</sup>

## Domestic workers

Over 90 per cent of the workforce consists of migrants who work as low-skilled or semi-skilled workers.

Law No. 15 of 2017 on Domestic Workers specifies maximum working hours, paid leave one day a week, termination indemnity, and dispute settlement mechanisms in accordance with the provisions of the Labour Code. The Law on Domestic Workers provides that an employer shall be responsible for the following:<sup>35</sup>

1. Provide suitable housing and food to a domestic worker, medical care, medicine, and medical equipment in the case of sickness or injury during the performance of his/her duties, or as a result thereof, without incurring any financial burdens on the domestic worker.
2. Treat domestic workers well, in a manner which will safeguard their dignity and well-being.
3. Avoid exposing a domestic worker's health or life to danger, or harm the worker physically or morally in any manner whatsoever.
4. A domestic worker shall not work during his/her sick leave.
5. A domestic worker shall not work during his/her rest periods, or during his/her weekly rest, unless there is a prior agreement between both parties to the contrary.

<sup>27</sup> Labour Law of 2004, Art. 94.

<sup>28</sup> *Ibid.*, Art. 95.

<sup>29</sup> *Ibid.*, Art. 93.

<sup>30</sup> Financial Centre Employment Regulations, Part 4 and Part 10.

<sup>31</sup> *Ibid.*, Art. 39.

<sup>32</sup> Labour Law, Art. 96.

<sup>33</sup> *Ibid.*, Art. 98.

<sup>34</sup> Penal Code, Art. 291.

<sup>35</sup> Law on Domestic Workers, Art. 7.



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Qatar abolished the sponsorship system as prescribed by Law No. 21 of 2015 regulating the entry and exit of expatriates and their residence, and replaced it with labour contracts between the companies and the workers. The new system commenced in 2016 and allows for immediate change in employment after the termination of the employment contract. If the contract is indefinite (open), workers can move to another job after five years provided that two months' notice is given.

The law permits the transfer of a worker to another employer before the expiry of the contract period with the approval of the employer, the competent authority, and the Ministry of Administrative Development, Labour, and Social Affairs. In the event of a dispute between the parties, the competent authority may decide to allow the transfer of employment without the consent of the employer. In addition, the expatriate worker can apply to a "grievance committee," which can decide on a worker's request to travel within 72 hours. The National Human Rights Committee is monitoring the application of the law on foreign workers.

## SEX WORK AND ANTI-PROSTITUTION LAWS

The Penal Code provides that it is an offence to take prostitution or sodomy as a profession or a living, and is punishable with up to ten years' imprisonment.<sup>36</sup> People engaging in or using the services of sex workers can be punished for extra-marital sex.<sup>37</sup> It is also an offence to run a brothel, punishable with imprisonment for no less than a year and no more than three years.<sup>38</sup>

## HUMAN TRAFFICKING<sup>39</sup>

The Law on Combating Human Trafficking of 2011 includes penalties up to 15 years in prison and protective services for victims of trafficking.<sup>40</sup> The Law defines trafficking in accordance with the definition contained in the Protocol to Prevent and Suppress Trafficking in Human Beings, which the State ratified in 2009.

Female domestic workers are vulnerable to trafficking due to their isolation in private residences, and domestic workers may face difficulties seeking legal redress for abuses. Some victims of trafficking have reportedly been punished for acts committed as a result of being subjected to trafficking. For example, authorities may deport potential trafficking victims for immigration violations and absconding from employment.

The government provides training workshops for law enforcement officials, public prosecutors, judges, inspectors, civil society organizers, and public health professionals on how to investigate trafficking cases, the anti-trafficking law, and victim identification. These workshops also include training on trafficking victim identification for doctors and nurses, the role of law enforcement, and the prosecution of trafficking cases.

## SEXUAL ORIENTATION, GENDER IDENTITY, AND RELATED ISSUES

The Penal Code criminalizes consensual sex with a male or female outside of marriage.<sup>41</sup> There is also a specific offence for seducing a male for sodomy or seducing a male or a female to commit immoral acts, punishable with imprisonment for no less than one year and no more than three years.<sup>42</sup>

Change of legal gender is not permitted by law. There are no specific laws protecting LGBT people from hate crimes, gender-based violence, or discrimination.

36 Penal Code, Art. 298.

37 Penal Code, Arts. 281, 282, 285.

38 Ibid., Art. 295.

39 US Department of State, *Trafficking in Persons Report: Qatar (2015)*, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243517.htm>.

40 Law on Combating Human Trafficking of 2011.

41 Ibid., Arts. 281, 282, 285, 298.

42 Ibid., Art. 296.

# QATAR: KEY RESOURCES

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