

End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Prof. E. Tendayi Achiume, at the Conclusion of Her Mission to Qatar  
Doha, Qatar (1 December 2019)

I. Introduction

1. I would like to thank the Government of Qatar for its invitation and cooperation during my visit to the country from 24 November to 1 December 2019.
2. The terms of reference of my visit were to assess the Government's efforts in combatting racism, racial discrimination, xenophobia, and related intolerance in Qatar. On this mission, I visited Doha and some of its outskirts. I met with national Government officials, high-level judicial and parliamentary representatives, members of the National Human Rights Committee, academics, representatives of international organizations operating in Qatar, representatives of migrant worker, domestic worker and stateless communities, and representatives of the Supreme Committee for Delivery and Legacy. I also visited the Doha Central Prison, the Doha Deportation and Detention Center, the Doha Police Station of the Capital Security Department, and the Al Rayyan Stadium, which is currently under construction for the 2022 FIFA World Cup.
3. What follows is my preliminary assessment, which I make in a spirit of open and constructive dialogue with the Government and other stakeholders. I expect to present a full report with more detailed findings to the United Nations Human Rights Council at its 44th session in July 2020. I urge any parties working on issues related to racial equality and non-discrimination who wish to make submissions relevant for my final report, to send these in writing to racism@ohchr.org by 15 February 2020.
4. In sum, my statement highlights Qatar's unique demographic context; the extreme challenges it faces in light of this context; the monumental reforms it has already achieved to combat racial discrimination and related intolerance; the severe human rights violations that still persist, including on the basis of national origin; and the existence of racial, ethnic and national stereotypes and discriminatory structures that are, in part, the product of the history of slavery in Qatar, a practice that was only outlawed in this country in 1952.

II. Qatar's Racial Equality and Non-Discrimination Commitments: Law and Context

*Legal Commitments*

5. Article 35 of the Permanent Constitution of Qatar enshrines rights to racial equality and non-discrimination: "All persons are equal before the Law and there shall be no discrimination whatsoever on grounds of gender, race, language or religion." In addition, the Permanent Constitution contains several legal guarantees concerning principles of equality, including ensuring equal opportunities, rights and duties for all citizens. Qatar has also made important legislative commitments to equality and non-discrimination in its criminal and civil codes. I commend the State of Qatar on its recent accession to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). This accession significantly expands the State's existing human rights treaty commitments; Qatar is now State Party to seven UN human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). I urge Qatar to withdraw the significant reservations it has made with respect to the ICCPR, ICESCR and CEDAW.
6. As noted by the Committee for the Elimination of Racial Discrimination (CERD), Qatar has not adopted a legal definition of racial discrimination that fully implements article 1 of ICERD. I urge the

Government to rectify this shortcoming without delay, and to adopt a National Action Plan to combat racism, racial discrimination and related intolerance in accordance with the Durban Declaration and Programme of Action. These measures would represent great strides towards addressing some of the challenges I highlight below.

*National Vision and Global Ambition*

7. Vision 2030 lays out important and impressive aspects of Qatar's national aspirations, and it places economic growth, development and global prominence at the forefront on the nation's present and future. By hosting the 2022 FIFA World Cup, for example, Qatar is investing greatly in a national vision with global ambition. As some officials noted during my meetings, on account of Qatar's demographics, pursuing and sustaining this vision of the nation is dependent on people originating from outside of the country. However, these people must be understood as more than laborers or workers with various skills. Fundamental to the self-determination and prosperity of Qataris outlined in Vision 2030 are 2,753,045 million<sup>1</sup> human beings of over 70 different nationalities who are non-citizens<sup>2</sup> and comprise 90 percent of the national population.<sup>3</sup> Of the 2019 population, 74.9% are male while 25.09% are female.<sup>4</sup> Of course, the Government of Qatar does not owe these non-nationals the very same obligations that it owes its own nationals. However, because of the inherent dignity of all human beings, the Government of Qatar is required to ensure that all persons under its jurisdiction can enjoy fundamental human rights free from racial discrimination. In other words, Qatar's national vision entails responsibilities and obligations of equality and non-discrimination for all.

*Direct, Indirect and Structural Racial Discrimination, Including Based on Nationality and National Origin*

8. Article 1 of the ICERD defines prohibited racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." The prohibition on racial discrimination in international human rights law aims at much more than a formal vision of equality. Equality in the international human rights framework is substantive, and requires States, including Qatar, to take action to combat intentional or purposeful racial discrimination, as well as to combat de facto or unintentional racial discrimination. It also requires States to combat structural racial discrimination, which occurs when the combined effect of laws, policies and practices is to undermine human rights on the basis of race, national or ethnic origin, even in the absence of explicit prejudice.
9. Although states may make distinctions, exclusions, restrictions and preferences between citizens and non-citizens, these may not be applied in a racially discriminatory manner or as a pretext for racial discrimination. As the Government of Qatar itself argued in its groundbreaking interstate communication before CERD, discrimination on the basis of nationality that impedes equal enjoyment of human rights is prohibited under ICERD. In its General Recommendation No. 30 (2004) on discrimination against non-citizens, CERD has made clear that distinctions between citizens and non-citizens must not undermine racial equality and non-discrimination. Thus, although Qatar retains a sovereign right, as do all nations, to draw important distinctions between citizens and non-

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<sup>1</sup> Qatar, Planning and Statistics Authority, Qatar monthly statistics: statistics of October 2019 (2019). Available at <https://www.psa.gov.qa/en/statistics1/StatisticsSite/Pages/Population.aspx>

<sup>2</sup> Lexology, "Qatar Crisis Report", January 2018.

<sup>3</sup> Global Detention Project. "Submission to CERD: Qatar."

<sup>4</sup> World Population Review, "Qatar population 2019."

citizens, international law limits this right in order to ensure the inherent dignity of all human beings, irrespective of race, national origin and ethnicity.<sup>5</sup>

10. A serious concern for Qatar is structural forms of racial discrimination against non-nationals because of the way that bilateral agreements, transnational labor recruitment practices, Qatari labor and residency laws, private sector contracts and practices, and other factors combine in complex ways to condition human rights significantly on the basis of national origin and nationality. To put the issue differently, for many in Qatar, national origin and nationality determines the extent of their enjoyment of their human rights. Other factors such as class, gender, and disability status are also salient, but stratification of quality of life according to nationality and national origin on the scale I have witnessed during my visit raises serious concerns of structural racial discrimination against non-nationals in Qatar. I offer examples in the sections below.
11. Addressing the overwhelming role that national origin and nationality play in shaping human rights experiences and outcomes in Qatar presents a very complicated challenge, not least because, as already mentioned, many inequalities are determined by policies in countries of origin. The determining factors attributable to conditions in Qatar are the product of Government policy, private sector policy and practice and societal dynamics. In this statement, I make preliminary recommendations for legal and policy reforms, especially in relation to the regulation of labor, and of entry, exit and residence, that may assist the Government in the difficult task it faces in dismantling what amounts to a de facto caste system based on national origin.
12. In addition to those reforms, Qatar's international human rights obligations require it to take action to combat discrimination, even in the private sector.<sup>6</sup> In order to discharge its obligations to eliminate racial discrimination by private actors, Qatar must enact special measures targeted to achieve and protect racial equality throughout the public and private sphere.<sup>7</sup> The country's human rights obligations require it to eliminate labour market discrimination and segregated or discriminatory housing practices,<sup>8</sup> and to ensure that businesses open to the general public do not engage in racial discrimination.<sup>9</sup> Qatar is also required to provide remedies for public and private forms of racial discrimination.<sup>10</sup>

#### *Racial Stereotypes, Racial Profiling and Racial Discrimination*

13. During my visit, I encountered many officials who assured me that equality and non-discrimination are fundamental to Qatari national values, and indeed the country's formal human rights commitments in international and domestic law are vital indicators of these commitments. Many officials spoke frankly about the challenges of realizing these commitments in reality. However, I also encountered a number of officials who denied the very existence of racism and racial discrimination in Qatar. There is no country in the world that can claim to be entirely free of racism and racial discrimination, and "racism and racial discrimination denialism" is a serious threat to achieving equality and non-discrimination in reality.

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<sup>5</sup> For a more detailed analysis of the racial discrimination in the context of citizenship, nationality and immigration laws, see my first thematic report to the UN Human Rights Council [A/HRC/38/52](#).

<sup>6</sup> ICERD para. 2(d); CERD/C/GC/32, para. 9; CCPR/C/21/Rev.1/Add. 13, para.; E/C.12/GC/20, para. 11.

<sup>7</sup> CERD/C/GC/32; E/C.12/GC/20, para. 11; A/57/18, p. 117, para. 7.

<sup>8</sup> ICERD para. 5(e); E/C.12/GC/20, para. 11; CCPR/C/21/Rev.1/Add. 13, para. 8; A/57/18, p. 114, para. 3 & p. 117, para. 7; HRI/GEN/1/Rev.7/Add.1, paras. 33-35; CERD/C/GC/34, paras. 58-59.

<sup>9</sup> E/C.12/GC/20, para. 11; A/55/18, annex V, para. 35; A/57/18, p. 114, para. 3.

<sup>10</sup> ICERD art 6; General Recommendation No. XXXI, para. 6.

14. Racial and ethnic stereotypes operate on the basis of implicit and explicit biases. Racial stereotyping inflicts considerable harm on society, especially when left unchallenged. Without a concerted effort to eliminate stereotyping, persistent social behavior and organization can entrench these stereotypes, undermining equal enjoyment of human rights in both the public and private sphere.<sup>11</sup> UN human rights experts have observed that racial stereotyping, among other harms, skews judicial proceedings; stigmatizes and excludes racial minorities; leads to impermissible inequalities in access to education and social services; and increases the likelihood of violence against racial minorities.<sup>12</sup> Consultations and reports revealed that racial and ethnic stereotypes operate in both the public and private sphere, according to which, for example, sub-Saharan African men are presumed to be unsanitary; sub-Saharan African women are presumed to be sexually available; and certain South Asian nationalities are presumed unintelligent. North Americans, Europeans and Australians, on the other hand, are presumed superior, and whites in general are presumed to be inherently competent.
15. Racial stereotyping's harms also extend to the criminal justice system. Stereotyping contributes to, and is exacerbated by, law enforcement practices of racial profiling: law enforcement decision-making that incorporates generalizations or stereotypes related to presumed race, colour, descent, nationality, place of birth, or national or ethnic origin as a basis for suspicion that people with such characteristics are prone to engage in or may be involved in criminal activity. Research indicates that racial profiling isolates targeted communities, diminishes their wellbeing, and erodes their trust in institutions and authorities.<sup>13</sup> Reports I received highlighted the prevalence of racial and ethnic and racial profiling by police and traffic authorities, even private security forces working in public parks and in shopping malls across Doha. South Asian and sub-Saharan Africans reported denial of access to these locations on account of their appearance.
16. International human rights law requires Qatar to combat both racial stereotyping and racial profiling.<sup>14</sup> These practices are incompatible with Qatar's ICERD obligations to ensure equality before the law, to discourage racial divisions, and to eliminate practices of racial discrimination by all persons, groups and organizations.<sup>15</sup>
17. An important overarching recommendation for combatting racial discrimination in Qatar—against nationals and non-nationals alike—is deeper Governmental engagement across all sectors, with leadership by human rights officials, and in collaboration with the Ministry of Culture and Sports, to tackle racial, ethnic and religious stereotypes that seem rarely acknowledged publicly, but that play a serious role in undercutting equality in unquestionable ways. As highlighted by the Minister of Culture and Sports in my meetings with him, the ultimate effect of laws and policies that aim to promote equality and non-discrimination, to a great extent depends on the values, beliefs and perceptions that fundamentally structure any society. In keeping with Article 7 of ICERD, education is central to transforming these values, beliefs and perceptions. But so, too, is promoting equality, non-discrimination and tolerance through public culture and through the religious and other institutions that are at the center of people's day-to-day lives.
18. I commend the Ministry of Culture and Education for the important investments it is making in using arts, culture and sports to shift societal values, beliefs and perceptions fundamental to equality and non-discrimination, including through Islam. I also had the privilege of visiting the Bin Jelmood House at the Msheireb Museums, which I understand is the first museum in the world devoted to the history

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<sup>11</sup> E/C.12/GC/20, para. 12.

<sup>12</sup> See A/74/274.

<sup>13</sup> CERD draft general recommendation No. 36 (10 May 2019), paras. 18-20.

<sup>14</sup> CERD draft general recommendation No. 36 (10 May 2019); A/74/274.

<sup>15</sup> ICERD art. 2(1).

of Indian Ocean slavery, and includes the history of slavery in Qatar. I wish to commend the museum for the powerful and crucial contribution to Qatar and the world more broadly. As is the case in all nations, Qatar's past is vital for understanding its present and shaping its future. The inequality and subordination of certain racial and ethnic groups that I observed during my mission is fundamentally shaped by Qatar's history of slavery and its contemporary legacies. Combatting racism and racial discrimination in Qatar, including against non-nationals, requires confronting this history of slavery and I recommend the Government take further steps in this regard.

19. A significant challenge is that the transnational economic and legal regime that structures Qatar's labor recruitment reinforces and consolidates some racial and ethnic stereotypes. Visas issued in blocks function as an informal quota system according to which different nationalities are given permission to enter the country. Most non-nationals are recruited for specific jobs, and private companies will commonly meet the need for specific types of workers by bringing in co-nationals, the result of which is a firm societal association between certain types of work and specific nationalities.
20. For example, I learned that Bangladeshis, Sri Lankans and Nepalis are among the most commonly employed in low-income jobs such as construction. This is not to say that all Bangladeshis and Nepalis in Qatar are invariably construction workers, but that the vast majority are brought into the country to work in this sector. Consultations with South Asian migrant workers typically recruited for low-income jobs reported that their nationality often functioned as a barrier to their advancement to higher-paying jobs, even when they possess the necessary skills, in part because of stereotypes and implicit judgments by employers and others that fix Bangladeshis, Nepalis and Sri Lankans to low-income roles. For Western and Arab nationalities, their passports confer upon them privilege that results in better contractual benefits, even when they are performing the same tasks as certain South Asian and sub-Saharan African nationalities. My concern is that in effect, even if not as a matter of intent, nationality and national origin entrench de facto castes among non-nationals according to which European, North American, Australian and Arab nationalities systematically enjoy greater human rights protections than South Asian and sub-Saharan African nationalities.
21. Below I highlight significant reforms the Government has embarked on that stand to make important contributions to combatting structural racial discrimination on the basis of national origin and nationality. Much work remains to be done, however. The general point here is that reforms that improve the labor and residence conditions for non-nationals—especially the vast majority working in low-income jobs—are more than merely labor and immigration reforms. They are vital dimensions for ensuring Qatar's compliance with its international human rights racial equality obligations, and fulfilment of its constitutional guarantees of equality and non-discrimination.

### III. Low-Income Migrant Workers

22. Based on figures provided by the Ministry of Administrative Development, Labour and Social Affairs, there are 1,910,86 migrant workers in Qatar. Among migrant workers, 1,772,326 are men and 138,542 are women. The majority are from India (737,050), followed by Bangladesh (430,739), Nepal (352,911), Philippines (240,721), Egypt (212,223), Pakistan (156,285), Sudan (68,547), Jordan (56,114) and Syria (54,630). Sub-Saharan Africans are also increasingly represented, and include approximately 40,000 Kenyans. Although the exact numbers are unavailable, there are also migrant workers from Burundi, Ethiopia, Ghana and Nigeria.

*Labor Exploitation and Access to Justice*

23. Immense power imbalances persist between employers and migrant workers, imbalances rooted in the *kafala* (sponsorship) that has historically structured labor relations and conditions of residency for low-income workers in Qatar. The result is that, both because of the content of the law and the power it confers upon employers over employees, many low-income workers are too afraid to seek justice for labor violations, and reasonably so. Migrant workers, especially low-wage earners in construction, service and domestic work sectors, frequently experience non-payment or delayed payment of salaries. Low-income workers reported delayed or non-payment of salaries. One worker in the service industry received only a month's salary after four months of back wages. Another, a domestic worker, toiled for ten months without pay, hoping her sponsor would finally pay back wages. A construction worker spoke with resignation, explaining that he had been waiting for over a year to receive 60,000 Qatari riyal (QAR) in back wages, even after receiving a labor judgment in his favor. Some expressed a desire to report their employers to labor authorities but feared their employers would retaliate by terminating their contract or falsely accusing them of leaving work, which is popularly referred to as "absconding" and is an offense punishable by imprisonment under Act No. 21 of 2015. The very use of this terminology, even if it is not present in the law, indicates the indentured or coercive labor conditions that are the reality for too many low-income workers in Qatar. It also recalls the historical reliance on enslaved and coerced labor in the region.
24. Low-income (and even high-income) migrant workers reported that salaries greatly depend on their countries of origin, such that workers performing the same tasks often earn significantly different salaries. This is partly due to poor labor regulations regarding pay equity, but, as mentioned above, national origin discrimination and racial and ethnic stereotyping also contribute to the problem. For example, Despite possessing professional degrees, some migrant workers reported being relegated to jobs most commonly linked and occupied by workers of their racial or ethnic group.
25. Low-income migrant workers also reported facing prohibitive hurdles when seeking to change employment due to No Objection Certificate (NOC) requirements, which employees must secure from their sponsoring employer before they can legally terminate their employment and seek alternatives. Under the current law, an employee who leaves her employment without an NOC is required to leave the country, or else face detention and deportation. A climate of fear affects migrants' ability to lodge valid and even pressing complaints against employers for labor violations due to reasonable concerns that employers can retaliate by reporting employees to authorities on false claims of "absconding." I strongly urge the abolition of criminal penalties for leaving work or "absconding" and for the disassociation of this offence from deportation.
26. The health of low-income workers is a serious issue, in part because of the extreme heat. Climate conditions in Qatar expose numerous laborers, including those in the construction sector, to heat strain and puts them at high risk of heat-related illness or death. The deaths of hundreds of young men between age 25 and 35 years old in Qatar is attributed to cardiovascular causes or "natural death" by Qatari authorities.<sup>16</sup> However, research published in the Cardiology Journal in July 2019 reported a strong correlation between average monthly afternoon heat levels (WBGT) and cardiovascular mortality. The group of climatologists and cardiologists reviewed the mortality data of Nepali Migrant

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<sup>16</sup> Human Rights Watch, "Qatar: Urgently Investigate Migrant Workers Death." Available at <https://www.hrw.org/news/2019/10/10/qatar-urgently-investigate-migrant-worker-deaths> (accessed on November 29, 2019).

Workers (MWS) retrieved from government institutions in Nepal, and concluded that the deaths of more than 1,300 Nepali workers between 2009 and 2017 was most likely due to severe heat stress.<sup>17</sup>

#### *Domestic Workers*

27. Among low-income migrant workers, many domestic workers, who are predominantly women, confront distinct and extreme difficulties in Qatar, and face multiple and intersecting forms of discrimination, including extreme human rights violations. I received reports that it is not uncommon for domestic workers to be confined by their employers—Qatari and non-Qatari alike—to the private homes in which these women work. Many are subjected to harsh working conditions: excessively long workdays with no rest and no days off, passport and mobile phone confiscation, physical and social isolation and, in some cases, physical, verbal or sexual assault by employers and their teenage or adult children. I heard testimonies from domestic workers who reported being denied food for prolonged periods, being regularly forced to subsist on leftovers or insufficiently nutritious food, and, in some cases, starvation. Two sub-Saharan domestic workers testified regarding their experiences of chilling and horrifying sexual abuse—one reported being raped by her male employer for over a year, before she was able to escape from his home with the assistance of a neighboring security guard. The Government must take urgent action to ensure that egregious violations such as these are brought to an end. The isolation of domestic workers makes it impossible for many to even access the different labor justice mechanisms that may be available to them in principle. The most vulnerable live in abject terror, reinforced by the threat of “absconding” charges and the reasonable fear that their abusers will use morality laws that criminalize pre-marital sex to accuse them of consensual illicit sexual acts.
28. Domestic workers are not covered by the Labour Law No. 14 of 2004 that governs other low-income workers. They instead fall under Law No. 15 of 2017, which offers lower levels of protections than Labour Law No. 14. Higher limits on daily work hours, lower requirements to provide breaks and rest days, and no paid sick leave requirements, for example, place domestic workers at a relative disadvantage, continuing global and historical trends of gendered discrimination against migrant domestic workers. Furthermore, because the labor code does not apply to domestic workers, this at-risk segment of the population remains subject to the requirement of employer permission in order to leave the country. I recommend that Qatar adopt legislative measures to grant domestic workers the same legal protections afforded other workers; step up efforts to investigate allegations of exploitation, abuse and violence against migrant domestic workers and hold perpetrators accountable for their conduct; and implement the relevant recommendations made by CEDAW in its concluding observations, including ratification of ILO Domestic Worker Convention No. 189 (2011).

#### *Reforms*

29. Qatar has implemented tremendous reforms in the labor and immigration laws governing migrant workers. Previously, Qatari law required migrant workers to obtain approval from their employers to leave the country or ask authorities if the employer refused. A 2018 amendment removed the authority of employers to prohibit the majority (but not all) of migrant workers from leaving the country. In 2014, Qatar established the Wage Protection Department (WPS) at the Labor Inspection Department. Qatar introduced three labor dispute resolution committees intended to expedite review of labor complaints. Significantly, Qatar also established the Workers Support and Insurance Fund, whose

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<sup>17</sup> Pradhan, Bandana, Tord Kjellstrom, Dan Atar, Puspa Sharma, Birendra Kayastha, Gita Bhandari, and Pushkar K. Pradhan. Heat Stress Impacts on Cardiac Mortality in Nepali Migrant Workers in Qatar. *Cardiology* (July 12, 2019). Available at [https://www.researchgate.net/publication/334436946\\_Heat\\_Stress\\_Impacts\\_on\\_Cardiac\\_Mortality\\_in\\_Nepali\\_Migrant\\_Workers\\_in\\_Qatar](https://www.researchgate.net/publication/334436946_Heat_Stress_Impacts_on_Cardiac_Mortality_in_Nepali_Migrant_Workers_in_Qatar) (accessed on November 29, 2019).

aims include paying those workers who obtain a favorable judgment from the labor dispute resolution committees but are unable to recover funds from companies. Although the fund is not yet fully operational, the Ministry of Administrative, Development and Social Affairs informed me that this change is imminent.

30. During my mission, I met with representatives of the Supreme Committee for Delivery and Legacy, who highlighted the range of mechanisms and procedures they have in place to mitigate labor exploitation and ensure satisfactory accommodation and health services for workers involved in World Cup-related construction. Worker representatives I spoke with on one site corroborated their higher quality of labor protections and accommodation relative to the rest of the national low-income workforce. The measures and safeguards instituted by the Supreme Committee for Delivery and Legacy, especially as they relate to timely and reliable wage payments and living conditions, are to be commended. Worker representatives nonetheless highlighted the need for non-discriminatory minimum wage protections, and for more liberal immigration and labor regulations that reflect the contributions they are making to Qatar's national and global prosperity.
31. Although the Government has enacted reforms intended to respond to concerns regarding heat-related illness and deaths, more action is required in this regard, and I will address this issue further in my final report. I learned of impressive changes that the Supreme Committee for Delivery and Legacy has implemented for its 30,000 workers, but similar reforms are urgent for the entire construction sector, which comprises about 800,000 workers. Human rights reports also suggest that, notwithstanding the sweeping reforms relating to improving workplace health and safety for World Cup construction sites, there is an ongoing need to monitor and ensure contractors' compliance with regulations, especially during the dangerously hot summer months.
32. The reforms above are all very important and commendable improvements. However, there remain challenges that undermine Qatar's compliance with its international obligations under the International Convention on the Elimination of All Form of Racial Discrimination. In 2019, the Committee on the Elimination of Racial Discrimination (CERD) expressed concern that the existing entry, exit and residence law allows the *kafala* system to continue operating under a different name.<sup>18</sup> Domestic workers still require exit permits to leave the country. Stringent measures remain in place limiting migrants' ability to change employers. Migrant workers may transfer employers, but must wait for a period of five years if their contract does not specify duration of employment. Such provisions continue to foster exploitation.
33. I learned during my visit that Qatar is committed to further reforms that aim to improve the labor and immigration conditions of low-income workers, including domestic workers. My understanding is that the Government plans to adopt laws in January 2020 that will: 1) remove exit permit requirements for almost all workers, including domestic workers; 2) establish a non-discriminatory minimum wage; and 3) eliminate the No Objection Certificate, allowing workers to change employers after an initial probationary period. These reforms, if adopted, will be another remarkable step in enhancing protections for low-income workers, and combatting the structural discrimination they currently experience. With respect to these reforms, I recommend that Qatar specify a probationary period relating to NOCs that is in line with international standards; and that the Government ensure that workers who wish to transfer employment during the probationary period will not be required to have their new employer reimburse recruitment costs to the original employer.<sup>19</sup>

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<sup>18</sup> CERD/C/QAT/CO/17-21, para. 15..

<sup>19</sup> ILO, "Landmark labour reforms signal end of kafala system in Qatar."

34. It is important that I note that enforcement, compliance and implementation are critical to addressing labor exploitation and improving the lives of migrant workers. Even where laws have been changed, implementation remains a serious challenge. For example, confiscation of migrant worker's passports is now prohibited by law, but the practice continues for some, including domestic workers. And, although labor dispute resolution committees have made a difference, they remain too few and continue to face practical limitations. Significant delays occur and cases are not settled within the three-week period specified in law. The committees have received 4,949 complaints, of which 2,781 rulings were in favor of workers. The committees dismissed 1,250 cases because the worker did not appear in court, yet there is good reason to believe that non-appearance is linked to the inability of workers to take time off work for proceedings without risking their employment. Workers who received favorable judgments also reported that they have a hard time reclaiming unpaid wages. These challenges all require attention.

#### *Socio-Economic and Cultural Rights*

35. As the National Human Rights Committee has noted, low-income workers experience serious barriers to accessing healthcare, which is a human right.<sup>20</sup> In some cases, private employers fail to secure the health card that employees require to access public health care facilities. Some low-income workers reported that even when they are in possession of the requisite health cards, lengthy queues for service are prohibitive, requiring them to arrive at the respective hospital as early as 2am to join the lines if they expected to receive treatment by 8 or 9am, in advance of work hours. They also reported encountering racially and ethnically discriminatory treatment in the provision of healthcare, including on account of racial, ethnic and national stereotypes. I learned from Ministry of Health officials that there are plans to expand public hospital facilities for low-income workers urgent. I recommend greater efforts to ensure non-discriminatory health services.

36. National and municipal laws in Doha designate certain zones as family zones and prohibit the rental of properties in these zones to workers. This designation bars residential rentals by low-income workers, who, due to visa restrictions and other factors, are in the country without their families. Furthermore, because the labor force is stratified according to nationality, this designation essentially relegates many South Asian and Sub-Saharan Africans to the outskirts or industrial areas of the city. A submission I received reported that the nature of the zoning policy in practice is that, while single low-income workers of South Asian or sub-Saharan African origin are unable to rent accommodation in these areas, single high-income white males would have no trouble finding accommodation in a designated family zone. Reports note that labor accommodations, in practice tend to be segregated along nationality or national origin lines, in part because co-nationals prefer to live together. Low-income workers reported, however, that the quality of labor accommodations tended to vary significantly according to nationality and national origin, raising serious concerns about racially discrimination in access to housing. This is an issue I will address in more detail in my final report. The issue of social segregation in public spaces and access to leisure and cultural facilities is also one I will address, including in light of article 5 of ICERD's guarantee of equal enjoyment of economic, social and cultural rights.

#### *Guest Worker Myth*

37. One narrative that seems salient in Qatar, and that seems to structure relevant legal and policy frameworks, is that non-nationals—especially low-income workers—are here as temporary, short-term guests who come to earn wages that far exceed what they would earn in their countries of origin.

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<sup>20</sup> National Human Rights Committee, "The Fourteenth Annual 2018 report." Available at <https://nhrc-qa.org/en/annual-reports/>

Testimonies I received confirmed the many economic advantages that draw non-nationals to seek their fortune in Qatar, and the positive, transformative impact of recent reforms, especially for the 30,000 workers employed by the Supreme Committee for Delivery and Legacy. But at the same time, I encountered compelling evidence that the narrative of temporary, short-term guest workers is more myth than reality. Reports indicated that many low-income migrant workers spend years, sometimes decades in Qatar, either continuously or with breaks in their countries of origin. For some workers, they are the second generation in their families to return to Qatar to work in the very same industries. In other words, far from being mostly short-term guest workers, many low-income workers spend the better part of their working lives in Qatar and do so facing serious barriers to full enjoyment of their fundamental human rights.

38. Citizenship through naturalization is only available through Emiri decree. I commend the adoption of Act No. 10 of 2018, which permits Qatari women with non-national spouses to obtain permanent residence, but note with concern that citizenship through birth is still conferred in a manner that discriminates on the basis of gender. I join the Committee on the Elimination of Discrimination Against Women in expressing grave concern that, unlike Qatari men, Qatari women remain prohibited from conferring nationality upon their foreign spouses and children, and that children of Qatari women married to foreign spouses do not enjoy the same rights as children of Qatari men married to foreign spouses. I recommend that Qatari nationality law be amended to grant Qatari women equal rights to Qatari men to confer nationality. Although non-nationals may apply for permanent residence, the residence requirement is *25 years of continuous residence*, which negatively impacts many low-income workers. I learned from Government officials that the annual cap on grants of permanent residence, not including those who receive it through birth and marriage, is 100. This means that even for those who meet the extraordinary continuous residence and financial requirements for permanent residence, the relative number who will receive permanent residence is very low. I strongly recommend that Qatar adopt immigration reforms that reflect the long-term stays of many of its low-income workers, whose lives are currently structured according to a guest-worker logic that prevents them their full enjoyment of the spectrum of fundamental rights and freedoms warranted by their inherent dignity as human beings.

#### IV. Stateless and Undocumented Populations

39. According to the UN Refugee Agency, there were 1,200 stateless persons in Qatar at the end of 2018. Among this population are some members of the Al Ghufuran clan whose citizenship was revoked of in the aftermath of the failed coup in 1996 and has yet to be reinstated. Although the Government has taken measures to restore the citizenship of many who were affected in that period, the process and extent of citizenship restoration remains opaque, making it difficult to determine how many remain stateless. There is also concern that the restoration process has operated arbitrarily, denying citizenship to individuals who are entitled to it. Reports indicate that members of the Al Ghufuran who remain stateless lack the identity documentation necessary to access vital human rights, including rights to education, employment, housing, health care, property and marriage. Their lack of documentation also deprives them of the panoply of Government benefits afforded to Qatari citizens, including Government jobs and social benefits.
40. I also received reports from human rights organizations raising concerns that, while comprising a small proportion of the national population, Bidoon remain stateless and have difficulties naturalizing or accessing naturalization procedures. In meetings during my mission, Government officials stated that between 1994 and 2019, 250 Bidoon have been recognized through law as Qatari citizens, but

that there are approximately 2400 pending statelessness cases. These cases should be resolved as a matter of urgency, and in a transparent and human rights-compliant fashion. I recommend that the Government of Qatar ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness; reinstate the nationality of all persons who have been arbitrarily deprived of it; amend the 2005 Citizenship Law to prevent arbitrary deprivation of nationality and to ensure redress and the right of appeal for all persons who have been deprived of their nationality; and prohibit the deprivation of nationality that results in statelessness.

41. Finally, I received reports that there is a population of undocumented foreign nationals in Qatar as a result of violations of the entry, exit and residence regulations. This population includes children who were born to undocumented parents or to migrant parents whose visas prevent them from conferring legal status on children in the country. This is an issue that I will address in further detail in my final report, along with assessment of my visits to prison and detention facilities.