



REFERENCE: CERD/101st session/FU/MJA/ks

24 September 2020

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 101st session, considered the follow-up report submitted by the Government of Qatar, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 10 and 16 (a), (c) and (d) of the Concluding Observations (CERD/C/QAT/CO/17-21), adopted following the consideration of the State party's combined 17th to 21st periodic reports, at its 97th session, held in November-December 2018.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 22nd and 23rd periodic reports, to be submitted in a single document by 21 August 2021.

Paragraph 10 of the Concluding Observations

The Committee notes the information that the reduction in the National Human Rights Committee's budget was reversed and that it obtained the appropriate resources to enable it to perform its duties effectively on 1 October 2019. It regrets, however, that the State party did not provide sufficient information to allow the Committee to assess whether the recommendation has been satisfactorily implemented. The Committee requests the State party to include, in its next periodic report, detailed information and data on the measures taken to ensure that the National Human Rights Committee has sufficient human and financial resources to carry out its mandate to promote and protect human rights, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

His Excellency Mr. Ali Khalfan Al-Mansouri
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Paragraph 16 (a) of the Concluding Observations

The Committee notes the information provided by the State party that the sponsorship system and related practices ended with the entry into force of Act No. 21 of 2015 regulating the entry, exit and residence of migrant workers. It also notes that, under the new law, a migrant worker can change employer, on a temporary basis, in the event of a lawsuit between the worker and the current employer, and that requests to be transferred to new employers in case of abuse by the current employer are approved as soon as the abuse has been proven. It further notes that an electronic notification service has been created by the Ministry of Administrative Development, Labour and Social Affairs to allow migrant workers who wish to change employer or leave the country permanently to submit a request, which will then be examined by the Ministry in accordance with the criteria for termination of an employment contract set forth in the law. Moreover, it notes that migrant workers who have been granted work visas for specific projects now have the right to change employer if they fulfil certain conditions. While welcoming the adoption of Act No. 21 of 2015, which formally abolishes the sponsorship system, the Committee is concerned that this law retains certain provisions that are similar to this system, in particular the requirement for migrant workers to obtain the consent of their current employer to switch to a new employer prior to the expiry of their employment contract. The Committee considers the response to this recommendation unsatisfactory and requests the State party to provide, in its next periodic report, information on the measures taken to effectively end the sponsorship system and related practices that expose migrant workers to abuse and exploitation.

Paragraph 16 (c) of the Concluding Observations

The Committee takes note of the promulgation of Act No. 1 of 2015 amending some provisions of the Labour Code in order to introduce a wage protection system for workers subject to the provisions of the Labour Code. It notes that, under this system, wages are to be transferred to the worker's account in one of the State's financial institutions within seven days of the payment due date, and that penalties and other administrative measures have been imposed on employers who fail to comply with that obligation. It further notes that teams of inspectors from the Labour Inspection Department of the Ministry of Administrative Development, Labour and Social Affairs have launched a field survey operation targeting small- and medium-sized enterprises, subcontracting companies and recruitment agencies to monitor their compliance with the wage protection system. Moreover, it notes the establishment, on a part-time pilot basis, of the Workers' Support and Insurance Fund, which aims at ensuring that workers are paid their financial entitlements in the event that their employer becomes insolvent and is unable to pay or upon separation from service. It notes that the fund, which also contributes to providing decent housing for workers and establishing sports facilities, entertainment venues and social activities, benefits both private sector workers and domestic workers and facilitates the procedures for workers returning to their home countries. The Committee, however, regrets the lack of information on the measures taken since the adoption of the previous concluding observations to strengthen the protection of migrant workers from abuse and exploitation, and ensure the timely payment of their wages. The Committee considers the response of the State party unsatisfactory and requests the State party to include, in its next periodic report, updated information on the concrete steps taken to implement this

recommendation. It also requests the State party to provide information on the measures taken to ensure the full operationalization of the Workers' Support and Insurance Fund.

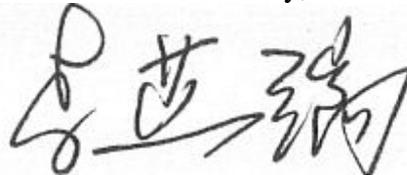
Paragraph 16 (d) of the Concluding Observations

The Committee notes that Act No. 21 of 2015 regulating the entry, exit and residence of migrant workers prohibits the practice of passport confiscation, which is heavily penalized with a fine of QR 25,000. It also notes that, in 2015, 168 cases involving the confiscation of migrant workers' passports by employers were referred to the public prosecution service and that the offenders were forced to return the passports and, in some instances, were arrested and imprisoned for not paying the fines imposed. It further takes note of the statistics provided by the State party, which show that the number of complaints in relation to the confiscation of migrant workers' passports has constantly declined during the period 2016-2019. While noting with interest the results of the surveys conducted in 2017 and 2018 by the Institute of Social and Economic Research of Qatar University, which reveal that confiscation of passports has become less common among migrant workers covered by the Labour Code, the Committee regrets the lack of information on concrete measures taken to ensure that passports are not confiscated, including among migrant workers who are not covered by the Labour Code, and that employers who violate this provision are punished. The Committee considers that the State party did not provide sufficient information to allow it to assess whether the recommendation has been satisfactorily implemented, and requests the State party to include, in its next periodic report, detailed information on the steps taken to end the practice of passport confiscation for all migrant workers. It also requests the State party to provide updated information and data on the number of complaints, investigations, prosecutions and convictions, as well as on the sanctions imposed on offenders.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Qatar, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination