



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org – cedaw@ohchr.org

REFERENCE: DB/follow-up/Qatar/65

6 December 2016

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the initial report of the State of Qatar at the Committee's fifty-seventh session, held in October 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/QAT/CO/1). You may recall that in the concluding observations, the Committee requested the State of Qatar to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 28 and 38 of the concluding observations.

The Committee welcomes the follow-up report received with a 3-months delay in May 2016 (CEDAW/C/QAT/CO/1/Add.1) under the CEDAW follow-up procedure. At its sixty-fifth session, held in November 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 28** of the concluding observations, reiterating that the State party “take immediate measures, in view of the upcoming Advisory Council elections, to ensure that at least 30 per cent of the members appointed to the Shura (Advisory) Council are women”: The State party mentioned that, in 2015, it enacted a law on the prevention, punishment and reparation of violence against women and girls and care for victims (Law No. 61-2015/CNT). The State party mentioned that the sector strategy on family cohesion and the empowerment of women for 2011-2016 includes the target of promoting women's participation in decision-making and empowering women to assume leadership positions. It added that its executive plan includes a range of projects and programmes aiming, inter alia, at building the capacity of women to participate in local and parliamentary elections, increasing the proportion of women in leadership positions and promoting the participation of women in civil society institutions (pages 2-3 of the State party's follow-up report). The Committee notes the targets set by the sector strategy on family cohesion and the empowerment of women for 2011-2016 and its executive plan to promote women's participation in public and political life. However, it notes that the State party did not take specific steps to adopt and implement further measures, including temporary special measures in the form of quotas, with benchmarks and specific timetables, to increase the number of women in political and public life, at all levels and in all areas, including in the central municipal councils and local government units. The Committee considers that the recommendation **has not been implemented**.

His Excellency
Mr. Faisal Bin Abdulla Al-Henzab
Permanent Representative of the State of Qatar
to the United Nations Office at Geneva
Avenue du Bouchet 27-29
1209 Geneva

Email: geneva@mofa.gov.qa

In regards to the recommendation that the State party “take appropriate measures, including the enactment of relevant electoral laws, to ensure that political parties allocate sufficient funding for women campaigning and establish benchmarks with a specific timetable in addition to sanctions, such as fines for political parties in case of non-compliance”: The State party mentioned that legal and procedural rules will be put in place to regulate the process of standing for office in future (page 3 of the State party’s follow-up report). The Committee notes that the State party did not take appropriate measures, including the enactment of relevant electoral laws, to ensure that political parties allocate sufficient funding for women campaigning and establish benchmarks with a specific timetable in addition to sanctions, such as fines for political parties in case of non-compliance. It considers that the recommendation **has not been implemented**.

In regards with the recommendation “To take all measures necessary to remove all barriers to women’s participation in the foreign service and to increase the number of women judges, prosecutors and lawyers and ensure the appointment of women to the Supreme Court and to the Court of Appeal”: The State party mentioned that women have made considerable progress in the diplomatic service since they first joined in 1996, as their number has risen to 65 in 2016. It further indicated that they have held various diplomatic posts in the Ministry of Foreign Affairs, including as ambassadors and permanent representatives. It added that, in 2011, women accounted for 4 per cent of prosecutors (3 per cent in 2009), one per cent of judges (zero in 2009) and 14 per cent of lawyers (same in 2009) (pages 3-5 of the State party’s follow-up report). The Committee welcomes the increasing participation of women in the foreign service. However, it notes that the State party did not take sufficient measures to increase the number of women judges, prosecutors and lawyers between 2009 and 2011, and did not provide updated data in this regard. It further notes that the State party did not indicate whether it took steps to ensure the appointment of women to the Supreme Court and the Court of Appeal. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “raise awareness of the importance of women’s participation in elections as candidates and voters, with a view to eliminating patriarchal attitudes that deter women’s political participation”: The State party reported on a number of awareness-raising activities and training programmes aimed at encouraging women to engage in public and political life, including the Women Leaders Programme and the Equality: How, When and Where Programme. It further added that the competent departments have created four awareness-raising commercials on women leaders and six street signs (page 5 of the State party’s follow-up report). The Committee welcomes the various initiatives undertaken by the State party to raise awareness of the importance of women’s political participation. The Committee considers that the State party took significant steps to implement the recommendation. It considers that, for the period under consideration, the recommendation **has been implemented**.

The Committee recommends that, in relation to paragraph 28 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to

- 1) Ensure that, in the next Advisory Council elections, at least 30 per cent of the members appointed to the Shura (Advisory) Council are women;
- 2) Increase the number of women in political and public life, at all levels and in all areas, including in the central municipal councils and local government units, notably by adopting and implementing temporary special measures in the form of quotas, with benchmarks and specific timetables, in accordance with article 4 (1), of the Convention and the Committee’s general recommendation No. 25 on temporary special measures;

- 3) Ensure that political parties allocate sufficient funding for women campaigning, including by enacting relevant electoral laws, and establish benchmarks with a specific timetable in addition to sanctions, such as fines for political parties in case of non-compliance; and
- 4) Remove all barriers to women's participation in the foreign service and to increase the number of women judges, prosecutors and lawyers and ensure the appointment of women to the Supreme Court and to the Court of Appeal.

In regards to the recommendation recalled in **paragraph 38** of the concluding observations “To adopt a law on domestic workers and amend the Labour Code of 2004 to ensure that it protects domestic workers along with other categories of workers “: The State party mentioned that the draft law on domestic workers — in line with the Convention and international labour standards — is currently being considered and is undergoing legislative procedures. With regards to the requested amendments of the Labour Code, it indicated that the employment of domestic workers is not regulated by the Labour Code but by the Civil Code. It further reported that, even though domestic employees are not subject to the Labour Code, the Ministry of Administrative Development, Labour and Social Affairs must approve their contracts with a view to ensuring that their contractual rights are protected and does also monitor recruitment offices to ensure that workers are not exploited and their rights are protected. It indicated that several offices had consequently been closed (pages 6-7 of the State party's follow-up report). The Committee notes that the draft law on domestic workers is currently undergoing legislative procedures. It further notes that the employment of domestic workers is regulated by the Civil Code rather than the Labour Code. While acknowledging the efforts made to ensure that the rights of migrant workers in general are protected, the Committee notes that the State party only provided very limited information on the measures taken to protect domestic workers specifically. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation “To take immediate steps to abolish the sponsorship system and seek technical assistance from ILO whenever necessary”: The State party indicated that Law No. 21 (2015) which will enter into force on 13 December 2016, regulating the entry, exit and residence of migrant workers, abolished the sponsorship system and replaced it with employment contracts. The law also allows migrant workers to change the employer after five years of contract (fixed-term or open ended). Furthermore, according to the new law, employees may apply for an exit visa from the relevant government agency without going through the employer. The State party also mentioned that it currently has a technical cooperation project with ILO, which includes cooperation on issues relating to protection of workers' rights (page 7 of the State party's follow-up report). The Committee notes that the sponsorship system has been abolished, that workers can terminate their contract after five years, and that they can leave the country without needing their employers' permission. It further notes the cooperation with ILO on issues relating to protection of workers' rights. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

In regards to the recommendation the State party “To repeal provisions setting criminal penalties for absconding”: The Committee **did not receive any information** to assess whether the recommendation has been implemented.

Regarding the recommendation “To put in place labour inspections at places of work where migrant workers, including domestic workers, have complained about violations; systematically investigate all allegations of exploitation, abuse and violence against migrant domestic workers; and prosecute and adequately punish abusive or exploitative employers and agents”: The State party mentioned that the number of labour inspectors has risen to 294 and indicated that the State party is constantly taking steps to make inspections more effective, which has significantly raised the profile of labour inspection at the Ministry and allowed the Department of Labour Inspection to expand its geographic reach. It also provided information

about concrete measures taken to facilitate and render the work of labour inspectors more efficient. The State party further provided figures on inspections conducted in 2015 (pages 7-8 of the State party's follow-up report). The Committee notes the measures taken by the State party to increase the general effectiveness of labour inspection. It notes, however, that no specific information has been provided on labour inspection at places of work where migrant workers, including domestic workers, have complained about violations. Moreover, it notes the State party did not provide information on investigation, prosecution and punishment of employers and agents abusing or exploiting migrant domestic workers. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation "To monitor employers' compliance with article 9 of the Sponsorship Law requiring them to return passports to migrant workers, and penalize employers and recruiters who violate this provision": The State party mentioned that article 8 of Law No. 21 of 2015 regulating the entry, exit and residence of migrant workers requires an employer to return passports to migrant workers upon completion of residency or renewal procedures, and that article 39 of that law criminalizes withholding migrant workers' passports and imposes a fine of up to QAR 25,000 on employers in violation. It further indicated that, in 2015, the Human Rights Department of the Ministry of the Interior received 168 complaints about passports being withheld, all of which were referred to the Public Prosecutor for action. It added that the Ministry of the Interior coordinates with the Ministry of Administrative Development, Labour and Social Affairs to ensure that workers' passports are not withheld (page 8 of the State party's follow-up report). The Committee welcomes the adoption of Law No. 21 of 2015 regulating the entry, exit and residence of migrant workers, which criminalizes employers who withhold migrant workers' passports. It notes that the Ministry of the Interior and the Ministry of Administrative Development, Labour and Social Affairs are responsible for ensuring that this provision is not violated. The Committee considers, however, that the State party did not provide sufficient information on the measures taken to monitor employers' compliance with article 39 of the law, as well as to penalize recruiters who violate this provision. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

In regards to the recommendation "To ensure that women migrant workers enjoy effective access to legal aid and complaint mechanisms, and provide immediate access to shelters and rehabilitation services for women migrant workers alleging abuse and exploitation": The State party mentioned that the Complaints Section of the Human Rights Department of the Ministry of the Interior makes every effort to provide guidance and direction to complainants and to inform them of available legal recourse — whether through administrative agencies or the courts — to secure their rights. It further reported that the Department of Public Relations and the Department of Passports and Migrant Worker Affairs are in contact with expatriate communities to inform them of the rights of their members who are migrant workers under the Labour Code and the Law regulating their entry, exit and residence. Moreover, it indicated that the National Human Rights Commission is entitled to receive complaints from this category of workers and ensure that such workers' rights are respected. Finally, it mentioned the establishment of an office in the courts which offers free legal assistance and provides interpreters to migrant workers wishing to bring suit against their employers (pages 8-9 of the State party's follow-up report). The Committee welcomes the various measures taken to ensure that migrant workers, including women migrant workers, enjoy effective access to legal aid and complaint mechanisms. It notes, however, that the State party did not indicate whether it provided immediate access to shelters and rehabilitation services for women migrant workers alleging abuse and exploitation. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation "To consider ratifying the Domestic Workers Convention, 2011 (No. 189) of ILO": The State party mentioned that it is currently considering a draft law on

domestic workers that is in line with the Convention and international labour standards. It further indicated that consideration will be given to the advisability of ratifying the Convention after the

law is adopted (page 9 of the State party's follow-up report). The Committee notes that the State party is in the process of adopting a law on domestic workers that is in line with the Convention and international labour standards, and that it may consider ratifying the Domestic Workers Convention after the adoption of such law. The Committee considers that the State party did not take concrete steps to consider ratifying the Domestic Workers convention. It considers that the recommendation **has not been implemented**.

Regarding the recommendation "To raise awareness among women migrant and domestic workers about their rights under the Convention": The Committee **did not receive any information** to assess whether the recommendation has been implemented.

In regards to the recommendation "To provide detailed information on the situation of women migrant domestic workers": The Committee **did not receive any information** to assess whether the recommendation has been implemented.

The Committee recommends that, in relation to paragraph 38 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Expeditiously adopt the law on domestic workers and amend the Civil Code to ensure that the protection it offers to domestic workers is equivalent to that offered to other categories of workers under the labour law;
- 2) Put in place labour inspections at places of work where migrant workers, including domestic workers, have complained about violations; systematically investigate all allegations of exploitation, abuse and violence against migrant domestic workers; and prosecute and adequately punish abusive or exploitative employers and agents;
- 3) Monitor employers' compliance with article 8 of Law No. 21 of 2015 regulating the entry, exit and residence of migrant workers requiring them to return passports to migrant workers, and to penalize recruiters who violate this provision;
- 4) Provide immediate access to shelters and rehabilitation services for women migrant workers alleging abuse and exploitation;
- 5) Ratify the Domestic Workers Convention, 2011 (No. 189) of ILO;
- 6) Raise awareness among women migrant and domestic workers about their rights under the Convention; and
- 7) Provide detailed information on the situation of women migrant domestic workers.

Please also indicate whether the provisions setting criminal penalties for absconding have been repealed in Law No. 21 of 2015 regulating the entry, exit and residence of migrant workers.



The Committee looks forward to pursuing its constructive dialogue with the authorities of the State of Qatar on the implementation of the Convention.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Xiaoqiao Zou'.

Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women