



**Institute on Statelessness and Inclusion**  
**Rights Realization Centre**  
**&**  
**Global Campaign for Equal Nationality Rights**

Joint Submission to the Human Rights Council at the 33<sup>rd</sup> Session of the  
Universal Periodic Review

**(Third Cycle, April - May 2019)**

**Qatar**

**4 October 2018**

# Institute on Statelessness and Inclusion, Rights Realization Centre and Global Campaign for Equal Nationality Rights

## Joint Submission to the Human Rights Council at the 33<sup>rd</sup> Session of the Universal Periodic Review

### Qatar

#### Introduction

1. The Institute on Statelessness and Inclusion (Institute)<sup>1</sup>, Rights Realization Centre (RRC), and the Global Campaign for Equal Nationality Rights<sup>2</sup>, welcome the opportunity to make this submission to the Universal Periodic Review (UPR) in relation to discrimination in nationality laws, statelessness challenges, and arbitrary deprivation of nationality in Qatar.
2. The Institute is an independent non-profit organisation dedicated to promoting an integrated, human rights based response to the injustice of statelessness and exclusion. Established in August 2014, it is the first and only global centre committed to promoting the human rights of stateless persons and ending statelessness. The Institute has made over 35 country specific UPR submissions on the human rights of stateless persons, and also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23<sup>rd</sup> to the 31<sup>st</sup> UPR Sessions.<sup>3</sup>
3. The RRC is an independent charitable organisation registered in 2018 in the United Kingdom<sup>4</sup>. It seeks to promote and protect international human rights standards in states in the Middle East and North Africa, and Horn of Africa regions.
4. The Global Campaign for Equal Nationality Rights mobilizes international action for the removal of gender discriminatory provisions from all nationality laws through its coalition of national and international organizations and activists.
5. This joint submission addresses three main issues: discrimination against women in nationality legislation, the protracted statelessness experienced by certain groups in the country, and the arbitrary deprivation of nationality of Qatari citizens. These issues create and/or prolong statelessness, while also negatively impacting a range of other human rights.

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<sup>1</sup> For more information about the Institute, please consult its website: <http://www.institutesi.org>

<sup>2</sup> For more information about the Global Campaign for Equal Nationality Rights, please consult its website: <https://www.equalnationalityrights.org/>

<sup>3</sup> For more information on the Institute's UPR advocacy, in particular, see: <http://www.statelessnessandhumanrights.org/upr-universal-periodicreview/resources-database>

<sup>4</sup> For more information about the RRC, charity number 1178519, please see: <http://beta.charitycommission.gov.uk/charity-details/?regid=1178519&subid=0>



## The Universal Periodic Review of Qatar under previous Cycles

6. In its State report under the previous UPR of June 2014, 27<sup>th</sup> session, Qatar did not address any of the issues raised in this submission; namely, gender discriminatory nationality laws, the statelessness challenges in the country, or arbitrary deprivation of nationality.<sup>5</sup> However, Qatar received four recommendations – from Argentina, France, Greece, Mexico and Norway to amend its nationality law to remove gender-based discrimination. Argentina, for instance, recommended that Qatar *“Strengthen measures to ensure gender equality, particularly in the transmission of nationality to the children of women married to non-citizens,”*<sup>6</sup> The government of Qatar supported Argentina’s recommendation, and, on 15 August 2015, rejected the other four.<sup>7</sup>
7. No recommendations were made with regard to addressing the statelessness and human rights protection of various communities in the country, or the arbitrary deprivation of nationality.

## Qatar’s International Obligations

8. The co-submitters welcome Qatar’s accession to both the International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights in May 2018. Under Article 68 of Qatar’s Constitution, pursuant to Amiri decrees numbers 40 and 41 of 2018, dated 4 September 2018, the Covenants come into force following publication of the decree in the Official Gazette.<sup>8</sup>
9. Despite this positive development, the sweeping reservations made to both Covenants in respect to gender equality and declarations that appear to undermine the object and purpose of the Covenants, are regrettable.<sup>9</sup> It remains to be seen how the two treaties will impact on Qatari domestic law in respect to nationality and citizenship. At the time of writing however, the gaps in domestic law and policy and the challenges that many individuals and groups face in relation to their right to a nationality, detailed below, are all in clear violation of the international obligations of Qatar.
10. The state is not party to either the 1954 or the 1961 UN Statelessness Conventions. However, Qatar, as a member of the United Nations is obligated by the Charter of the United Nations to

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<sup>5</sup> Qatar’s 2014 UPR report, A/HRC/WG.6/19/QAT/1, dated 14 February 2014, can be found via the UPR country page: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/QAindex.aspx>

<sup>6</sup> Paragraph 122.36, Report of the Working Group on the Universal Periodic Review - Qatar, A/HRC/27/15, 27 June 2014

<sup>7</sup> See: Report of the Working Group on the Universal Periodic Review - State of Qatar: Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under Review, A/HRC/27/15/Add.1, 15 August 2015. The recommendations were, specifically: 124.35 Continue to strengthen protective measures and legal rights for women, and give full citizenship rights to the children of Qatari mothers and non-Qatari fathers (Norway); 124.36 Consider granting Qatari nationality to the children of Qatari women married to foreign nationals (Greece); 124.37 Achieve real progress with regard to women’s rights by reforming the Nationality Act, to ensure gender equality and to give Qatari women the right to transmit their nationality to their children, and by withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto (France) and 124.38 Amend the legislation to eliminate discrimination against women with respect to the transmission of nationality to their children and the registration of civil acts (Mexico).

<sup>8</sup> See the 4 September 2018 statement, HH The Amir Issues Three Decrees, accessible at: [https://www.diwana.gov.qa/briefing-room/news/general/lg/2018/040918/lg08?sc\\_lang=en](https://www.diwana.gov.qa/briefing-room/news/general/lg/2018/040918/lg08?sc_lang=en)

<sup>9</sup> For a summary assessment of Qatar’s accession to the two covenants, see: <https://www.hrw.org/news/2018/05/25/qatar-joins-core-human-rights-treaties> where there are links to the accession documents.

promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”. Also, Article 15 of the UDHR states that “everyone has the right to a nationality” and “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”, which Qatar must respect.

11. Qatar is also a party to other treaties that do preserve the right to nationality without discrimination. According to Article 7 of the Convention of the Rights of the Child (CRC), which Qatar is party to, every child’s right to be registered immediately after a birth and to acquire a nationality – particularly if they would otherwise be stateless - is enshrined. Qatar’s violation of Article 7 of the CRC has been addressed by the Committee on the Rights of the Child, which in 2017, stated that:

*With reference to its previous recommendation (see CRC/C/QAT/CO/2, para. 34) and those of other treaty bodies and the universal periodic review, the Committee urges the State party to review its legislation on nationality in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction, in particular for those children who would otherwise be stateless.<sup>10</sup>*

12. In 2009, Qatar became a state party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). A total of 19 states however, objected to Qatar’s reservation to Article 9(2), made at the time of accession, that: States Parties shall grant women equal rights with men with respect to the nationality of their children.<sup>11</sup> The co-submitters note, however that paragraph 6 of General recommendation 21, made by the Committee on the Elimination of Discrimination against Women, at its 13th session in 1994 states that:

*Nationality is critical to full participation in society. [...] Without status as nationals or citizens, women are deprived of the right to [...] access to public benefits and a choice of residence. Nationality should be capable of change by an adult woman and should not be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality.<sup>12</sup>*

13. Additionally, as stated by the CEDAW, Article 9 among others is “central to the object and purpose of the Convention and that the reservations impact negatively on the enjoyment by women of their rights.” Therefore, the maintenance of nationality laws which discriminate on the basis of gender are themselves in conflict with the object and purpose of the CEDAW and with the general obligation of all state parties to “agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.”<sup>13</sup>

14. In terms of the arbitrary deprivation of nationality, the report of the Secretary-General on ‘Human rights and arbitrary deprivation of nationality’<sup>14</sup> addresses the regulation of loss and deprivation

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<sup>10</sup> CRC/C/QAT/CO/3-4

<sup>11</sup> For details on Qatar’s reservations and the responses made by other states party, see: [http://www.bayefsky.com/html/qatar\\_t2\\_cedaw.php](http://www.bayefsky.com/html/qatar_t2_cedaw.php)

<sup>12</sup> See: General Recommendation No. 21 (13th session, 1994), accessible at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

<sup>13</sup> Report of the Committee on the Elimination of Discrimination against Women (Eighteenth and nineteenth sessions), A/53/38/Rev.1, page 47

<sup>14</sup> OHCHR, Secretary-General ‘Human rights and arbitrary deprivation of nationality 2013

of nationality, particularly emphasising that *'Any interference with the enjoyment of nationality has a significant impact on the enjoyment of rights. Therefore, loss or deprivation of nationality must meet certain conditions in order to comply with international law, in particular the prohibition of arbitrary deprivation of nationality.'*<sup>15</sup>

## Gender Discrimination in Qatar's nationality laws

15. According to Qatar's Nationality Act No. 38 of 2005, a Qatari woman cannot confer nationality on her children under any circumstances, while Qatari men automatically confer nationality on their children whether they are born abroad or in the country. Article 1.4 of the law states, *"Any person born in Qatar or in a foreign country to a Qatari father in accordance with the preceding Articles."*
16. Article 2 of the nationality law grants priority for naturalisation to persons whose mother is Qatari, however this process remains discriminatory and discretionary.
17. In addition, Qatari women have no opportunity to confer nationality on their foreign spouses, and their naturalisation procedures are not facilitated. Under Article 5 of the 2005 Nationality Act, wives of Qatari men however – whether Qatari by birth or naturalized - benefit from facilitated naturalisation.<sup>16</sup>
18. These provisions render the Qatari nationality law the most restrictive and discriminatory towards women in the world. While 24 other countries discriminate against women in their ability to pass on nationality to their children, none of these countries have a blanket prohibition in place. The clear discriminatory nature of the law, in contravention of international standards, is detrimental to the legal status of women in the country, as well as being contrary to the Qatari constitution. Its Article 35 states that *"All persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion."*<sup>17</sup>
19. Secondly, such gender discrimination in the nationality law results in a range of other human rights violations, impacting children, women and their foreign male spouses. These include, the denial of the right to a nationality and resultant statelessness; lack of access to public education, healthcare and other services; increased risk of gender-based violence and impeded family reunification.<sup>18</sup> For example, when foreign men are denied access to their Qatari spouses' nationality, they may be forced to live away from their children due to challenges in acquiring residency permits and obstacles to employment, or they may try to take the children away from the mother and back to their own country.

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<sup>15</sup> A detailed report of the impact of deprivation of nationality on the enjoyment of human rights is set out in A/HRC/19/43

<sup>16</sup> The article states: "The wife of a naturalized person may be, by an Emiri decision, granted Qatari nationality by virtue of her husband, provided that her stay with him in Qatar extends for a period of at least five years from the date her husband acquired Qatari nationality". See an English translation of the entire law at:

<http://www.almeezan.qa/LawView.aspx?opt&LawID=2591&language=en>

<sup>17</sup> See the relevant article at: <http://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=6677&lawId=2284&language=ar>

<sup>18</sup> Equality Now, Campaign to End Sex Discrimination in Nationality and Citizenship Laws, 2013 (updated May 2014, Feb. 2015), available at [http://www.equalitynow.org/sites/default/files/NationalityReport\\_EN.pdf](http://www.equalitynow.org/sites/default/files/NationalityReport_EN.pdf)



## Stateless communities and risks of statelessness in Qatar

20. Current UNHCR statistics indicate that as of the end of 2017, there were 1,200 stateless persons in Qatar. This number has not changed since 2014.<sup>19</sup> No further information is provided about the composition of this figure or how it was derived.

### The Bidoon (for *Bidoon jinsiya*, or without nationality):

21. The Bidoon are mostly descendants of nomadic groups in the Arabian Peninsula who are stateless because they failed to be registered as citizens at the time of Qatar's state formation. This may have been because they did not know about the registration procedure, did not understand its importance and/or were travelling during the registration period. The figures are unknown, but the size of the population in 2013 was estimated to be around 1500, though it is now smaller.<sup>20</sup> In the country today, the Bidoon are considered "illegal residents".<sup>21</sup> These Bidoon cannot access naturalisation procedures, neither do they have any nationality claims in other countries. However, the Qatari authority have made no attempts to resolve their statelessness, or ensure that their access to rights in the country are protected.

### Members of the Al Murra Tribe

22. On 1 October 2004, Qatar's Ministry of Interior reportedly issued an administrative decree depriving 927 male "heads of households" of citizenship. Under then current practices, this resulted in the revocation of nationality to 5,266 people as their citizenship depended on the man recognized by the government as the family head. All of those involved were from the al-Ghufran (Gufran) clan, or branch of the Al Murra tribe and only a few families were exempt. The decree did not provide for any exceptions in relation to, for example, the elderly, widows or children.<sup>22</sup>
23. The decree was based on provisions forbidding the possession of another citizenship apart from Qatari, which was (and is) forbidden under law. Its implementation, nevertheless, was not subject to legal challenge, review or appeal: it was arbitrary.<sup>23</sup>
24. From the closing months of 2004 through to the first half of 2005, the decree appeared to take effect and Qatar withdrew nationality from 5,000-6,000 individuals from the Al Murra tribe and al-

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<sup>19</sup> Navigate UNHCR's website relating to people of concern, at: [http://popstats.unhcr.org/en/persons\\_of\\_concern](http://popstats.unhcr.org/en/persons_of_concern)

<sup>20</sup> Human Rights Watch, Qatar Country Profile, 2013, <https://www.hrw.org/world-report/2013/country-chapters/qatar>

<sup>21</sup> Ibid.

<sup>22</sup> The 18 May 2005 article by William Wallis, "Citizenship ordeal casts spotlight on Qatar's human rights record: The plight of members of the al-Ghfran [saic] clan, a sub-set of one of the Gulf state's largest tribes, is drawing international attention" is an excellent overview of the plight of the al-Ghufran.

<sup>23</sup> The authors have not been able to obtain a copy of the decree.



Ghufran clan, and they were subject to deportation proceedings.<sup>24</sup> One estimate put the upper figure of those affected at 10,000.<sup>25</sup>

25. The government asserted that these individuals hid a second nationality - that of Saudi Arabia - and under Qatari nationality law dual nationality was and is prohibited and is grounds for revocation of nationality. Yet, members of the clan who did not have dual nationality - a number that is not known - were left stateless. In April 2005 and for months afterwards, thousands reportedly sought refuge in Saudi Arabia, with relatives.<sup>26</sup>
26. Activists have asserted that the motivation for this act was more likely to have been political. Totalling around 5% of the total population at the time of the revocation of their citizenship, their removal would have ensured that no candidates would stand in parliamentary elections then scheduled. Perhaps more importantly, the whole clan was tainted by members alleged involvement in a counter-coup in 1996.<sup>27</sup>

## Human rights violations committed as a result of revocation of citizenship

27. Deprived of their citizenship, those affected could no longer, over time, hold employment, property, bank accounts; benefit from social services or state education; and some were detained.<sup>28</sup> A great many lost their jobs as they were for Qataris only.<sup>29</sup>

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<sup>24</sup> See Gulf News, Dual citizenship 'is not allowed under Qatari law', 24 June 2005, at:

<https://gulfnews.com/news/gulf/qatar/dual-citizenship-is-not-allowed-under-qatari-law-1.291746> and

<sup>25</sup> See paragraph 5 of a 10 May 2005, classified US government cable, released as part of the Wikileaks project. It states, in part, that: "It is alleged that approximately 6,000 to 10,000 people have lost Qatari nationality through revocation. Those holding government employment have lost jobs, and their entire families lose government benefits (housing, education, employment, health, etc.) for which they were eligible as citizens of Qatar. Many whose nationality has been revoked are residing in Qatar as stateless people ("bidouns") who cannot travel out of the country." See: [https://wikileaks.org/plusd/cables/05DOHA845\\_a.html](https://wikileaks.org/plusd/cables/05DOHA845_a.html)

<sup>26</sup> See the 3 April 2005 article in Gulf News: "Thousands in Saudi Arabia after losing Qatari citizenship", accessible at:

<https://gulfnews.com/news/gulf/qatar/thousands-in-saudi-arabia-after-losing-qatari-citizenship-1.283103>

<sup>27</sup> This is addressed in some of the sources cited above, but also in Gulf News, "Citizenship is not allowed under Qatari Law", 2017, also cited above, accessed at: <https://gulfnews.com/news/gulf/qatar/dual-citizenship-is-not-allowed-under-qatari-law-1.291746> Also, according to Ghufran activists, in June 1995, the then Crown Prince and Minister of Defence, Sheikh Hamad bin Khalifa al-Thani deposed his father, Sheikh Khalifa al-Thani, the ruling Amir of Qatar, in a bloodless coup. Sheikh Khalifa had been on medical visit to Switzerland when his son, a British-trained military officer, carried out the coup. He quickly secured the allegiance of other leaders of the al-Thani family and key members of the international community in order to secure his position. In February 1996, however, supporters of the deposed Amir took part in attempted a counter-coup to re-install the deposed Emir. It failed. In the same month, following the failed counter-coup, the government arrested scores of people and held them in incommunicado detention. Most were released after a short period in detention but approximately 119 of those who took part in the counter coup were members of the al-Ghufran clan of the Al Marra. By February 2000, 19 of the alleged perpetrators had been sentenced to death, 33 were sentenced to life in prison, and the rest were acquitted. None of those sentenced to death were executed.

<sup>28</sup> Amnesty International's 2006 annual report on Qatar (for events in 2005) states: "As many as 6,000 members of the Al-Ghufran branch of the Al-Murra [sic] tribe were deprived of Qatari nationality between October 2004 and June 2005 on grounds, believed to be spurious, that they were nationals of other countries. Some were reportedly forced to leave Qatar to seek resettlement in neighbouring countries, or detained to induce them to do so, despite guarantees in the new Constitution against the deportation of Qatari nationals." See: <https://www.amnesty.org/download/Documents/POL1000012006ENGLISH.PDF>

<sup>29</sup> Ghufran rights activists disputed the assertion made by Qatar's National Human Rights Commission (NHRC) that "all those hit by the provision who have adjusted their status will continue to be granted jobs and services in Qatar as before" and that "Those who have adjusted their legal condition have been allowed to return to their former jobs in the state in addition to enjoying all

28. Reports indicated that Qatari State security and police started to closely surveille members of the al-Ghufran clan in particular, including by posting observers outside of specific mosques.
29. From mid-2005 onward, the Qatari government pressured people by other means, such as denying those stripped of their nationality of the right to work and promising people that if they leave and acquire another nationality the government would restore their original Qatari nationality.
30. Following publication of the decree, the government officials demanded thousands of members of the al-Ghufran clan leave Qatar; a great many – the exact number is not known - refused outright or sought to delay having to leave.
31. Starting in October 2004, and lasting to September 2005, the government cut electricity and water supplies to communities and to specific houses, ignoring whether there were any vulnerable people who might need continued water and electricity supplies who resided in the premises targeted. Generally, no advance notice was given prior to the cut of such services.
32. Some families resisted police action to remove them from their dwellings, leading to dissent amongst police personnel and the halt of forcible removals, but a small number of people – exact number not known – were imprisoned. One of those detained, 21 at the time, was Saleh Mohammad al-Marri, detained for three days in 2005. He was, however, a US national and was able to leave for the US using that passport. From June 2005 to September 2005, the authorities detained nine people for three months at the Central Jail under Law No.17 of 2002, on [the] Protection of Community, which is used to “protect society”.<sup>30</sup>
33. The purpose of this conduct was to force members of the al-Ghufran clan to leave Qatar and/or to renounce their citizenship of Qatar and turn in documents to the Passports and Immigration Department of the capital in Doha both their civil ID and passports and other Qatari identification. As this was the only centre able to provide concrete information regarding one’s fate, most people facing removal of their citizenship went to this office, including the Manah Saleh al-Kohla. She visited the office in 2005 and asked to leave the country to Saudi Arabia. Officials instructed her to bring a guarantor to bring the documents back once she was in Saudi Arabia but even once arrived there; the government did not return the documents and she remains in Saudi Arabia.
34. The government expelled other members of the community from specific jobs, notably parts of the civil service and, especially, the military. Almost all of the al-Ghufran clan members employed

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the services provided to the Qatari citizen, including education, health care and other sectors.", as cited in Gulf News, 24 June 2005, in the article: Dual citizenship 'is not allowed under Qatari law', at: <https://gulfnews.com/news/gulf/qatar/dual-citizenship-is-not-allowed-under-qatari-law-1.291746> The 2005 US State Department’s Bureau of Democracy, Human Rights, and Labor’s 2005 report on Qatar stated: “[T]he government revoked the citizenship of as many as six thousand persons, principally from the Al-Ghufran branch of the Al-Murra tribe, who the government claimed possessed Saudi citizenship. This policy created some ‘stateless’ persons. Upon the revocation of their nationality, *these individuals automatically lost their jobs, and they and their families were no longer eligible to receive government benefits.* The government maintained that these individuals were holding dual citizenship, a status prohibited under law; however, diplomats pointed out that many other dual nationals in Qatar have not been affected. See: <https://www.state.gov/j/drl/rls/hrrpt/2005/61697.htm>

<sup>30</sup> Under the provisions of Law No. 17 of 2002, on [the] Protection of Community, the Minister of Interior has the right to order the detention of a citizen up to six months and can be extended without referral to court. See: <http://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=1180&lawId=116&language=en>

in the military were transferred to Civil Defence. As they were told that the move was “just orders”, it appears that there are no written documents showing the orders, which were verbally transmitted.

## Change of policy: restoration of citizenship

35. In early 2006 the government reportedly changed its policy and over subsequent months, restored nationality to many of those whose nationality was stripped.<sup>31</sup> Reports indicate that in 2008, the government restored citizenship to around a further 2000 people, bringing the total to 5800, but the precise details are not known. The head of Qatar's Human Rights Commission, himself a member of the Al Murra tribe, claimed on 5 August 2008 that 95% of the clan had their citizenship restored.<sup>32</sup>
36. However, when people returned to their homes in Qatar - no longer as Qatari citizens - the government did not automatically return Qatari nationality and it was carried out in a selective basis (as in 2017-8: see below). Members of the clan have said that it is like being treated as a visitor to your own country, and the prospect of eventually obtaining Qatari citizenship, it was perceived, was used to keep members of the al-Ghufran obedient: if a person complained about an aspect of their life, they were reminded that they were citizens of Saudi Arabia.
37. Other forms of discrimination remain in relation to the al-Ghufran (which appear to continue to today). With respect to education, while members of the clan can attend state primary and secondary education facilities, they are not permitted to continue to tertiary education as Qatari nationals. There are unconfirmed reports that members of the clan who returned between 2006-2016 have been denied access to specific forms of employment as well as access to health, social and other government services that are available to Qatari nationals. For example, a head of a family, Rashid 'Ali Al Marri, hospitalised in Qatar in connection with kidney failure, in September 2016, was unable to obtain free treatment since he is awaiting for the regularisation of his status.
38. In its 2016 annual report, issued prior to the split in the GCC, the Geneva-based al-Karama, a human rights organisation, stated that:

*The Qatari NHRC claims that there are currently between 300 and 400 stateless persons residing in Qatar.*

*According to the United Nations High Commissioner for Refugees, however, this figure is, in fact, significantly higher, namely about 1,500 [sic]. The stateless population in Qatar suffers an array of discriminatory measures due to the denial of their right to nationality.*

*While the government affords stateless residents access to basic education and healthcare, the latter face hurdles when pursuing higher education. They also have to renew their residency permit every two years at a high price, even though they are economically disadvantaged and face challenges in gaining employment and are denied*

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<sup>31</sup> The United States of America Government: Under Secretary for Civilian Security, Democracy, and Human Rights, Bureau of Democracy, Human Rights, 2007 Report on Human Rights states that " In February 2006 the emir issued orders to begin to reinstate citizenship for as many as 6,000 persons from the Al-Murrah tribe whose citizenship the government revoked between October 2004 and June 2005. Each case was reviewed separately, and by year's end citizenship was restored to all but approximately 150-200 of those who had lost it." This report is accessible at: <https://www.state.gov/j/drl/rls/hrrpt/2007/100604.htm>

<sup>32</sup> These and other statements were made in Middle East online, قطر تعيد الجنسية إلى 95% من القطريين السعوديين , 5 May 2008, accessible at: <http://www.middle-east-online.com/?id=61670=61670&format=0> ; as well as [http://www.aafaq.org/news.aspx?id\\_news=5285](http://www.aafaq.org/news.aspx?id_news=5285) ; <http://www.alriyadh.com/340368> and <http://www.almustaqbal.com/v4/Article.aspx?Type=np&Articleid=288184>

*the right to property. As stateless persons are only allowed a travel document, asserting their statelessness, their right to freedom of movement is also severely curtailed; while some countries may allow them to apply for and attain refugee status, many other countries will refuse them entry altogether.*

39. Lastly, Qatar requires its stateless community to obtain approval prior to getting married, whether that is to a Qatari citizen, a non-Qatari citizen or another stateless person.<sup>33</sup>
40. There has been no independent research conducted or objectively verifiable information given on what has happened since, whether the situation of any stateless individuals who were rendered stateless was resolved or whether they have obtained any other nationality.
41. In 2017, the head of Qatar's NHRC, himself of the Al Murra, told a now member of the RRC that the matter had become insignificant and that most had been reintegrated into Qatari society, with full rights. The truth appears more complicated: an indeterminate number have certainly regained rights in Qatar, but others - the number is not known - may continue to be stateless, either amongst the 1200 persons registered by UNHCR, or, perhaps not: the government has been opaque about this issue. Others still remain in Saudi Arabia where most appear to have taken up Saudi Arabian citizenship, if they did not have it prior to 2005.

## **Returns to Qatar and threatened family separation following the GCC dispute: an open wound**

42. In the weeks and months following Qatar's June 2017 break in relations with Saudi Arabia and other countries, a small number of families and individuals sought to re-enter Qatar. The fate of at least one - Zayed Al Murra, who is thought to have spent up to a month in the land between Saudi Arabia and Qatar, is unknown after Human Rights Watch took up his case.<sup>34</sup>
43. While it is not known how many others may have entered Qatar from June 2017 onwards - nor under what circumstances, members of one family of 10 managed to leave Saudi Arabia and presented themselves at the Qatar port of entry with Saudi Arabia, Abu Samara. They had been in Saudi Arabia between 2005-2017.
44. In September 2018, the RRC viewed film clips, purported to have been made by members of the family. In them, Fahad Bin Saleh al-Ghufran Al Marri, a man perhaps in his 30s, states that he has called on the Amir, Sheikh Tamim Bin Hamad al-Thani, to restore his citizenship. His brother, Abdulhadi Saleh al-Ghufran Al Marri makes the same call, noting that he has not been able to find employment. Another brother, Mohammed Saleh Abdulhadi al-Ghufran Al Marri added that since he has not been accorded citizenship since being allowed to return, he has not been able to access health care; and that he was promised a university place. The family also consists of four sisters, and younger brothers, the former of whom who did not make videos appealing for the restoration of their citizenship. The Institute and RRC have not, however, been able to verify that

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<sup>33</sup> Al-Karama, Qatar entry of the 2016 annual report, accessible at:

[https://www.alkarama.org/alkpages/annrep2016/qatar2016\\_en.html](https://www.alkarama.org/alkpages/annrep2016/qatar2016_en.html)

<sup>34</sup> See: Human Rights Watch - Qatar/Saudi Arabia: Allow Man Trapped at Border to Enter / Stateless Clan Victim of Gulf Dispute, 1 July 2017, accessible at: <https://www.hrw.org/news/2017/07/01/qatar/saudi-arabia-allow-man-trapped-border-enter>

short film clips do indeed originate with the family.<sup>35</sup> According to unconfirmed information received by the authors, the family now resides in a house paid for by a private charity, which reportedly also supports their basic needs.

45. It nevertheless appears that the government of Qatar continues to discriminate against members of the Ghufuran who returned after 2006, including those who returned in the past year. This issue remains an open wound for Qatar: in September 2018, a delegation of 54 members of the al-Ghufuran tribe held a demo by the 'broken chair' at the Palais des Nations and - according to coverage afforded the event in UAE media, they complained of the stripping of their nationality by Qatar, while it had been handed out to what was termed 'violent extremists' from Egypt, Syria, Libya and Iraq.<sup>36</sup>
46. The diplomatic crisis with GCC countries combined with Qatari women's inability to confer nationality on children and spouses on an equal basis with Qatari men resulted in threats to family unity and other hardships. Children and spouses of Qatari women who are denied access to Qatari citizenship and who hold the nationality of other GCC countries feared expulsion from Qatar or an inability to return to the country. One Qatari woman married to a Bahraini man reported that her family could not visit her husband's relatives, stating:

*"We are afraid to try and go to Bahrain because my husband and children might be banned from coming back to Qatar."<sup>37</sup>*

In order to address the threat of family separation caused by the diplomatic crisis and the inability of Qatari women to confer nationality on an equal basis with men, the government implemented a new policy permitting permanent residency status to the children and spouses of Qatari women.<sup>38</sup> Though a positive development for affected families, the children and spouses of Qatari women continue to be denied access to a range of rights and privileges as a result of Qatari women's inability to confer nationality on an equal basis with men.

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<sup>35</sup> To the best of the authors' knowledge, Qatar has not stated why it has not restored citizenship to members of the family, despite having re-admitted them in 2017. We would reject an explanation that they do not yet fulfil the conditions set out in Article 7 of 2005 Nationality Act, which states that "[...] nationality may be reinstated, by an Emiri decision, to such person who proves to be of Qatari origin in accordance with sub-articles 1.1, 1.2, and 1.4 of Article 1 of this Law, provided that: (1) The person has resided in Qatar for at least three consecutive years; (2) The person has a lawful means of income sufficient to meet his needs and (3) The person has a reputation for honesty and is of good reputation" as these constitute unfair conditions following an arbitrary decision to revoke their citizenship in the first place.

<sup>36</sup> The National (UAE) - Qatari tribe holds sit-in at UN HQ to protest Doha 'crimes' / The Al Ghufuran tribe called on the international community to help their cause, 19 September 2018; accessible at: <https://www.thenational.ae/world/gcc/qatari-tribe-holds-sit-in-at-un-hq-to-protest-doha-crimes-1.772013>

<sup>37</sup> Al Jazeera - Siege of Qatar 'arbitrarily splitting up families', 14 December 2017, available at: <https://www.aljazeera.com/news/2017/12/siege-qatar-arbitrarily-splitting-families-171214163542163.html>

<sup>38</sup> Bloomberg - Qatar Is First Gulf State to Offer Expat Permanent Residency, September 5, 2018 available at: <https://www.bloomberg.com/news/articles/2018-09-05/qatar-is-first-gulf-nation-to-grant-expats-permanent-residency>

## The arbitrary deprivation of nationality of Qatari citizens

47. The State of Qatar continues to deprive Qatari nationality from individuals. Often, this is due to their restriction on dual nationality, but also, as a mechanism through which to target political opponents or human rights defenders. For instance, in September 2017 following the diplomatic crisis between the GCC states, Qatar began withdrawing citizenship from individuals who were deemed to be sympathetic to Saudi Arabia, members of the Al Murra tribe.
48. In September 2017, Qatar stripped Sheikh Talib bin Mohammed bin Lahoum bin Shraim Al Murra, the head of the tribe in Qatar, along with 54 members of his family and they fled to Saudi Arabia. He is reported to have said that “my citizenship will return, for me and my family whether the emir of Qatar likes it or not, for both me and the Al Ghufraan tribe who also got their citizenships revoked.”<sup>39</sup>
49. The collective revocation of nationality was in contrast to Article 13 of Qatar’s 2005 Nationality Act, which states that “Save as otherwise provided for in the removal or withdrawal decision, the forfeiture of nationality shall only apply to the person concerned”, notably since the ‘save as otherwise provided for’ caveat provides for sweeping, arbitrary measures that are not consistent with human rights standards and basic human dignity.
50. In October 2017, the government revoked the nationality of well-known poet, Mohammad Bin Futais Al Marri.<sup>40</sup>

## Recommendations

51. Based on the above information, and in order to address the multifaceted issue of statelessness and discrimination in Qatar, the co-submitting organisations urge reviewing States to make the following Recommendations to Qatar:
  - I. Ensure that all necessary steps are taken to amend the Citizenship Law to enable Qatari women to transfer nationality to their children and spouses without restriction, on an equal basis to men, in accordance with international standards and the Constitution of Qatar.
  - II. Remove Qatar’s reservation to and ensure full compliance with the entirety of CEDAW Article 9.
  - III. Remove all reservations to the ICCPR and ICESCR, including in relation to gender equality.
  - IV. Facilitate independent research of, and then initiate clear procedures to identify and determine the number and profiles of all stateless individuals in Qatar, particularly the Bidoon and Al Murra communities.

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<sup>39</sup> The National (UAE) - UPDATE: Formal complaint lodged to UN after Qatar strips 55 of citizenship, 14 September 2017, accessible at: <https://www.thenational.ae/world/tribal-chief-flees-to-saudi-arabia-after-qatar-strips-55-of-citizenship-1.628360>

<sup>40</sup> Gulf News - Qatar revokes famous poet’s citizenship, 1 October 2017, accessible at: <https://gulfnews.com/news/gulf/qatar/qatar-revokes-famous-poet-s-citizenship-1.2098844>

- V. Take all necessary steps to protect the human rights and facilitate access to nationality for all stateless people in Qatar.
- VI. 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. In particular, prohibit the deprivation of nationality that results in statelessness. Likewise, review and revise provision that impose unfair socio-economic measures on those regaining nationality.
- VII. Reinstate the nationality of all persons whose nationality was arbitrarily deprived, prioritising members of the Al Murra tribe and those who have been rendered stateless.