

# Organization for Defending Victims of Violence (ODVV)

## UPR Submission

33<sup>rd</sup> session of UPR Working Group (May 2019)

### Gatar



سازمان دفاع از قربانیان خشونت  
Organization for Defending Victims  
of Violence

[www.odvv.org](http://www.odvv.org)

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a member of the UN Conference of Non-Governmental Organizations (CONGO), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is focused on promoting human rights, supporting victims of violence, empowering Iranian civil society, and offering human rights consultations to the Iranian institutions and organizations. ODVV is actively involved in running various human rights education courses, workshops, seminars, and conferences. Other activities include:

- Participation in UN Commission on Human Rights and the Human Rights Council sessions in Geneva;
- Publication of different books and booklets on human rights such as Rights of the Child, Unilateral Coercive Measures (Economic Sanctions), Racism, Racial Discrimination, Islamophobia and Xenophobia;
- Publishing *Defenders Quarterly* (in English), human rights news and developments *Weekly* (in Farsi), updating ODVV websites in English, Farsi and Arabic;
- Internship for Iranian and international students.

4. ODVV is submitting the following report on the human rights situation of Qatar, in order to contribute to the improvement of the human rights situation.

5. ODVV encourages the State of Qatar to continue its efforts to improve some instances of its human rights situation mentioned in the following report.

## **Implementation of international human rights obligations**

6. The Qatar government is encouraged to join the following human rights treaties and conventions: <sup>1</sup>

- CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty
- CED - Convention for the Protection of All Persons from Enforced Disappearance
- CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

## **Institutional and human rights infrastructure and policy measures**

7. It is to be mentioned that the Unilateral Coercive Measures imposed on Qatar seriously violates all human rights of the population and their negative effects on the functioning of the whole system needs to be taken into consideration while reviewing the situation of human rights in the country.

8. However, the county itself is encouraged to continue its efforts to improve all government institutions including the work of judges and lawyers and their independence.

9. According to the report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, <sup>2</sup> in 2015, the Qatari justice system needs to fully materialize the independence of judges and their decisions.

10. The legislative branch needs to be clearly separated from the executive branch. The 35 members of the current Advisory Council were appointed by the Emir and the Council formal legislative role is undermined. The Permanent Constitution made provisions for the formation of a 45-member Advisory Council, 30 members of which would be elected by direct, general and secret ballot, with a limited legislative authority to draft and approve laws. Yet, elections were not held and the former Advisory Council remained in place. No date for these elections has been announced so far.<sup>3</sup>

11. Among foreigners residing in Qatar, the dominant perception is that the courts do not treat Qataris in an equal manner. Some interlocutors also noted that foreigners are not treated in an equal manner and that they are treated depending on the nationality of the person or his or her economic or work status in the country.<sup>4</sup>

12. The Special Rapporteur on the Independence of Judges and Lawyers is particularly concerned about access to justice for vulnerable people, including migrant workers in the construction industry or domestic workers.

## **Freedom of Expression**

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<sup>1</sup> [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=140&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=140&Lang=EN)

<sup>2</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/068/46/PDF/G1506846.pdf?OpenElement>

<sup>3</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/068/46/PDF/G1506846.pdf?OpenElement>

<sup>4</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/068/46/PDF/G1506846.pdf?OpenElement>

13. Space for human rights defenders in Qatar is limited and human rights defenders and journalists are imprisoned and persecuted.<sup>5</sup> Prominent human rights lawyer Dr. Najeeb Al-Nuaimi has complained about a travel ban imposed on him in Qatar.<sup>6</sup>

14. A new cyber law, which passed in late September 2014, severely limits the freedom of speech, and freedom of expression rights in Qatar. The new law paves the way for criminal punishment of journalists and human rights defenders with prison term of up to 3 years, and fines around 500,000 QR for "content that may harm the country".

### **Women's Rights**

15. Qatar women face discrimination in law and practice. Personal status laws continued to discriminate against women in relation to marriage, divorce, inheritance, child custody, nationality and freedom of movement.

16. In June 2017, the UN Committee on the Rights of the Child (CRC) urged the authorities to investigate crimes related to gender-based violence and to bring perpetrators to justice. The Committee called on the authorities to amend the Nationality Act in order to allow women to confer nationality to their children on an equal basis with Qatari men. Despite the approval of a draft law providing permanent residency rights for the children of Qatari women married to non-Qataris, discrimination persisted with women unable to pass on nationality and citizenship to their children.<sup>7</sup>

### **Migrant Workers**

17. Our organization welcomes the new law amendment that makes it possible for migrant workers in the construction site of the stadiums for the 2022 World Cup in Qatar to leave the country without exit visas from their employers. However, there are still concerns over the situation of migrant workers.

18. On August 22, 2017, the Emir of Qatar, Sheikh Tamim bin Hamad Al Thani, ratified Law No.15 on house workers. However, the new law is still weaker than the Labor Law and does not fully conform to the International Labour Organization (ILO) Domestic Workers Convention, the global treaty on domestic workers' rights. The new law establishes fines for violations, but lacks provisions for enforcement, such as workplace inspections, including houses where domestic workers are employed. The law does not state how workers can claim their rights if they have been breached except in cases of compensation for work injuries. Workers in Qatar are not allowed to form a union or entitled to a minimum wage established by law.<sup>8</sup>

19. The migrant workers conditions, particularly construction workers, in Qatar are not suitable. These workers work in the extreme heat of the country in construction projects, being deprived of adequate living standards.

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<sup>5</sup> <https://www.gc4hr.org/news/view/1841>

<sup>6</sup> <https://www.gc4hr.org/news/view/1841>

<sup>7</sup> . <https://www.amnesty.org/en/countries/middle-east-and-north-africa/qatar/report-qatar/>

<sup>8</sup> <https://www.hrw.org/world-report/2018/country-chapters/qatar>

20. Thousands of migrant workers on construction sites in Qatar, including those building stadiums for the 2022 World Cup, are subject to potentially life-threatening heat and humidity, according to new research on the extreme summer conditions in the Persian Gulf<sup>9</sup>.

21. Also, there are concerns over the sponsorship (or Kafala) system which is used in Qatar to regulate the relationship between migrants and their employers. According to the Special Rapporteur on the human rights of migrants, such system “enables unscrupulous employers to exploit employees”.<sup>10</sup> The kafala system can lead to abuses, including the removal of passports when foreign workers entered the State, the inability of those workers to leave the country and the subsequent stripping of their labour rights.

22. According to a research report<sup>11</sup>, which focused on 10 randomly selected contractors (out of a total 149 World Cup contractors), mirrored many findings. A range of abuses on World Cup projects were identified, including:

- 79% of workers reported paying recruitment fees.
- Contractors make workers work for excessive hours, with half not giving them rest days, including one person who worked continuously without a day off for almost five months (148 days).
- 25% of workers at one company said they felt unable to report health and safety concerns for fear of reprisal.
- Four of the 10 contractors surveyed were holding worker’s passports, which is potentially an offence under Qatari law.

The researchers found that some progress was being made, but abuses were identified in the cases of all 10 contractors who were studied.

### **Recommendations:**

23. ODVV calls upon Qatar to continue to fulfill its international human rights obligations by joining international covenants and conventions and additional protocols (CMW, CCPR, OP2, DP, CED).

24. ODVV encourages upon the Qatar government to while noting the recommendations of the Special Rapporteur on the Independence of Judges and Lawyers, take steps to improve the justice system and observe the rights of migrants in the justice system.

25. ODVV calls upon Qatar to continue to support migrant workers in the construction and contract work industry welcoming Qatar’s efforts to protect the rights of migrant workers who are working in construction work for the 2020 World Cup.

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<sup>9</sup> . <https://www.hrw.org/news/.../qatar-take-urgent-action-protect-construction-workers>

<sup>10</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/068/46/PDF/G1506846.pdf?OpenElement>

<sup>11</sup> . <https://www.amnesty.org/en/latest/news/2017/05/qatar-world-cup-stadium-first-match/>

26. Echoing the concerns of the United Nations' Committee against Torture<sup>12</sup>, ODVV encourages Qatar to amend national laws so as to include explicit definition and prohibition of torture, as well as preventing corporal punishment, including flogging of all prisoners especially the minors.

27. ODVV urges the neighboring countries of Qatar to immediately stop the Unilateral Measures adopted against the country in breach on international law.

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<sup>12</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23029&LangID=E>