



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

Joint Submission in advance of the
UN Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance's visit to Qatar

22 November 2019

Introduction

1. The Institute on Statelessness and Inclusion (Institute)¹, Rights Realization Centre (RRC), and the Global Campaign for Equal Nationality Rights² welcome the opportunity to make this submission to the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (hereinafter SR Racism), in light of her official country mission to Qatar from 24 November to 1 December 2019.
2. 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.
3. This submission is a summary of the joint submission by the co-submitters to Qatar's Universal Periodic Review from October 2018, and highlights the most pressing issues related to the SR Racism's mandate.³

Qatar's International Obligations

4. 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, which include a number of provisions relevant to statelessness. Specifically, Article 24(3) ICCPR protects the right for every child to acquire a nationality.⁴ Qatar is also bound by a number of international human rights instruments which stipulate the right to a nationality.⁵
5. In recent years, a number of UN Treaty Bodies have addressed nationality issues in Qatar, including the Committee on the Rights of the Child (2017), the Committee against Torture (2018), and the Committee on the Elimination of Discrimination against Women (2019). The Committee on the Elimination of Racial Discrimination also noted its concern in 2019 by reported cases of citizens being deprived of citizenship in the State party, which may lead to a risk of statelessness. It recommended "that the State party take measures to protect against statelessness [and] that the State party ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness". It also made a recommendation on gender discrimination in nationality law.⁶

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

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

³ The full submission is available here: https://files.institutesi.org/UPR33_Qatar.pdf.

⁴ See the 4 September 2018 statement, HH The Amir Issues Three Decrees, accessible at: https://www.diwan.gov.qa/briefing-room/news/general/lg/2018/040918/lg08?sc_lang=en.

⁵ The state is not party to either the 1954 or the 1961 UN Statelessness Conventions. However, Qatar is bound by a number of international human rights instruments which stipulate the right to a nationality, including the International Convention on the Elimination of All Forms of Discrimination (ICERD). Under Article 5 (d) (iii), States are obliged to guarantee the right of everyone the right to nationality, without discrimination as to the grounds set out in the Convention. The right to a nationality is also protected under Article 7 of the Convention on the Rights of the Child (CRC), Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD). 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", all of which Qatar is bound by.

⁶ CRC/C/QAT/CO/3-4; CAT/C/QAT/CO/3; CEDAW/C/QAT/CO/2; CERD/C/QAT/CO/17-21. A full overview of the relevant recommendations is attached as an annex to this submission.

Gender Discrimination in Qatar's nationality laws

6. 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." In addition, Qatari women have no opportunity to confer nationality on their foreign spouses, and their naturalization procedures are not facilitated.⁷
7. 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.⁸

Stateless communities and risks of statelessness in Qatar

8. Current UNHCR statistics indicate that as of the end of 2018, there were 1,200 stateless persons in Qatar. This number has not changed since 2008, and no further information is provided about the composition of this figure or how it was derived.⁹ Two groups in Qatar are at particular risk of statelessness; the Bidoon (for *Bidoon jinsiya*, or "without nationality") and the Al Murra.

The Bidoon

9. 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 in 1971. 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. In the country today, the Bidoon are considered "illegal residents".¹⁰ These Bidoon cannot access naturalization procedures, neither do they have any nationality claims in other countries. The Qatari authority have made no attempts recently to resolve their statelessness, or ensure that their access to rights in the country are protected.

Members of the Al Murra Tribe

10. On 1 October 2004, Qatar's Ministry of Interior reportedly issued an administrative decree resulting in the revocation of nationality to 5,266 people on account of having a second nationality, often falsely so. A similar event happened in 1996. All of those involved were from the al-Ghufran clan, a branch of the Al Murra tribe.¹¹

⁷ 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>.

⁸ 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.

⁹ Navigate UNHCR's website relating to people of concern, at: http://popstats.unhcr.org/en/persons_of_concern.

¹⁰ Human Rights Watch, Qatar Country Profile, 2013, <https://www.hrw.org/world-report/2013/country-chapters/qatar>.

¹¹ 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-Ghufran [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.

11. 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. Activists have asserted that the motivation for this act was more likely to have been political. In April 2005 and for months afterwards, thousands reportedly sought refuge in Saudi Arabia, with relatives.¹²
12. In early 2006, the government reportedly changed its policy and over subsequent months, restored nationality to many of those whose nationality was stripped.¹³ 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.
13. In 2017, the head of Qatar's NHRC, himself of the Al Murra, told one of ISI's partners 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. 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.
14. This issue remains an open wound for Qatar: in September 2018, a delegation of 54 members of the al-Ghufran tribe held a demo by the 'broken chair' at the *Palais des Nations* at the UN in Geneva and - according to coverage afforded the event in UAE media, they complained of the stripping of their nationality by Qatar.¹⁴

Returns to Qatar and threatened family separation following the GCC dispute

15. The diplomatic crisis with GCC countries in 2017, 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.¹⁵
16. 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

For an interview with two al-Ghufran members from 17 August 2019, see: <https://observatoryihr.org/iohr-tv/members-of-the-qatari-al-ghufran-clan-fight-to-regain-their-citizenship/>.

¹² 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>.

¹³ 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>.

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. See: <http://www.middle-east-online.com/?id=61670=61670&format=0>

¹⁴ The National (UAE) - Qatari tribe holds sit-in at UN HQ to protest Doha 'crimes' / The Al Ghufran 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>.

¹⁵ 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>.

new policy permitting permanent residency status to the children and spouses of Qatari women.¹⁶ 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.

The arbitrary deprivation of nationality of Qatari citizens

17. 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.¹⁷ 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.¹⁸

Recommendations

18. Based on the above information, the co-submitting organizations urge the SR Racism to raise the following issues:

- 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, and remove Qatar's reservation to and ensure full compliance with the entirety of CEDAW Article 9.
- II. 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.
- III. Take all necessary steps to protect the human rights and facilitate access to nationality for all stateless people in Qatar.
- IV. 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, prohibit the deprivation of nationality that results in statelessness, and review and revise provisions that impose unfair socio-economic measures on those regaining nationality.
- V. Reinstate the nationality of all persons whose nationality was arbitrarily deprived, prioritizing members of the Al Murra tribe and those who have been rendered stateless.

¹⁶ 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>.

¹⁷ 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.

¹⁸ For example, 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. In October 2017, the government revoked the nationality of well-known poet, Mohammad Bin Futais Al Marri. See: <https://www.thenational.ae/world/tribal-chief-flees-to-saudi-arabia-after-qatar-strips-55-of-citizenship-1.628360>; <https://gulfnews.com/news/gulf/qatar/qatar-revokes-famous-poet-s-citizenship-1.2098844>.

Annex I: Overview of the relevant and recent UPR and UNTB Recommendations

Universal Periodic Review

[Report of the Working Group \(2019\) A/HRC/42/15](#)

Accepted

6.12. Ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Haiti)

Noted

6.24. Withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, such as the right of a child to obtain Qatari nationality from a Qatari woman married to a foreign man, in line with SDGs 5 and 10 (Netherlands)

6.28. Consider the withdrawal of the reservation to art. 9 of the Convention on the Elimination of All Forms of Discrimination against Women, which ensures equal rights for women in transferring citizenship (Romania)

6.29. Ensure the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women into domestic law, withdraw its reservations to articles 2, 9, 15, as well as 16, and furthermore ratify the Optional Protocol (Liechtenstein)

6.69. Take all necessary and immediate measures to restore the nationality to Al-Ghufran tribe and apply the principle of equality of rights and privileges among citizens (Saudi Arabia)

6.161. Continue the reforms aiming at bridging the gap between men and women, particularly on personal rights and transmission of nationality (France)

6.162. Amend the Law on nationality to grant the Qatari women the right to confer their nationality to their children on the same condition as men, as well as take measures to ensure that all children are registered at birth, without discrimination (Mexico)

6.163. Reconsider its citizenship legislation in order to ensure that in practice, nationality can be transferred to children from the mother side, and not only from the paternity, especially for children who would otherwise be stateless (Serbia)

6.164. Amend its citizenship laws to allow children to acquire their nationality through both maternal and paternal line without distinction (Slovenia)

6.165. Take necessary measures to amend the citizenship law and to allow Qatari women to pass their nationality to their children and spouses in equal basis with men, consistent with international standards and principles of equality and non-discrimination on the grounds of sex (Argentina)

6.166. Amend the Citizenship Law to enable Qatari women to transfer nationality to their children and spouses on an equal basis to men (Iceland)

6.167. Adopt measures to end discrimination against women in relation to marriage, inheritance or nationality, among other issues, as well as promote a greater participation of women in public life (Spain)

6.168. Ensure that Qatari women have the same rights as men to pass on their nationality to their children (Cyprus)

6.187. Reform laws that discriminate against women and girls to ensure that all legislation and policies, including the family law, the laws regulating sexual and reproductive health, laws relating to the authority of guardians over women, and laws relating to inheritance and nationality, conform to international human rights law and standards (Sweden)

6.192. Amend the law to allow children of Qatari women married to foreign spouses to receive Qatari citizenship if they so choose (United States of America)

6.207. Review legislation on nationality to ensure that nationality could be transmitted to children through both maternal and paternal line without distinction (Botswana)

6.270. Take immediate measures to stop the arbitrary removal of citizenship of some Qataris and return of nationality to those who have been arbitrarily displaced with adequate compensation for damages resulting from such proceedings (Egypt)

In addition, Norway, Germany and Canada recommended Qatar to withdraw its reservations on the Convention on the Elimination of All Forms of Discrimination Against Women. While not explicitly mentioning this article, these reservations include Article 9 on gender discrimination and equal nationality laws.

Committee on the Elimination of Discrimination against Women

[*Concluding observations \(2019\) CEDAW/C/QAT/CO/2*](#)

Nationality

33. The Committee welcomes the adoption of Act No. 10 of 2018 enabling children of Qatari women with foreign spouses to obtain permanent residence in the State party, which allows them to gain access to education and health care and to own property. It remains concerned, however, that no progress has been made in revising the Nationality Act (Act No. 38 of 2005) to enable Qatari women to confer their nationality upon their children and foreign spouses on an equal footing with Qatari men, as previously recommended by the Committee (*ibid.*, para. 32). The Committee also expresses concern that children of Qatari women married to foreign spouses with permanent residence status are unable to enjoy the same rights as nationals and that they continue to be exposed to a high risk of statelessness.

34. **Recalling its previous concluding observations (*ibid.*), the Committee recommends that the State party:**

- (a) **Amend the Nationality Act (Act No. 38 of 2005) to bring it into full compliance with article 9 of the Convention by enabling Qatari women to confer their nationality upon their children and their foreign spouses on an equal footing with Qatari men;**
- (b) **Withdraw its reservation to article 9 (2) of the Convention;**
- (c) **Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Committee on the Elimination of Racial Discrimination

[*Concluding observations \(2019\) CERD/C/QAT/CO/17-21*](#)

Nationality rights

25. The Committee notes that the Permanent Residency Card Act grants permanent residency to children of Qatari women who are married to non-citizens. However, it remains concerned that Qatari women still cannot transmit their nationality to their children.

26. **The Committee recommends that the State party amend its laws to allow Qatari women married to non-citizens to transmit their nationality to their children from birth, without discrimination.**

Statelessness

27. The Committee is concerned by reported cases of citizens being deprived of citizenship in the State party, which may lead to a risk of statelessness.

28. **The Committee recommends that the State party take measures to protect against statelessness. The Committee recommends that the State party ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Committee against Torture

[*Concluding observations \(2018\) CAT/C/QAT/CO/3*](#)

Asylum and non-refoulement

38. **The State party should:**

(d) **Consider ratifying the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Committee on the Rights of the Child

[*Concluding observations \(2017\) CRC/C/QAT/CO/3-4*](#)

Asylum-seeking and refugee children

32. **While noting the State party's efforts to ensure that Syrian children have access to basic education, and commending the enhanced measures for facilitating the issuance of civil and birth registration documents to ensure that every child born in the State party is able to obtain a birth certificate, the Committee recommends that the State party:**

(b) **Consider acceding to the Convention relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Nationality

19. The Committee remains seriously concerned that the Nationality Act does not confer citizenship to children of Qatari women and non-Qatari fathers, as it does where the father is Qatari.

20. 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. The Committee also recommends that the State party consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961 and seek technical assistance for the implementation of these recommendations from, among others, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF).