



Joint Submission to the Human Rights Council

Universal Periodic Review

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Qatar

**Equality Now
Global Campaign for Equal Nationality Rights
Institute on Statelessness and Inclusion**

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Joint Submission
to the Human Rights Council
at the 47th Session
of the Universal Periodic Review.

QATAR

Introduction

1. Equality Now, the Global Campaign for Equal Nationality Rights, and the Institute on Statelessness and Inclusion make this joint submission to the Universal Periodic Review (UPR), on the right to a nationality and human rights challenges pertaining to statelessness in Qatar.
2. This submission¹ focuses on:

Gender Discrimination in the Nationality Law and Women’s Equal Rights.
3. Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our network of individuals and organizations in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices and achieving legal equality are the main areas of Equality Now’s work. Equality Now is the author of [‘The State We’re In: Ending Sexism in Nationality Laws – 2022 Edition](#) – Update for a Disrupted World’.
4. The Global Campaign for Equal Nationality Rights (GCENR) mobilizes international action for the removal of gender-discriminatory provisions from all nationality laws, through its coalition of over twenty national, regional and international organizations and activists, including steering committee members Equality Now, Equal Rights Trust, Family Frontiers, Institute on Statelessness and Inclusion, Nationality For All, Women’s Learning Partnership and Women’s Refugee Commission.
5. The Institute on Statelessness and Inclusion is the first and only human rights NGO dedicated to working on statelessness at the global level. ISI’s mission is to promote inclusive societies by realizing and protecting everyone’s right to a nationality. The Institute has made more than 130 country specific submissions to UN human rights

¹ While this submission focuses on gender discrimination in Qatar’s nationality law and other resulting human rights violations, additional information on other nationality rights violations and root causes of statelessness in Qatar are detailed here: “Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic Review,” Institute on Statelessness and Inclusion, Rights Realization Centre and Global Campaign for Equal Nationality Rights, 4 October 2018, available at: https://files.institutesi.org/UPR33_Qatar.pdf

bodies on the right to a nationality and the rights of stateless persons.²

Previous UPR of Qatar under the First, Second, and Third Cycle

6. Qatar was previously reviewed during the 7th, 19th and 33rd Sessions of the UPR, in 2010, 2014 and 2019 respectively.
7. During the 7th Session, Qatar received recommendations pertaining to the right to nationality and statelessness from France to “review the Family Code and the law on nationality, in particular to ensure gender equality in the area of divorce and the acquisition of nationality by affiliation;”³ from Slovenia and Spain to amend or repeal nationality laws that are discriminatory against women;⁴ and from the Netherlands to “review its reservations to the Convention on the Elimination of All Forms of Discrimination against Women with a view to withdrawing them, especially the reservation to the right of a child to obtain Qatari nationality from a Qatari woman married to a foreign man.”⁵ Qatar noted all of these recommendations.
8. During the 19th Session, Qatar supported a recommendation from Argentina to “[s]trengthen measures to ensure gender equality, particularly in the transmission of nationality to the children of women married to non-citizens.”⁶ Additionally, Qatar noted recommendations from France to “[a]chieve 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;”⁷ and from Norway, Greece, and Mexico to grant nationality rights to the children of Qatari women married to foreign nationals.⁸
9. During the 33rd Session, Qatar received 15 recommendations related to the right to nationality and statelessness, including from Haiti to “[r]atify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;”⁹ from the Netherlands and Romania to withdraw reservations to the Convention on the Elimination of All Forms of Discrimination against Women, Article 9;¹⁰ from Serbia, Slovenia, Argentina, Iceland, Cyprus, Mexico, France, the United States and Botswana to amend citizenship laws to allow Qatari women to confer nationality to their children and spouses under the same conditions as men;¹¹ from Sweden and Spain to reform laws that discriminate against women and girls, including those related to nationality;¹² and from Saudi Arabia to “[t]ake all necessary and immediate measures to restore the nationality to the Al-Ghufran tribe and apply the

² For more information, see: <https://www.institutesi.org/>.

³ France (Rec. 8.85). The recommendation was noted by Qatar.

⁴ Slovenia (Rec. 12.85); Spain (Rec. 15.85). The recommendations were noted by Qatar.

⁵ Netherlands (Rec. 3.86). The recommendation was noted by Qatar.

⁶ Argentina (Rec. 122.136). The recommendation was supported by Qatar.

⁷ France (Rec. 124.37). The recommendation was noted by Qatar.

⁸ Norway (Rec. 124.35); Greece (Rec. 124.36); Mexico (Rec. 124.38). The recommendations were noted by Qatar.

⁹ Haiti (Rec.). The recommendation was supported by Qatar.

¹⁰ Netherlands (Rec. 134.24); Romania (Rec. 134.28). The recommendations were noted by Qatar.

¹¹ Serbia (Rec. 134.163); Slovenia (Rec. 134.164); Argentina (Rec. 134.165); Iceland (Rec. 134.166); Cyprus (Rec. 134.168); Mexico (Rec. 134.162); France (Rec. 134.161); United States (Rec. 134.192); Botswana (Rec. 134.207). The recommendations were all noted by Qatar.

¹² Sweden (Rec. 134.187); Spain (Rec. 134.167). The recommendations were noted by Qatar.

principle of equality of rights and privileges among citizens.”¹³ Qatar supported the recommendation from Haiti, and noted the remaining recommendations.

Qatar’s International obligations

10. Qatar has international obligations to protect the right to a nationality without discrimination, including on the basis of sex, and protect the rights of stateless persons on the basis of other UN and regional treaties to which it is a party. These include, among others, the International Covenant on Civil and Political Rights (see Article 24.3), the Convention of the Rights of the Child (CRC) (see Articles 2, 3, 7 and 8), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (see Article 9), the International Convention on the Elimination of All Forms of Racial Discrimination (see article 5(d)(iii)), the Convention on the Rights of Persons with Disabilities (see Article 18), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (see Articles 2.2 and 3).¹⁴ Furthermore, the right to a nationality is protected under Article 15 of the Universal Declaration on Human Rights.
11. In spite of these obligations, Qatar maintains broad reservations to the nationality provisions under CEDAW as inconsistent with its citizenship law, and to the CRC Article 2 and the ICESCR Article 3 as inconsistent with the Government’s interpretation of Islamic Sharia law.¹⁵ These reservations go against the object and purpose of all three conventions.
12. Additionally, Qatar has not ratified the International Convention for the Protection of All persons from Enforced Disappearance (see Article 25).¹⁶ This treaty presents further obligations with respect to the right to nationality.
13. In 2022, the Human Rights Committee expressed concern that “Qatari women cannot confer their nationality upon their children and foreign spouses on an equal footing with men,” violating articles 2, 3, 25 and 26 of the ICCPR. The committee recommended that Qatar “consider amending the Nationality Act” to rectify this situation.¹⁷ The Committee also recommended that Qatar “take all measures necessary to ensure that its national legal framework contains a comprehensive list of prohibited grounds of discrimination on all grounds covered by the Covenant.”¹⁸ Finally, the Committee urged that Qatar “take concrete steps with the aim of withdrawing reservations to and statements on articles of the Covenant.”¹⁹

¹³ Saudi Arabia (Rec. 134.69). The recommendation was noted by Qatar.

¹⁴ *Multilateral Treaties Deposited with the Secretary General*, United Nations Treaty Collection, <https://treaties.un.org/Pages/TreatyParticipantSearch.aspx?clang=en> (last visited April 2, 2024).

¹⁵ *Convention on the Elimination of All Forms of Discrimination Against Women*, United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en#EndDec (last visited April 2, 2024); *Convention on the Rights of the Child*, United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en (last visited April 2, 2024); *International Covenant on Economic, Social and Cultural Rights*, United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en (last visited April 2, 2024).

¹⁶ *Multilateral Treaties Deposited with the Secretary General*, United Nations Treaty Collection, <https://treaties.un.org/Pages/TreatyParticipantSearch.aspx?clang=en> (last visited April 2, 2024).

¹⁷ *Concluding observations on the initial report of Qatar*, CCPR/C/QAT/CO/1 ¶ 14, 15, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FQAT%2FCO%2F1&Lang=en (2022).

¹⁸ *Id.*, ¶ 13.

¹⁹ *Id.*, ¶ 6, 7.

14. Additionally, in 2019, the Committee on the Elimination of Discrimination against Women, while noting the “adoption of Act No. 10 of 2018 enabling children of Qatari women with foreign spouses to obtain permanent residence in the state,” expressed concern that “no progress has been made in revising the Nationality Act” and 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.”²⁰ The Committee urged that Qatar “amend the Nationality Act (Act No. 38 of 2005) to bring it into full compliance with Article 9 of the Convention” and to “withdraw its reservation to article 9(2) of the Convention.”²¹ On the same note, the Committee asked Qatar to “consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.”²²
15. In its 2017 review, the Committee on the Rights of the Child expressed concern 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.”²³ The Committee recommended that Qatar “review its legislation on nationality in order to ensure that nationality can be transmitted to children through both maternal and paternal line without distinction, in particular for those children who would otherwise be stateless.”²⁴ The Committee also noted the State’s efforts to improve birth registration “to ensure that every child born in the State party is able to obtain a birth certificate,” but urged Qatar to consider acceding to the Convention related to the Status of Refugees and the Convention on the Reduction of Statelessness.²⁵

Gender Discrimination in the Nationality Law of Qatar

16. Gender discriminatory provisions are present throughout Qatar’s nationality laws. As is detailed in Equality Now’s report, *The State We’re In: Ending Sexism in Nationality Laws - 2022 Edition - Update for a Disrupted World*,²⁶ The Nationality Act No. 38 of 2005 does not allow Qatari women to automatically confer nationality on their children under any circumstance, whereas Qatari men confer nationality upon their children automatically regardless of whether they are born abroad or within Qatar.²⁷ Article 2 of the Act does grant priority to citizenship applicants who have a Qatari mother, however, the process remains discretionary. As such, Qatar is one of just twenty-four countries that deny women’s right to confer nationality on their children on an equal basis with men.²⁸

²⁰ Concluding observations on the second periodic report of Qatar, CEDAW/C/QAT/CO/2 ¶ 33, <https://documents.un.org/doc/undoc/gen/n19/237/29/pdf/n1923729.pdf?token=aCvaBGlibknapSB06m&fe=true> (2019).

²¹ *Id.*, ¶ 34.

²² *Id.*

²³ *Concluding observations on the combined third and fourth periodic reports of Qatar*, CRC/C/QAT/CO/3-4 ¶ 19, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FQAT%2FCO%2F3-4&Lang=en (2017).

²⁴ *Id.*, ¶ 20.

²⁵ *Id.*, ¶ 32.

²⁶ *The State We’re In: Ending Sexism in Nationality Laws - 2022 Edition - Update for a Disrupted World*, Equality Now, <https://equalitynow.org/resource/state/> (2022).

²⁷ *Nationality Act No. 38 of 2005*, <http://www.refworld.org/docid/542975124.html> (English); <https://almeezan.qa/LawPage.aspx?id=2591&language=ar> (Arabic). For more information on how the Nationality Act is unequal see, *Annex of Laws*, Equality Now, <https://equalitynow.storage.googleapis.com/wp-content/uploads/2022/07/06161241/ANNEX-OF-LAWS-Updated-Dec-6th-2023.pdf>.

²⁸ *Our Hands Extended*, European Network on Statelessness, <https://www.statelessness.eu/updates/blog/our-hands-extended-international-calls-end-gender-discrimination-nationality-laws> (Nov. 3, 2023).

17. Qatar's nationality laws also discriminate against the conferral of nationality upon noncitizen spouses. The law states that the wife of a naturalized person "may be 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."²⁹ The law does not include any such facilitated procedure for noncitizen spouses of Qatari wives, meaning that they must be a resident of Qatar for at least 25 years to even become eligible to obtain nationality.
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, namely Article 35 which states, "All persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion."
19. Finally, the law regarding renunciation of citizenship disfavors Qatari women. Article 10 states that, if a Qatari woman acquires her non-Qatari husband's nationality, "a renunciation of that nationality shall be required in order to restore her Qatari nationality."³⁰ For men, on the other hand, "Qatari nationality may be removed if such a person...[a]cquires the nationality of another country." This law deprioritizes Qatari women's ties to their own nationality, and instead regards them as property that follows the status of their husbands.

The Impact of Gender Discriminatory Nationality Laws

20. Gender discrimination in Qatar's nationality law results in wide-ranging human rights violations and hardships faced by Qatari women and their families. By denying women the equal right to confer nationality, gender discrimination in the nationality laws undermines women's status as equal citizens and their equality in the family. Gender discrimination in the nationality law jeopardizes family unity, and undermines affected persons' equal access to education, healthcare, formal employment, financial services, inheritance, property rights, and freedom of movement. When a woman is exposed to the risk of statelessness due to abandonment by a foreign husband, she also faces difficulties in obtaining maintenance for her children and to provide for their needs.
21. Gender discrimination in nationality laws is a leading cause of statelessness globally.³¹ Qatar's nationality laws include gender discriminatory provisions that contribute to statelessness and, according to the most recent UNHCR data from 2022, there are over

²⁹ *Nationality Act No. 38 of 2005*, <http://www.refworld.org/docid/542975124.html> (English); <https://almeezan.qa/LawPage.aspx?id=2591&language=ar> (Arabic).

³⁰ *Id.*

³¹ Access to nationality for women and girls essential for achieving gender equality and development: UN Expert, Special Procedures, <https://www.ohchr.org/en/press-releases/2023/10/access-nationality-women-and-girls-essential-achieving-gender-equality-and#:~:text=In%20a%20report%20presented%20to,underexplored%20and%20underappreciated%2C%20she%20said> (Oct. 3, 2023).

1,200 stateless persons in Qatar.³² However, this number has not been revised since 2014, and there is no available information regarding the makeup of this figure. The lack of statistical information in itself points to a significant need for the state to prioritize and address the issue of the right to nationality and the rights of stateless persons in the country. This is particularly so, when considering the various legal provisions which undermine the right to nationality, thereby increasing the likelihood of statelessness being generated and perpetuated. Qatar's ruling emir, Sheikh Tamim bin Hamad al-Thani, stated during the opening session of the advisory Shura Council in 2019 that the cabinet must amend citizenship laws to promote "equal Qatari citizenship."³³ Despite this, no progress has since been made to promote gender equality under the nationality law.

22. A lack of equal nationality rights under the law leads to both the denial of proof of legal identity and the denial of the right to a nationality. Furthermore, discrimination in Qatar's nationality laws inhibits women's ability, in practice, to freely choose a spouse, in violation of CEDAW Article 16. This further entrenches traditional stereotypes regarding the primacy of male legal identity and contributes to women's inequality within the family and society at large.³⁴ This is in breach of Qatar's obligations under CEDAW Article 5(a).

23. Discrimination against Qatari women in the nationality law further contributes to gender-based violence, as recognized in CEDAW General Comment No. 19. Affected women are denied family stability, and their children are denied citizenship, stable residency, the right to equal education and healthcare, and social services. This amounts to a form of legally-sanctioned gender-based violence, depriving Qatari women and their children of equal protection under the law.³⁵ Furthermore, when a woman's nationality or that of her children is dependent upon an abusive spouse, it increases obstacles to extracting herself and her children from domestic violence. By contributing to women's unequal status in society, gender discrimination in Qatar's nationality law contributes to the root cause of gender-based violence.

Recommendations

24. Based on the above information, the co-submitting organizations urge reviewing States to make the following recommendations to Qatar:

- I. Amend the Nationality Act, Law No. 38/2005 to ensure that women have equal nationality rights as men, in particular, in relation to the acquisition and retention of their own nationality, and the conferral of their nationality on their children and non-national spouses.

³² Global Trends: Forced Displacement in 2022, UNHCR, <https://www.unhcr.org/sites/default/files/2023-06/global-trends-report-2022.pdf> (2022)

³³ Andrew Mills, *Qatar's ruler says citizenship laws to be amended, slams excessive tribalism*, Reuters, <https://www.reuters.com/world/middle-east/qatars-ruler-says-citizenship-laws-be-amended-slams-excessive-tribalism-2021-10-26/> (Oct. 26, 2021).

³⁴ CEDAW Quick Reference Guide: Statelessness and Human Rights Treaties, Global Campaign for Equal Nationality Rights – UNHCR (2017), <http://equalnationalityrights.org/images/zdocs/CEDAW-Quick-Reference-Guide.pdf>.

³⁵ See Comm. on the Elimination of All Forms of Discrimination against Women, General Recommendation No. 19, Violence against Women, Paragraph 1, 4, 6, 7-e and f, and 8 (11th session, 1992)

- II. Withdraw Qatar's reservation to Article 9, paragraph 2 of CEDAW to grant women equal rights with men with respect to the nationality of their children and ensure full compliance with the Article.
- III. Remove reservations to the CRC pertaining to nationality rights.