

QATAR

1. PRESENTATION¹

Basic Facts: ²	
Name of Country	State of Qatar
Capital	Doha
Population	885,359 (July 2006 est.)
Area	11,437 sq km
Average Life Expectancy	73.9 years
Ethnic Groups	Arab 40%, Indian 18%, Pakistani 18%, Iranian 10%, other 14%
GDP per Capita (PPP)	\$27,400 (2005 est.)

Community of Democracies	
Previous Participation	Warsaw: Participant Seoul: Observer Santiago: Observer

Timeline of Recent Major Events in Qatar

- **1995** June 27 - Sheikh Hamad ibn Khalifah al-Thani deposes his father in a bloodless coup.
- **1996** November - Pioneering satellite-television station *Al-Jazeera* launched.
- **2003** April 29 - New, liberalizing constitution approved by 97% of voters in referendum.
- **2005** June 9 - Constitution of 2003, which codifies democratic changes to the Qatari system, enters into force.
- **2006** April 1 - Announcement that parliamentary elections will be held “early” in 2007, after several years of delay.

2. BACKGROUND

After Qatar gained independence from Britain in 1971, Emir Khalifa bin Hamad al-Thani ruled the country until 1995, at which time his son Sheikh Hamad ibn Khalifah al-Thani deposed him in a bloodless coup. Since his accession to power, Sheikh Hamad has taken gradual steps to introduce political, social, and economic reforms.

In 1996, Hamad permitted the creation of *Al-Jazeera*, which has become one of the most popular Arabic language satellite television channels in the Middle East. In the past

¹ Principal author: Freedom House

² Source: CIA World Factbook, <https://www.cia.gov/cia/publications/factbook/geos/qa.html>, accessed 8/3/2006.

few years, Sheikh Hamad accelerated a program to build Qatar's educational institutions, attracting foreign universities to establish branches in Qatar. In 1998, elections for the Qatar Chamber of Commerce and Industry, the country's first elections of any form, were held, followed in 1999 by elections for a 29-member municipal council. Qatar also became the first state of the Gulf Cooperation Council (GCC) to introduce universal suffrage.³ Elections were again held for the municipal council in 2003; while turnout barely cleared 30 percent, a woman running unopposed became the first female candidate to win a Qatari election.⁴

In 2002, a 38-member committee appointed by Hamad presented a draft constitution, which was refined and presented to the public in a referendum in April 2003. This new constitution, which was approved by almost 97 percent of voters, slightly broadens the scope of political participation without eliminating the monopoly on power enjoyed by the Al Thani family. Most rights in the new constitution do not apply to the majority of people living in Qatar—non-citizen residents.⁵ The entry into force of the constitution, which occurred on 9 June 2005, is easily the most significant occurrence in Qatar since the April 2005 Santiago Ministerial.

The emir had promised to hold parliamentary elections in 2004 but they were delayed on the basis of problems with the voter list.⁶ In April 2006 he announced that the elections would be carried out in early 2007. Preparations have been advancing but the potential for further delay remains, as multiple issues concerning the workings of the electoral commission, constituencies, and security remain to be resolved.⁷

3. ANALYSIS

Elections and Democratic Participation

Qataris cannot change their government democratically. Currently, the municipal council members, who report to the emir-appointed minister of municipal affairs and agriculture, are the sole elected representatives. The emir also appoints a prime minister and the cabinet. The constitution states that the emir appoints an heir after consulting with the royal family and other notables. Article 77 of the new constitution provides for elections to 30 of the 45 seats in the new Consultative Council, with the other 15 members of the advisory body being appointed by the emir.⁸ The council will have the power to legislate, reject the budget, and question ministers, but final decisions about legislation and most other matters will continue to rest with the emir.

³ Freedom House, *Freedom in the World 2006* (New York: Rowman and Littlefield, 2006).

⁴ Elections: Qatar", (Beirut: *UNDP Programme on Governance in the Arab Region* [POGAR]), <http://www.pogar.org/countries/elections.asp?cid=15>, accessed 8/11/2006.

⁵ *Freedom in the World 2006*.

⁶ "Country Report: Qatar", (London: *Economist Intelligence Unit* [EIU], July 2006), www.eiu.com., accessed 8/11/2006.

⁷ Ibid.

⁸ *Freedom in the World 2006*.

There is universal adult suffrage for Qatari citizens. Political parties, however, are not permitted. The ban on political parties is not the only deficient aspect of the state's attitude toward civil society. Associations and nongovernmental organizations are also subject to stringent requirements. All associations must register with the Ministry of the Interior, and most NGOs receive funding from – and are in some cases run by – the central government.⁹ NGOs need state permission to operate, and the government closely monitors their activities. In April 2005, the Ministry of Civil Service Affairs and Housing promulgated new regulations for both NGOs and professional associations. While the regulations streamline operating requirements for associations, they set restrictions on membership and activities¹⁰ and confirm that no NGO or association may affiliate with non-Qatari groups or engage in political activities.¹¹

Rule of Law and Separation of Powers

Within the fundamental constraint of a legal regime designed to entrench the nation's current status as a hereditary monarchy, the rule of law in Qatar is relatively healthy. Though there is a history of large-scale corruption at the upper levels of government, the state's bureaucratic machinery is free from glaring systemic corruption. Where there are rule of law problems, they are centered on the lack of accountability for members of the ruling family and their associates. Members of the ruling family, especially those closest to the emir, often stand above the law; the courts have issued judgments against ruling family members in civil matters but not against powerful ones. Where they have issued judgments against ruling family members in criminal matters, it has typically been with the clear support of the emir, notably in the trials related to the 1996 attempted coup.¹²

The separation of powers in Qatar is currently quite weak. The new Constitution theoretically grants several important powers to the partially-elected Consultative Council, but the degree to which those powers will be utilized as a check on the emir is uncertain. The current, pre-election version of the council is an advisory body only and is entirely appointed by the emir.

Despite constitutional guarantees, the judiciary is not independent in practice. There are no real protections to ensure that state funding for the judiciary is not used as an instrument of control and political pressure. Most of Qatar's judges (including Sharia judges) are foreign nationals (as yet too few Qataris have adequate legal training) who, serving at the pleasure of the emir, are ill-inclined to challenge him. The judicial system consists of both Sharia and civil law courts; both are united under the High Judicial Council, which regulates the judiciary. Qatar has a three-tiered system of courts: the

⁹ Barbara Bibbo, "NGOs 'Could become platform for raising political issues,'" *Gulf News* (Qatar), 3/24/2006, accessed through Nexis 8/15/2006.

¹⁰ *Freedom in the World 2006*.

¹¹ "Qatar: New Associations Law," *Arab Reform Bulletin* Vol. 3:4, Washington: Carnegie Endowment for International Peace, May 2005,

<http://carnegieendowment.org/publications/index.cfm?fa=view&id=16907#toc>, accessed 8/15/2006.

¹² Freedom House, *Countries at the Crossroads 2004* (New York: Rowman and Littlefield, 2004).

QATAR

Courts of First Instance, Appeal, and Cassation.¹³ The emir makes all judicial appointments, though the High Judicial Council may make recommendations.¹⁴

The emir exercises direct and indirect control over Qatar's police, military, and internal security services. In June 2003 the emir created an independent State Security Agency, answerable directly to him, which consolidated the older General Intelligence Agency and the State Intelligence Security Unit. The most important police, military, and internal security services are headed by powerful members of the ruling family, who in turn answer to the emir. While the constitution does not stipulate that the key ministers be members of the ruling family, direct family control of these so-called sovereign ministries has always been the rule in Qatar.

Freedom of Assembly and Freedom of the Press

The constitution provides for freedom of assembly and the right to form organizations, but these rights are limited in practice. Public protests and demonstrations are rare, with the government placing strict limits on the public's ability to organize them. Permission must be granted by the director-general of public security, and there is no appeal mechanism when the request is invariably denied.¹⁵

Qatar's new constitution provides for freedom of the press, though there are criminal penalties for libel. This right is restricted further in practice. Qatar ended formal government censorship of the media in 1995. However, a censorship office within the Qatar Radio and Television Corporation reviews domestic broadcast media and foreign media for sexually explicit themes and material deemed hostile to Islam. Furthermore, social and political constraints make self-censorship common, especially when reporting on government policies, the ruling family, and relations with neighboring countries.¹⁶

Although the five leading daily newspapers are privately held, owners and board members of these newspapers include royal family members and other notables who exert significant influence over content. As a consequence, direct criticism of the government is rare.

Al-Jazeera, one of the most popular television channels in the region, was launched from Qatar in 1997. It has gained international recognition for addressing sensitive regional topics, but avoids covering Qatari politics. Though the government subsidizes *Al-Jazeera's* operating costs, both the station and the government attest to its editorial independence.¹⁷

¹³ *Freedom in the World 2006*.

¹⁴ "Judiciary: Qatar" (POGAR), <http://www.pogar.org/countries/judiciary.asp?cid=15>, accessed 8/11/2006.

¹⁵ "Qatar—Country Report on Human Rights and Practices 2005." U.S Department of State, 3/8/2006, <http://www.state.gov/g/drl/rls/hrrpt/2005/61697.htm>, accessed on 8/11/2006.

¹⁶ Freedom House, *Freedom of the Press 2006* (New York: Rowman and Littlefield, 2006).

¹⁷ *Ibid.*

Arbitrary Arrest, Torture, and Criminal Justice

The state appears to refrain from killing political opponents and other peaceful activists, and long-term detention without trial is rare in practice. The constitution protects individuals from arbitrary arrest and detention and bans torture. On the whole, citizens who have been arrested receive a fair and (usually) public hearing by a competent, independent, and impartial tribunal. There is a constitutional right to a presumption of innocence, which is historically granted in Islamic law. However, there remain notable flaws in Qatar's laws and treatment of those arrested and detained. Though torture is constitutionally banned, it is undefined in the Penal Code, as are punishments for those who practice it.¹⁸ Law 17 of 2002 provides exemptions from the prohibition of arbitrary arrest and detention for the "protection of society." This law empowers the minister of the interior to detain a defendant for crimes related to national security on the recommendation of the director-general of public security, and may result in prolonged incommunicado detention. Law 3 of 2004 ("On Combating Terrorism") also allows for extended incommunicado detention.¹⁹ Qatar's government-funded National Human Rights Committee (NHCR), in its 2005 report, issued strong warnings that the government was violating constitutionally guaranteed rights by abusing the provisions of these security laws.²⁰

Defendants are entitled to legal representation, though there are no provisions for making legal counsel available at state expense to people who are indigent.²¹ Prisons meet international standards, and the police generally follow proper procedures set in accordance with the law. One ongoing problem is the fact that, when citizens' rights are violated by state authorities, citizens have little recourse save what influence they can exert through their extended families and patronage networks.²²

Non-citizen, Minority, and Gender Rights

Qatar's non-citizen population amounts to more than three-fourths of its total population of over 800,000.²³ The government discriminates against non-citizen foreign nationals in education, housing, health care, and other services offered free of charge to citizens. Foreign workers are at the mercy of their employers in many respects, as they cannot change employer, reside in the country, or even leave the country without permission.²⁴ Many foreign workers engaged in disputes with their employers are held for extended periods at the deportation center with little to no legal recourse. The

¹⁸ "Qatar: Briefing to the Committee Against Torture," (London: *Amnesty International* [AI], May 2006), <http://web.amnesty.org/library/Index/ENGMD220022006?open&of=ENG-2MD>, accessed 8/11/2006.

¹⁹ *Ibid.*

²⁰ "Annual Report on Human Rights & Activities of the Committee for the Year 2005 AD," (Doha: *National Human Rights Committee of Qatar* [NHRC], 2006), <http://www.nhrc.org.qa/images/2005e.pdf>, accessed on 8/15/2006.

²¹ "Country Report 2005" (State Dept.)

²² *Countries at the Crossroads 2004.*

²³ "Country Report 2005" (State Dept.)

²⁴ *Ibid.*

QATAR

situation appears to be getting worse, to the point that the NHRC described the misuse of the system as “a pretense to modern-day slavery.”²⁵

In June, government officials stripped 5,000 persons of Qatari nationality; while many of them were dual citizens in Saudi Arabia, some were rendered stateless by the action. However, the government also began addressing some problems in Qatar related to trafficking in persons by legislating a ban on underage camel jockeys. In July and August 2005, it repatriated about 200 underage jockeys to Sudan. In July 2005, the Ministry of the Interior established a human rights department to handle cases of human rights abuses and trafficking in persons. In September 2005, the government opened a shelter for trafficking victims.²⁶

Trafficking in women and children is illegal but does occur. Domestic workers, particularly from Asia, often labor under conditions approaching involuntary servitude, and some are sexually exploited. The embassies of Indonesia and the Philippines alone received more than 600 complaints in 2005 from housemaids denouncing abuse.²⁷ The government appears slow to address the problem, though a shelter for abused domestic workers opened in August 2006.²⁸

Despite legal guarantees of equality, women continue to face societal gender discrimination, and few legal mechanisms are available for them to contest instances of discrimination. Sharia law gives preference to men over women on a range of issues related to family law, including divorce, custody of children, and inheritance. Qatari women must receive permission from male guardians to obtain driver’s licenses, and men sometimes prevent female relatives from traveling alone. Qatar’s educational system is generally segregated by gender. Women outnumber men at the University of Qatar, but women face social restrictions on their ability to travel and study abroad. Women have the right to participate in elections and run for office.²⁹ Despite the urging of the NHCR, Qatar has not as yet acceded to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).³⁰ Domestic violence remains a taboo subject; though it appears to be widespread, little effort is made to issue criminal charges against perpetrators.³¹

4. SUGGESTIONS FOR IMPROVEMENT

Qatar is engaged on a cautious project of reform that is being watched warily by its neighbors as well as its traditional ruling class. While many serious democratic reforms

²⁵ “Annual Report” (NHRC)

²⁶ *Freedom in the World 2006*.

²⁷ “Country Report 2005” (State Dept.)

²⁸ “Shelter Opened for Abused Maids,” *The Peninsula* (Qatar), 8/16/2006,

http://www.thepeninsulaqatar.com/Display_news.asp?section=Local_News&subsection=Qatar+News&month=August2006&file=Local_News2006081614419.xml, accessed 8/16/2006.

²⁹ *Freedom in the World 2006*.

³⁰ As of 8/15/2006, per <http://www.un.org/womenwatch/daw/cedaw/reports.htm>

³¹ “Qatar: Briefing to the Committee Against Torture” (AI)

QATAR

are still taboo, there are others that could increase the degree of democracy in Qatar without the radical renovation that full-scale democratization will require.

In the political realm, Qatar should focus on strengthening the separation of powers and broadening civic participation. The judiciary, granted nominal independence in the constitution, is a critical institution in terms of holding other state institutions accountable. More resources should be devoted to training judges and lawyers, especially Qatari citizens (or the renewable-term provision for non-citizens should be amended). While it is difficult to determine prior to the national elections whether the legislature will serve as an effective check on the executive, the emir should make sure that the cabinet works with the consultative council from the outset in a cooperative rather than antagonistic manner. As far as broadening democratic participation, Qatar should expand freedom of association by granting licenses to organizations and allowing opposition groups, political parties, religious groups, trade unions, and other groups to organize freely.

In the realm of human rights, there are also a number of steps that would place Qatar more fully in compliance with the Community of Democracies criteria. As suggested by the NHRC, a more precisely-defined time limit on pretrial detention should be codified. Additionally, for those who have been subject to precautionary detention and are subsequently acquitted of wrongdoing, compensation should be granted.³² In terms of non-citizen rights, employment-worker relations must be altered, with a greater emphasis placed on the protection of the basic rights of workers. Where compensation is in dispute, alternative resolution mechanisms should be encouraged to avoid the bureaucratic problems and delays associated with the overburdened civil courts. Physical and economic abuses of non-citizens should be punished just as if citizens were the recipients of the abuse. Violence against women should also be addressed with more thorough investigations and full prosecutions of perpetrators. In the cases of both foreign workers and women, it is critical that the culture of impunity for abuses be broken.

5. STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 2005	Qatar Score	Key
Voice and Accountability	27.1	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	74.5	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	69.9	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	59.9	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	79.7	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)

³² "Annual Report" (NHRC)

QATAR

Control of Corruption	78.3	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)
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Freedom House: Freedom in the World 2007	Qatar Score	Key
Political Rights	6	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	5	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Status	NF	3 Categories: F (Free); PF (Partly Free); NF (Not Free) / (*) Indicates electoral system

Freedom House: Freedom of the Press 2006	Qatar Score	Key
Total Score	61	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Countries at the Crossroads 2004	Qatar Score	Key
Accountability and Public Voice	3.27	Range 0-7 (Lower value indicates weak accountability and public voice; higher value indicates strong acc. and p.v.)
Civil Liberties	3.69	Range 0-7 (Lower value indicates weak civil liberties; higher value indicates strong civil liberties)
Rule of Law	3.74	Range 0-7 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Anticorruption and Transparency	2.58	Range 0-7 (Lower value indicates weak anticorruption and transparency; higher value indicates strong a-c and transp.)

Corruption Perceptions Index 2006	Qatar Score	Key
Total Score	6.0	Range 0-10 (lower value indicates high corruption; higher value indicates lower values of corruption)

6. SOURCES

Books and Reports:

- Amnesty International, “*Qatar: Briefing to the Committee Against Torture,*” available online at <http://web.amnesty.org/library/Index/ENGMDE220022006?open&of=ENG-2MD>
- National Human Rights Committee of Qatar “*Annual Report on Human Rights & Activities of the Committee for the Year 2005 AD,*” available online at <http://www.nhrc.org.qa/images/2005e.pdf>
- “*Qatar,*” UNDP Programme on Governance in the Arab Region, available online at <http://www.pogar.org/countries/index.asp?cid=15>
- U.S. Department of State, “*Qatar—Country Report on Human Rights and Practices 2005,*” 3/8/2006, available online at <http://www.state.gov/g/drl/rls/hrrpt/2005/61697.htm>

QATAR

- Freedom House, *Countries at the Crossroads 2004*
- Freedom House, *Freedom in the World 2006*
- Freedom House, *Freedom of the Press 2006*
- Economist Intelligence Unit, “*Country Report: Qatar*”, July 2006, available online at www.eiu.com

Journals, Magazines, and Online Resources:

- BBC- <http://news.bbc.co.uk>
- CIA World Factbook- <https://www.cia.gov/cia/publications/factbook/index.html>
- Gulf Times- http://www.gulf-times.com/site/topics/index.aspx?cu_no=2&temp_type=44
- New York Times- <http://www.nytimes.com>
- The Economist www.economist.com
- The Peninsula- <http://www.thepeninsulaqatar.com/>