

Briefing to Lantos Commission on Human Rights
October 17, 2017

Thank you to the Lantos Commission for organizing this briefing on human rights in Qatar and inviting me to comment.

The current Gulf Crisis has riveted attention on the impact of the demands and actions of certain GCC countries, spearheaded by Saudi Arabia and the UAE, on the residents not only of Qatar, but the entire region; to that end, we have documented the **harm caused in particular to multinational families** in Qatar, Bahrain, Saudi, and the UAE who have been forcibly separated by the restrictions on travel to Qatar, as well as the forced expulsions of Qatari nationals from various countries, and Saudi Arabia's closure of the land border with Qatar. Gulf nationals told Human Rights Watch that parents had been forcibly separated from their young children and husbands from their wives, and that family members were prevented from visiting sick or elderly parents. A July 1 report by the state-funded Qatari National Human Rights Committee says that approximately 8,254 Saudis, 2,349 Bahrainis, and 784 Emiratis **lived in Qatar** prior to the crisis and that 1,927 Qataris lived in the three neighboring countries. The report said that the committee had received 480 family separation cases since June 5. In addition, the expulsions of nationals, restrictions on travel, and border closure have interrupted medical care, interrupted education, and stranded migrant workers without food or water.

The **crisis has also infringed on the right to free expression**, worsening the already terrible records of Saudi Arabia and Bahrain in particular on free speech. Saudi Arabia, Bahrain, Egypt, Jordan, and the UAE have sought to use their political measures against Qatar to **shutter critical media outlets** in their countries, especially Al Jazeera, which Gulf leaders have accused of fomenting terrorism and unrest across the region. Indeed, one of the original – and entirely inappropriate -- “demands” they made on Qatar was to order it to shutter Al Jazeera, which is headquartered in Doha and receives financial support from the government of Qatar. The UAE and Bahrain have also threatened criminal sanctions under existing laws against people who criticize the actions these governments have taken against Qatar and its citizens or who have expressed sympathy toward Qatar. Citing existing laws that violate free speech, on June 7, the **United Arab Emirates' general prosecutor announced** that people who express “sympathy” for Qatar or objections to the UAE government's own actions could face up to 15 years in jail. On June 8, the **Bahraini Interior Ministry** also threatened anyone who shows “sympathy or favoritism” to the Qatari authorities either on or off line or critiques Bahrain's actions, with up to five years in prison and a fine under the Penal Code. **The US government – Congress and the State Department in particular – publicly should condemn these unlawful infringements on free speech and publicly urge Qatar to protect Al Jazeera's status as a news network in the country providing vital information to tens of millions of viewers around the world.**

No doubt the Qatar government is under intense pressure, and faces real security and political risks, from its once-brotherly neighbours, led by Saudi Arabia. Yet there are some immediate actions it can take to alleviate the impact of the crisis on its citizens, as well as those who have sought shelter in the country from more repressive governments in the region; it can also take actions that may well deter its neighbors from violating the laws of war in its territory. **The US government has an important role to play in advising and urging Qatar to pass the**

important reforms and measures I highlight below, as they are a benefit not just to the residents of Qatar, not just to the region, but to the betterment of human rights globally.

Citizenship rights

Perhaps in an act that is easiest, quickest and already entirely within its powers, the Qatar government can move to grant citizenship automatically to the children of Qatari mothers and non-Qatari fathers.

No GCC country allows dual nationality, and all discriminate against women by not allowing women to pass nationality to their children on the same basis as men. Qatar, like other Gulf states, allows men to pass citizenship to their children, whereas children of Qatari women and non-citizen fathers can only apply for citizenship under strict conditions. The [2005 acquisition of Qatari nationality law](#) provides that individuals resident for more than 25 years can apply for nationality, with priority for those with Qatari mothers, under specific conditions.

These discriminatory Qatari laws violate Qatar's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, and are an insult to the at least 100,000 Qatari women who are deprived of this basic right. The fact that no other GCC country allows women to enjoy this right is no excuse for Qatar.

Qatar currently *allows* adult children of Qatari women and non-Qatari fathers to *apply* for citizenship, but it has strict criteria, including residency in Qatar for 25 years; the process can take years and is often arbitrary. Qatari families are feeling the harm of this unjustifiable policy during Qatar's stand-off with its neighbors, as such children and fathers in Saudi Arabia, Bahrain, and the UAE are *barred* from rejoining their families in Qatar. Human Rights Watch spoke to a 36-year-old man in June who said that despite being born in Qatar to a Qatari mother and having lived his entire life there, he had spent years waiting in vain on a response to his citizenship application.

Qatar's Prime Minister Abdullah bin Nasser bin Khalifa al-Thani has said that it would be difficult to amend the nationality law, as it requires the same majority vote and procedures by the Advisory Council, Qatar's legislative body, to change the constitution. In a welcome move, the Qatar cabinet has approved a draft law that will allow children of Qatari women married to non-Qataris to acquire permanent residence, but not full nationality, unlike children of Qatari men. But this is not good enough, because it still means that Qatari women—and their children – get only second-class status and second-class rights. As a better interim measure, the prime minister can easily issue a decree stating that the government will automatically approve any application for citizenship by a person born to a Qatari woman, without requiring any change in the law. Such a procedural fix will not only solve the crisis many Qatari families are now facing and put Qatar closer in line with its human rights obligations to its citizens. It will make Qatar a better model among the Gulf Cooperation Council states, where discriminatory nationality laws remain rampant.

Asylum and Refugee Rights

Second, Qatar should immediately ratify the 1951 Refugee Convention and establish procedures for those in Qatar who have fled political persecution to apply for asylum. Some of Qatar's

neighbours have raised a ruckus about Qatar's "sheltering" political exiles from some of the region's tyrannical regimes, like Egypt and Libya, in fact a brave and honorable tradition for the small Gulf state. I spoke with several such exiles in Doha, grateful for their refuge, but lacking any security in their status, subject to deportation at any time, and in many cases unable to travel due to expired passports from their home states.

If Qatar were to ratify the 1951 Refugee Convention and establish an asylum procedure, it would allow the government to review asylum claims in a disciplined and orderly fashion, and provide asylum – and rights, not just mercy – to those who are deemed eligible. And no one would be in a position to criticize Qatar for doing what so many other countries – including the United States -- have done in providing political asylum to today's "undesirables," within its obligations under international law.

Qatar would chart a path of progress for the Arab world, where many states have failed to ratify the Refugee Convention and establish asylum procedures. Indeed, not a single GCC state has any refugee law or asylum procedures. While Gulf states have been generous in signing checks to support Jordan and Lebanon's hosting of Syrian refugees and generally allowed Syrians in their countries to remain indefinitely, the lack of asylum procedures precludes them from recognizing them as refugees with the legal protections such status affords. Qatar can show the Arab world that it can do better.

Rome Statute and ICC

Finally, Qatar should move urgently to accede to the Rome Statute and join the International Criminal Court (ICC), as well as the Convention on Cluster Munitions. Joining these treaties is not just the morally sound thing to do. The protections they offer at this critical juncture are not hypothetical. They could provide an important shield of deterrence against Qatar's neighbours, specifically Saudi Arabia and the UAE, should they ever consider mimicking the unlawful military tactics they have carried out in Yemen.

We know that the Saudi-led coalition, of which Qatar was a part only a few weeks ago, has repeatedly bombed Yemeni schools, hospitals, markets and homes. We've documented 81 apparently unlawful coalition attacks, some of which most likely amount to war crimes that could fall under the ICC's prosecutor's scrutiny were Yemen a member of the court. We know that the Saudi-led coalition has littered Yemen with cluster munitions, with unexploded submunitions that unless cleared will leave a legacy of contamination in the country for generations to come.

Perhaps the Saudis and the Emiratis would think twice about using such heinous tactics in Qatar should the current political conflict ever deteriorate into a military one. Perhaps they will pause before they deploy cluster bombs along the Qatari border, knowing that the strong weight of the international community, including the targeted state, deems their use de facto unlawful; perhaps the risk of facing war crimes charges could make them think twice before engaging in any potential war crimes such as launching strikes on Al Jazeera's headquarters, which some commentators have repeatedly encouraged them to target.

Migrant Worker Rights

Like most GCC countries, Qatar relies on migrant workers for almost all of its work force, with construction workers and migrant domestic workers are the two biggest pools of workers in the country. Human Rights Watch has over the past decade documented the severe systemic abuse and exploitation of migrant workers in the GCC, including in Qatar, tied to the “sponsorship” or *kafala* system: a worker’s right to remain in the country is tied entirely to his employer; his ability to change jobs is limited if not restricted; his passport is confiscated; and he dedicates one to two years of wages to repay unlawful recruitment fees. Qatar and its neighbors have made important reforms to address these systemic abuses, both in reforming its own laws and in policing employers who breach labor laws. Most recently, Qatar finally issued a law to protect migrant domestic workers, which we welcome and hope is strongly enforced. But there is much, much more Qatar can do to address the ongoing exploitation of migrant workers in its own country:

- Qatar should cancel the “exit visa” once and for all, allowing workers to leave the country freely without need opportunity for an employer to object; only a court or government agency should have authority to block a worker’s travel for lawful reasons;
- We issued a report last month documenting Qatar’s continued reliance regulations that prohibit outdoor work from 11:30 a.m. to 3 p.m. during the period June 15 to August 31. But climate data shows that weather conditions in Qatar outside those hours and dates frequently reach levels that can result in potentially fatal heat-related illnesses in the absence of appropriate rest. This remains a completely unworkable way to protect workers from severe summer temperatures, leading we are certain to injury and death of workers; Qatar should follow the lead of its own Supreme Committee for Delivery and Legacy, responsible for building stadiums in the lead up to the World Cup, and implement a ban on work based on the actual temperature, humidity and sunlight.
- Finally, Qatar needs to come clean about the deaths and injuries of migrant workers in the country, figures it has hidden from public view since 2013. Despite our repeated requests, the government has refused to make this information public, inviting speculation and concern about the true death toll of work-related deaths, and has as far as we know failed to investigate the causes of worker deaths.

Thank you for your time and attention.