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U.S. Department of State

Qatar Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

QATAR

Qatar, an Arab state on the Persian Gulf, is a monarchy without democratically elected institutions or political parties. It is governed by the ruling Al-Thani family through its head, the Amir. In June 1995, the ruling family, in consultation with other leading Qatari families, replaced Sheikh Khalifa bin Hamad Al Thani with his son, Sheikh Hamad bin Khalifa Al Thani. This transition of authority did not represent a change in the basic governing order. The former Amir and his retinue were implicated in a foiled coup attempt in February 1996. Subsequently, in October 1996, the former Amir concluded an agreement to return an unspecified amount of funds from his private accounts to the state treasury, a move widely seen as tacit recognition of his son's regime. The former Amir remains outside of Qatar. The amended Provisional Constitution, promulgated in April 1972, institutionalizes the customs and mores of the country's conservative Islamic heritage. The Amir holds absolute power, the exercise of which is influenced by religious law, consultation with leading citizens, rule by consensus, and the right of any citizen to appeal personally to the Amir. The Amir usually legislates only after consultation with leading citizens, an arrangement institutionalized through the advisory council, an appointed body that assists the Amir in formulating policy. The judiciary is nominally independent, but most judges hold their positions at the Government's pleasure.

Qatar has efficient police and security services. The civilian security force, controlled by the Interior Ministry, comprises two sections: The police and the General Administration of Public Security; and the Investigatory Police (Mubahathat) which is responsible for sedition and espionage cases. The Interior Ministry is also in the process of establishing a special state security investigative unit (Mahabat) to perform internal security investigations throughout the government and to gather intelligence. In

addition, there is an independent civilian intelligence service (Mukhabarat).

The State owns most basic industries and services, but the retail and construction industries are in private hands. Oil is the principal natural resource, but the country's extensive natural gas resources are playing an increasingly important role. The rapid development of the 1970's and 1980's created an economy in which expatriate workers, mostly South Asian and Arab, outnumber Qataris by a ratio of 4 or 5 to 1. The Government tries to reduce this ratio by offering many government jobs only to citizens.

The Government restricts citizens' rights. However, there was limited progress in a few areas. Citizens do not have the right to change their government. Other problems include arbitrary detentions in security cases, restrictions on the freedoms of speech, press, association, religion, and workers' rights. There was some progress in the areas of press freedom and religion. Women's rights are closely restricted, and non-Qatari workers face systematic discrimination.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reported instances of torture for several years. The Government administers most corporal punishment prescribed by Islamic law but does not allow amputation.

Prison conditions generally meet minimum international standards. The Government does not permit domestic human rights groups to exist, and no international human rights organization has asked to visit the country or its prisons.

d. Arbitrary Arrest, Detention, or Exile

The authorities generally charge suspects within 48 hours. In most cases involving foreigners, the police promptly notify the appropriate consular representative. Suspects detained in security cases are generally not afforded access to counsel and may be detained indefinitely while under investigation. There are no known recent cases of incommunicado detention.

A number of persons suspected in the attempted February 1996 coup were arrested. A public trial of 110 defendants began in November 1997; the court granted a defense motion to postpone further action in the case until February 1998 to allow the defense time to prepare its case.

Involuntary exile has occurred but is rare. There were no reported cases this year.

e. Denial of Fair Public Trial

The judiciary is nominally independent, but most judges are foreign nationals who hold residence permits granted by the civil authorities and thus hold their positions at the Government's pleasure. The number of Qatari citizen judges is increasing.

The judiciary finds itself dealing with the bureaucracies of two ministries. Civil (or Adlea) courts are subordinate to the Ministry of Justice, and religious (or Shari'a) courts fall under the Ministry of Endowments and Islamic Affairs. The prosecutors fall under the Ministry of Interior.

There are three types of courts: the civil courts, which have jurisdiction in civil and commercial matters; the Shari'a Court, which has jurisdiction in family and criminal cases; and the rarely convened state security courts. There are no permanent state security courts. Security cases, which are rare, are tried by ad hoc military courts. Although state security cases may be conducted in secret, there have been no cases before these courts since the new Amir assumed power. Defendants tried by all courts have the right to appeal. Occasionally in the Shari'a Court, the same judge will hear the original case and the appeal.

The legal system is biased in favor of Qataris and the Government. A Muslim litigant may request the Shari'a Court to assume jurisdiction in commercial or civil cases. Non-Muslims are not allowed to bring suits as plaintiffs in the Shari'a Court. This practice prevents non-Muslim residents from obtaining full legal recourse. Trials in the civil courts are public, but in the Shari'a Court only the disputing parties, their relatives, associates, and witnesses are allowed in the courtroom. Lawyers do not play a formal role except to prepare litigants for their cases. Although non-Arabic speakers are provided with interpreters, foreigners are disadvantaged, especially in cases involving the performance of contracts.

Defendants appear before a judge for a preliminary hearing within 7 days of their arrest. Judges may extend pretrial detention a week at a time to allow the authorities to conduct investigations. Defendants in the civil courts have the right to be represented by defense attorneys but are not always permitted to be represented by counsel in the Shari'a court.

Shari'a trials are usually brief. Shari'a family law trials are often held without counsel. After both parties have stated their cases and examined witnesses, judges are likely to deliver a verdict after a short deliberation. Criminal cases are normally tried within 2 to 3 months after suspects are detained. There is no provision for bail in criminal cases. However, foreigners charged with minor crimes may be released to a Qatari sponsor. They are prohibited from departing the country until the case is resolved.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Traditional attitudes of respect for the sanctity of the home and the privacy of women provide a great deal of protection against arbitrary intrusions for most citizens and residents. A warrant must be obtained before police may search a residence or business, except in cases involving national security or emergencies. However, warrants are issued by police officials rather than by judicial authorities. There were no reports of unauthorized searches of homes during the year. The police and security forces are believed to monitor the communications of suspected criminals, those considered to be security risks, and selected foreigners.

With prior permission, which is usually granted, Qataris may marry foreigners of any nationality and apply for residence permits or Qatari nationality for their spouses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government reduced restrictions on freedom speech and of the press, and permitted a significant expansion of press freedom during the year. The Government formally lifted censorship of the media in 1995 and since then the press has been essentially free of government interference. However, journalists continue to practice self-censorship, due to real or perceived social and political pressures. For example, no instance of explicit criticism of any citizen, whether in public or private life, has been noted in local newspapers. Qatar television and radio are state-owned, but the privately-owned Qatari satellite television channel Al-Jazeera operates freely.

There were no reports of instances of political censorship of foreign news media or broadcasts of foreign programs on local television over the past year. The Censorship Office in the Ministry of Information was abolished (together with the Ministry) in October 1996, but censors still work at broadcast media under the overall supervision of the Ministry of Religious Endowments. Pornography and expressions deemed hostile to Islam are subject to censorship, but actual censorship is applied irregularly.

Customs officials screen imported print media, videocassettes, etc., for pornography, but have stopped blocking the importation of non-Muslim religious items.

A growing number of citizens and residents have access to the Internet, provided through the state-owned telecommunications monopoly. Internet access appears to be uncensored and unrestricted.

Citizens enjoy broad freedom of speech, but are restricted by the social and family restraints of a very traditional society. There appears to be no fear of government monitoring of private speech. The larger expatriate population, however, does not believe it enjoys the same freedoms and acts accordingly.

There is no legal provision for academic freedom. Most instructors at the University of Qatar exercise self-censorship.

b. Freedom of Peaceful Assembly and Association

The Government severely limits freedom of assembly. The Government does not allow political demonstrations.

The Government severely limits freedom of association. The Government does not allow political parties or membership in international professional organizations critical of the Government or any other Arab government. Private social, sports, trade, professional, and cultural societies must be registered with the Government. Security forces monitor the activities of such groups.

c. Freedom of Religion

The state religion is Islam, as interpreted by the puritanical Wahhabi branch of the Sunni tradition. The Government officially prohibits public worship by non-Muslims, however, it tolerates and protects private services conducted behind closed doors if notification is provided to the authorities. The police provide traffic control for previously notified catholic services, which number up to a thousand or more persons at times. The Government recently began to issue visas to Christian clergy, as clergy, under foreign embassy sponsorship. There are no restrictions on non-Muslims providing religious instruction to their children. However, non-Muslims may not proselytize and conversion from Islam is theoretically

a capital offense. However, there is no record of any execution for such a conversion since independence.

The Government allows Shi'a Muslims to practice their faith freely, however, community leaders have agreed to refrain from certain public practices such as self-flagellation.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel, except around sensitive military and oil installations. Generally, women do not require permission from male guardians to travel. However, men may prevent female relatives from leaving the country by placing their names with immigration officers at ports of departure. Technically, women employed by the Government must obtain official permission to travel abroad when requesting leave, but it is not known to what extent this regulation is enforced. Citizens critical of the Government face restrictions on their right to travel abroad.

All citizens have the right to return. Foreigners are subject to immigration restrictions designed to control the size of the local labor pool. Foreign workers must have the permission of their sponsor (usually their employer) to enter and depart the country, but their dependents may leave the country without restriction. Foreign women married to Qataris are granted residence permits and may apply for citizenship. However, if they apply for citizenship, they are expected to relinquish their foreign citizenship.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. Those attempting to enter illegally, including persons seeking to defect from nearby

countries, are refused entry. Asylum seekers who can obtain local sponsorship or employment are allowed to enter and may remain as long as they are employed. A Bahraini Air Force pilot defected to Qatar in December 1996, and the Government said he was free to stay, calling him a refugee and offering him its full protection.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government or the political system peacefully. Qatar has no formal democratic institutions. There have been reports that some of the 19 signers of a December 1991 petition calling for greater political freedom and constitutional reform continued to be subject to travel restrictions. The political institutions blend the characteristics of a traditional Bedouin tribal state and a modern bureaucracy. There are no political parties, elections, or organized opposition groups.

In November, the Amir publicly pledged to create a democratically elected municipal council; and legislation to establish an election law and create the council remained under discussion at year's end.

The Amir exercises most executive and legislative powers, including appointment of cabinet members. However, his rule is tempered by local custom, including the need for consensus and religious traditions. Interlocking family networks, together with the right of citizens to submit appeals or petitions to the Amir, provide informal avenues for the redress of many grievances. The custom of rule by consensus leads to extensive consultations among the Amir, leading merchant families, religious leaders, and other notables on important matters.

Under the amended Provisional Constitution, the Amir must be chosen from and by the adult males of the Al Thani family.

Women do not have the right to vote or participate in politics. However, in November the Amir announced plans to give women the right to vote and to run for election to the proposed municipal council. Draft legislation that would provide for these rights remained under discussion at year's end.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit local human rights organizations to exist. No international human rights organizations are known to have asked to investigate conditions in Qatar. However, in November Amnesty International was asked to send an observer to the trial of those accused in the February 1996 coup attempt, as were some foreign embassies.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Institutional, cultural, and legal discrimination based on gender, race, religion, social status, and disability exists.

Women

Violence against women and spousal abuse occur but are not believed to be widespread. However, some foreign domestics, especially those from South Asia and the Philippines, have been mistreated by employers. In keeping with Islamic law, all forms of physical abuse are illegal. The maximum penalty for rape is death. The police actively investigate reports of violence against women. In the last few years, the Government has demonstrated an increased willingness to arrest and punish offenders, whether citizens or foreigners. Offenders who are citizens usually receive lighter punishments than foreigners. Abused domestic workers usually do not press charges for fear of losing their jobs.

The activities of women are closely restricted both by law and tradition. For example, a woman is prohibited from applying for a driver's license unless she has permission from a male guardian. This restriction does not apply to non-Qatari women. The Government adheres to Shari'a law in matters of inheritance and child custody. While Muslim wives have the right to inherit from their husbands, non-Muslim wives do not, unless a special legacy is arranged. In cases of divorce, Shari'a (Islamic) law prevails; younger children remain with the mother and older children with the father. Both parents retain permanent rights of visitation. Local authorities, however, do not allow a non-Qatari parent to take the children out of the country without permission of the Qatari parent. Women may attend court proceedings but are generally represented by a male relative. There has been a steady increase in the number and severity of complaints of spousal abuse by foreign wives of Qatari and foreign national men.

Women are largely relegated to the roles of mother and homemaker, but some women are now finding jobs in education, medicine, and the news media. However, the number of professional women is too small to determine whether they are receiving equal pay for equal work. Increasingly, women are receiving government scholarships to pursue degrees at universities overseas. The Amir has entrusted his second wife, who is the mother of the Heir Apparent, with the high-profile task of establishing a university in Doha. In November 1996, the Government appointed its first female undersecretary, in the Ministry of Education. Although women are legally able to travel abroad alone (see Section 2.d.), tradition and social pressures cause most to travel with male escorts. There have also been complaints that Qatari husbands retrieved their foreign spouses' passports and, without prior approval, turned them in for Qatari documents. The husbands then inform these wives that they had lost their previous nationality. In other cases, foreign citizen wives report being forbidden by husbands or in-laws to visit

contact foreign embassies.

There is no independent women's rights organization, nor has the Government permitted the establishment of one.

Children

The Government demonstrates its commitment to children's rights through a well-funded, free public education system (elementary through university) and a complete medical protection program for Qatari children. However, children of most foreigners are denied free education and have only limited medical coverage.

There is no societal pattern of abuse of children.

People with Disabilities

The Government has not enacted legislation or otherwise mandated provision of accessibility for the disabled, who also face social discrimination. The Government maintains a hospital and schools that provide high quality free services to the mentally and physically disabled.

Religious Minorities

Shi'a Muslims experience discrimination in employment in sensitive areas such as security and education.

National/Racial/Ethnic Minorities

The Government discriminates against some citizens of non-Qatari origin. In the private sector, many Qataris of Iranian extraction occupy positions of the highest importance. However, in government they are rarely found in senior decisionmaking positions.

Section 6 Worker Rights

a. The Right of Association

The right of association is strictly limited, and all workers, including foreigners, are prohibited from forming labor unions. Despite this, almost all workers have the right to strike after their case has been presented to the Labor Conciliation Board and ruled upon. Employers may close a place of work or dismiss employees once the Conciliation Board has heard the case. The right to strike does not exist for government employees, domestic