



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 112th session

### Summary record of the 3064th meeting

Held at the Palais Wilson, Geneva, on Thursday, 18 April 2024, at 10 a.m.

*Chair:* Mr. Balcerzak

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Combined twenty-second and twenty-third periodic reports of Qatar (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Combined twenty-second and twenty-third periodic reports of Qatar (continued)*  
([CERD/C/QAT/22-23](#); [CERD/C/QAT/Q/22-23](#))

1. *At the invitation of the Chair, the delegation of Qatar joined the meeting.*
2. **Mr. Guissé** (Country Rapporteur) said that it would be useful to know what measures had been adopted to strengthen the State party's data-collection system, including to integrate variables related to self-identified ethnicity and nationality. Information would also be welcome on the steps taken to combat the structural, multiple and intersecting forms of discrimination suffered by non-nationals, particularly persons of South Asian and sub-Saharan African origin, in public and private life and to guarantee their effective enjoyment of rights under the Convention, including through special measures. The Committee would also appreciate information on the impact of such steps and the participation of the persons affected in their design, implementation and evaluation.
3. He would appreciate clarification as to the apparent continued requirement for migrant workers wishing to change their employment to present certificates of non-objection from their employers, and with regard to the legal provisions that allowed employers to require up to 5 per cent of their workforce to seek consent before leaving the country. He wished to know how the State party was working to eradicate the *kafalah* system in law and in practice and to address concerns regarding migrant workers' ability to change employment, possible reprisals against workers who attempted to do so, and shortcomings in prosecutions against employers who violated legislation intended to dismantle the *kafalah* system.
4. He wondered how the State party had strengthened protection for migrant workers and addressed concerns that they often suffered non-payment or delayed payment of their wages; that workers not covered by labour law, such as domestic and agricultural workers, were excluded from the wage protection system; that there were obstacles to obtaining justice and remedies via the committees established to settle labour disputes; and that many migrant workers were indebted to recruitment agencies and therefore vulnerable to exploitation and forced labour. Specifically, he would welcome information on the approximately 11,000 complaints linked to wages lodged in 2022 and the measures adopted to render complaints mechanisms accessible to migrant workers and protect them from reprisals by their employers.
5. He asked what steps had been taken to ensure that migrant domestic workers enjoyed the same legal protections as workers covered by the Labour Code, to combat abusive labour practices against them, to facilitate their access to effective complaints mechanisms, and to strengthen labour inspection. The Committee also wished to know how female migrant domestic workers were protected from physical and sexual violence. He would appreciate details of the measures adopted to enforce occupational safety and health regulations, including those linked to heat stress; in particular, he wondered whether all companies were required to comply with Decree No. 17 of 2021 of the Minister of Administrative Development, Labour and Social Affairs regarding the precautions necessary to protect workers from heat stress, and whether mechanisms to enforce that law were in place.
6. It would be good to have clarification of the number of migrant workers who had died during construction work linked to the State party's hosting of the 2022 Fédération Internationale de Football Association (FIFA) World Cup, as well as details of the related investigations and reparations granted to their families, including the creation of a compensation fund for the families of workers deemed to have died from natural causes in the absence of an appropriate investigation. He also wished to know how the State party prevented and investigated deaths and injuries among migrant workers in the construction industry, including in relation to the 2022 FIFA World Cup.
7. He would appreciate details of the national and municipal legislation that reportedly prevented migrant workers from renting accommodation in certain areas. The delegation was invited to comment on reports that there were insufficient places in public and community

schools for foreign children, and that the wages of foreign staff in public schools amounted to half of those of their Qatari counterparts. He would like to know how the State party guaranteed effective access to education, health care and appropriate accommodation for foreigners, including migrant workers, migrants with irregular status, refugees, asylum-seekers and stateless persons. What measures were in place to guarantee migrant workers' right to family reunification?

8. **Mr. Rayess**, while expressing satisfaction at the role that Qatar was playing on the world stage, said that he would appreciate information on the case of Mr. Benabderrahmane, a national of France and Algeria who had been unjustly detained and sentenced to death, including his current situation.

9. **Ms. Shepherd** said that she wondered how the State party assessed the impact of its efforts to combat discrimination and whether it had drawn on the Committee's general recommendations.

10. **Ms. Stavrinaki** said that it would be useful to find out what happened to migrant workers found to have been infected with HIV and what treatment they received.

11. **Ms. Tebie** said that she wished to know why the State party's two endowment schools followed different curricula, whether nationality was taken into consideration in admissions to those schools, how many foreign children attended them, whether those children received teaching in their first languages, and what happened to the schools' students, particularly foreigners, after graduation.

12. **Ms. Tlakula** said that clarification would be welcome as to the groups that underwent HIV testing, its purpose and the steps taken when an individual was found to be HIV-positive.

13. **Mr. Tlemçani** said that he would like to know what lessons had been learned during the State party's hosting of the 2022 FIFA World Cup in terms of human rights, hate speech, racial discrimination, migrant workers, and occupational safety and health. He would like to know what role the National Human Rights Committee had played in monitoring and protecting the human rights of migrant workers before and during the World Cup. He wondered how the State party could build on achievements in that regard, particularly in relation to racial discrimination.

14. **Mr. Amir** said that the role played by Qatar in promoting justice, dignity and peace around the world should be recognized.

15. **A representative of Qatar** said that hosting the 2022 FIFA World Cup had accelerated the development of legislation and policies, enriched cultural diversity and combated negative stereotypes in Qatar. All persons in Qatar, both foreigners and Qatari nationals, underwent HIV testing as part of efforts to ascertain their overall health status. Legislation on censuses and statistics had been adopted, and a national statistics agency had been established, which published its data online. Population data were disaggregated by nationality but not by ethnicity. Legislation was also in place to protect political asylum-seekers and refugees, afford them travel documentation and uphold their political, economic, social and cultural rights, including the rights to health, education and family reunification. No information was available on the case of Mr. Benabderrahmane.

16. **A representative of Qatar** said that recent legislation and work practices that improved working conditions did not discriminate between groups of workers, including in relation to income and benefits; indeed, they were intended to eliminate structural discrimination and disparities. Labour reforms had been undertaken at all levels and included the introduction of a legislative framework, while a programme of technical cooperation with the International Labour Organization (ILO) had been renewed until 2028 to ensure the continuation of those reforms and address future developments. The Ministry of Administrative Development, Labour and Social Affairs had been restructured to meet the needs of the labour market and the expectations of employers and workers.

17. Legal reforms had been made to abolish the *kafalah* system, including amendments to the Labour Code that allowed all workers to change their employment without the need for non-objection certificates and which removed the requirement for exit permits. Provisions allowing employers to require such permits from 5 per cent of their workforce were intended

to prevent difficulties in the event of the departure of senior employees. A transparent grievance system was in place, and complaints were referred to a competent committee of the Ministry of the Interior should employers fail to respond within three days. Around 35 per cent of migrant workers had been able to change their employment since the introduction of the legal reforms. Improvements had been made to the online platform that provided assistance to workers, and the time taken to process applications had decreased significantly. Efforts had been made to prevent the exploitation and abuse of migrant workers, who had benefited from awareness-raising campaigns and publications in 12 languages.

18. A number of mechanisms had contributed to tackling the non-payment of wages and improving workers' access to remedies. The wage protection system, which required wages to be paid into bank accounts, had registered almost 2 million workers and 74,000 employers; efforts continued to be made to encourage private sector employers to register. Sanctions for employers who failed to pay wages had been increased to a fine of 10,000 riyals and 1 year's imprisonment. In 2023, 20,000 companies had committed wage violations. Workers could lodge complaints of the non-payment of wages with the dispute resolution department of the Ministry of Administrative Development, Labour and Social Affairs, which aimed to process them within one week. If no amicable settlement could be reached, complaints were referred to the committees established to settle labour disputes, which took a decision within three weeks and could require employers to pay the unpaid wages, as well as other entitlements. Workers were also covered by a fund in the event of their employers' insolvency. The fund, which had been restructured in 2020 to expedite compensation procedures, had assisted more than 138,000 workers as of December 2023 and also acted as a legal mediator between workers and employers.

19. Steps had been taken to improve the complaints mechanism for workers, which was accessible to both domestic and other workers. Complaints, which could be lodged anonymously, were resolved within one week, and workers received legal support and free interpretation services during meetings that aimed to reach amicable resolutions. The capacity of the Ministry's staff had been built up in an effort to increase the number of complaints resolved amicably. If that was not possible, cases were referred to the labour dispute resolution committees, whose number had been increased to five in order to process complaints in a timely manner. Of the more than 20,000 complaints lodged in 2023, around 14,000 had been resolved amicably. Employers had been made more aware of the illegality of confiscating workers' passports; under Qatari law, such an act was tantamount to trafficking in persons. Efforts were also made to raise workers' awareness of their rights and the available remedies. The confiscation of workers' passports was no longer common, and more than 200 of the approximately 240 reports of such action received in the previous four years had resulted in legal proceedings.

20. **A representative of Qatar** said that the right to education was enshrined in the Constitution. Education was one of the foundations of the Qatar National Vision 2030 and was a priority in the Third National Development Strategy (2024–2030). Foreign children made up more than half of the students in public schools, and the number of applications to those schools increased each year. The Ministry of Education and Higher Education was engaged in building schools, training teachers, modernizing curricula and providing technological resources. It had also established schools that catered to different communities; parents could choose to send their children to one of 24 private schools offering international curricula, including the international baccalaureate. Support, such as the provision of land and exemption from taxes, was provided to encourage the opening of private schools for different communities. There were seven endowment schools, supervised by the Ministry of Education and Higher Education; they followed the Qatari or British curriculum or provided vocational education. The British curriculum had been selected in order to accommodate the largest number of students. Teachers were covered by labour legislation, which governed the setting of their salaries and allowances.

21. **Mr. Guissé** said that he would welcome the delegation's comments on the requirement for domestic workers to provide 72 hours' notice to their employers before leaving employment or the country, as well as replies to his questions on discrimination in housing for migrant workers.

22. **Ms. Stavrinaki** said that she would appreciate a reply to her questions concerning migrant workers who tested positive for HIV. She wished to know whether the State party planned to ratify the ILO Domestic Workers Convention, 2011 (No. 189).
23. **Mr. Rayess** said that it was important that the Committee was able to examine the case file relating to Mr. Benabderrahmane.
24. **Ms. Tlakula** said that she would appreciate an update on the status of draft legislation on the activities of the media.
25. **A representative of Qatar** said that the case of Mr. Tayeb Benabderrahmane had been heard by several courts and examined by various lawyers, and the French and Algerian embassies were aware of his situation; it did not, therefore, constitute an enforced disappearance. The Government could not interfere in judicial proceedings.
26. **A representative of Qatar** said that all persons in Qatar, regardless of nationality or migration status, had access to health care, a right that was upheld via a legal framework and a new health insurance system. Patients' rights and responsibilities were set out in a ministerial decision that stipulated that all patients had the right to health care without discrimination, subject to capacity. Migrant workers who tested positive for HIV had access to free treatment.
27. **A representative of Qatar** said that domestic workers enjoyed the same legal protections as other workers. Act No. 15 of 2017 on domestic workers afforded them rights in the areas of leave and contracts that aligned with ILO Convention No. 189. A model employment contract for domestic workers had been circulated among international recruitment agencies, and contracts could be signed electronically, with a copy given to workers. Domestic workers could lodge complaints through an electronic portal, and they enjoyed freedom of movement. Their awareness of their rights had been raised through information sessions organized in cooperation with the authorities in countries of origin and through work undertaken with ILO and the International Domestic Workers Federation. More than 10,000 domestic workers had changed their employment in the previous three years, and in 2023 more than 500 had submitted complaints, all of which had been resolved.
28. Criminal law provided for significant sanctions for physical and sexual violence against domestic workers, which was combated through, inter alia, a rehabilitation centre and an online application in several languages that provided immediate assistance. A protocol on legal assistance for domestic workers had been signed with a lawyers' association.
29. A dedicated commission worked to combat trafficking in persons, which had been addressed through an action plan since 2018. Cases of trafficking were heard by a specialist court, and victims were assisted in shelters.
30. Occupational safety and health were promoted through labour inspections, a national policy drawn up in partnership with employers and workers, and a dedicated department within the Ministry of Administrative Development, Labour and Social Affairs. Around 6,500 violations had been detected during the more than 24,000 workplace inspections conducted in 2023. Similarly, inspections of more than 4,000 worker accommodation units had uncovered almost 1,500 violations of the relevant regulations. Minimum wage legislation required employers to provide decent accommodation to workers or to pay a housing allowance to skilled workers. All persons, including migrant workers, could freely choose their place of residence. Steps were taken to ensure that rental housing was not occupied by more than the authorized number of tenants.
31. The right to family life of migrant workers was respected. For example, a migrant worker in Qatar who wished to reunite with the members of his or her family needed only to show that he or she was able to provide for them.
32. Considerable efforts, including regular inspections, were made to ensure occupational safety and health. A report on injuries in the workplace was produced on annual basis. There had been 63 workplace fatalities in 2022. The deaths of migrant workers that had occurred in the run-up to the 2022 FIFA World Cup had been reported to all relevant national and international stakeholders when they had occurred.

*The meeting was suspended at 11.30 a.m. and resumed at 11.45 p.m.*

33. **Ms. Chung** (Country Task Force) said that she wished to know what measures the State party had taken to ensure that non-nationals, including migrants and domestic workers, could exercise their right to freedom of association and assembly, and in particular to create and register associations, form and join trade unions and participate in peaceful demonstrations or strikes without fear of discrimination or expulsion.

34. As nearly 90 per cent of the State party's population was not from Qatar, and in many cases not Muslim, it would be helpful to learn what efforts the State party had made to protect everyone's right to freedom of religion and belief. It would also be helpful to learn what steps had been taken to do away with the barriers to employment faced by non-nationals, the restrictions on their religious activities, and the discriminatory laws under which religious groups were required to register with the authorities and blasphemy and the propagation of religions other than Islam were made a crime.

35. She wondered what measures the State party had taken to remove the burdensome and discriminatory obstacles to the registration of civil society organizations and to ensure that such organizations, including those working to combat racial discrimination and promote the rights of migrants, could operate freely and in a safe environment. She wondered, too, what had been done, including by revising the relevant legal framework, to ensure an open space for human rights defenders and journalists.

36. Naturalization was difficult in the State party. By law, no more than 50 foreign nationals a year could become citizens of Qatar. She would therefore welcome information on any plans that had been made to facilitate the acquisition of citizenship or permanent residency, not least by making the requirements less stringent. She would also welcome an indication of the numbers of people who had applied for and obtained citizenship of Qatar and of any measures that had been taken or were planned to ensure that naturalized citizens of the State party enjoyed the same rights as natural-born Qataris.

37. She wished to know how many applications for asylum there had been – and how many such applications had been successful – since the entry into force of Act No. 11 of 2018, the Political Asylum Act. She also wished to know whether measures had been taken to amend the Act with a view to prohibiting refoulement and providing asylum-seekers with access to the legal remedies that would enable them to pursue their applications for asylum.

38. She asked how many stateless persons, including Bidoon and members of the Al Ghufraan clan, there were in the State party and what measures it had taken to reduce statelessness. What efforts were made to prevent arbitrary deprivation of nationality and ensure redress and the right of appeal before a court for all persons who had been deprived of their nationality, including by amending the Nationality Act?

39. **Mr. Diaby** said that, as the State party was a country of migrants, many of whom did not necessarily speak Arabic, he wondered whether the aid that was provided to enable asylum-seekers to gain access to justice included subsidized interpretation services. It would also be helpful to learn whether the assistance of counsel was provided free of charge.

40. He wondered whether the two lawyers who had recently been given life sentences for their opposition to the adoption of a law could appeal their convictions. He wondered, too, whether they had been assisted by counsel.

41. In the mid-1900s, when slavery had been abolished in the State party, half the population of Doha and Wakrah had been black. He wished to know what had led to the subsequent invisibility of the State party's black population. Were special measures being taken to enable black people to play a more prominent role in public life?

42. Did the Government ensure that persons likely to be deprived of their nationality were nationals of another State, in order to avoid the risk of statelessness?

43. **Mr. Rayess** said that he was well aware that the members of the delegation of a State party that appeared before the Committee might not be familiar with the court cases about which they were asked. He had asked about the case of a person who had been sentenced to death by firing squad before apparently being released, because it was his duty as a Committee member to do so.

44. **The Chair** said that the State party could consider declaring, in accordance with article 14 (1) of the Convention, that it recognized the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by the State party of any of the rights set forth in the Convention. Qatar, it was worth noting, had been the first State party to make use of the inter-State communication procedure provided for in article 11 (2).

45. **A representative of Qatar** said that his delegation would make every effort to answer Committee members' questions about particular court cases. It would nonetheless be helpful to be given in writing the names of the persons about whose cases there were questions.

46. Freedom of religion and worship was guaranteed in Qatar. Almost 70 places of worship covering different faiths were registered in the State party. As there had been incidents after the attacks of 11 September 2001, security at all places of worship had been stepped up. No one was deported on account of his or her religious beliefs, and there was no discrimination on the basis of religion.

47. No applications for political asylum had been submitted. The article of the Political Asylum Act under which refugees were required to obtain official approval to move from their government-assigned place of residence had been drafted for their protection. The authorities simply had to know where they were.

48. The term "persons of African descent" was not used in Qatar. There were people of different skin colours or races in the country, and black people worked as ambassadors, doctors and commanding officers in the armed forces. There was no discrimination against people of African descent, as some Committee members called them.

49. **A representative of Qatar** said that cultural, social, educational, scientific and professional associations could be created in Qatar, provided they did not have profit-making as one of their aims and did not carry out any political activities. An application to create an association was to be submitted by a group of no fewer than 20 Qataris aged at least 18.

50. **A representative of Qatar** said that Decree No. 21 of 2019 of the Minister of Administrative Development, Labour and Social Affairs, which drew on the relevant international standards, had been adopted to regulate conditions and procedures for electing workers' representatives to joint committees, on which employers and employees were equally represented. The new model of joint committees had been designed in full coordination with ILO and major global trade unions. It was not necessary for the members of joint committees to be nationals of Qatar; migrant workers could also be elected to the committees. Some of the joint committees that had been formed since the adoption of the Decree were sector-specific; the first one had been set up for representatives of the employers and employees of a group of 12 hotels. The Ministry of Administrative Development, Labour and Social Affairs was taking steps to require all employers of more than 100 persons to have joint committees.

51. The rights of peaceful assembly and protest were regulated by Act No. 18 of 2004 on public meetings and processions, which required that assemblies must be peaceful and must respect public order, public morals and religious principles. Under articles 4 and 5 of the Act, organizers must obtain written authorization from the Ministry of the Interior, which would indicate the time and place of the assembly. Requests for authorization must be submitted seven days beforehand; should the request be refused, an appeal could be filed with the Minister of the Interior within 24 hours of that decision.

52. **A representative of Qatar** said that the Government was open to ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Qatar had participated in the global campaign to end statelessness within a decade (the I Belong campaign) of the Office of the United Nations High Commissioner for Refugees. The Government abided by relevant international standards and instruments and best practices and had taken steps to reduce statelessness. For example, it collected information and had established a database on stateless persons, on the basis of Decree No. 1 of 1984 of the Minister of the Interior regulating temporary permits for stateless persons. In recent years, the number of stateless persons in the State party had fallen as their situations had been regularized, including through naturalization as Qatari citizens.

53. The competent authorities had stripped several people of Qatari citizenship for various reasons, including fraudulent acquisition and the holding of dual citizenship. The individuals in question had not been made stateless, as it had been ascertained that they had another nationality. Stateless students were given cards that enabled them to continue their schooling or education until their situation was regularized.

54. **A representative of Qatar** said that the Code of Criminal Procedure stipulated that the courts must appoint a lawyer for defendants who did not have one. The Supreme Council of the Judiciary had established a legal aid department that assisted defendants and litigants, irrespective of their nationality. Parties to proceedings who encountered legal difficulties could submit a request to the department, which would examine their application and appoint a lawyer. Alternatively, they could appoint a lawyer of their choosing, with the cost covered by the State. There was also a legal interpretation department that employed a large number of specialized interpreters, working in many languages. Simultaneous interpretation services were compatible with the electronic portal that was used to hold virtual court hearings.

55. **A representative of Qatar** said that the Shura Council, on the instructions of the Emir of Qatar, was drafting a new election law that did not make any distinction between Qatari citizens. The Prime Minister had admitted that the new law might have shortcomings, as it would be the first such law that Qatar had introduced. The draft law on printing, publishing, media activities and the arts had not yet been enacted. The circumstances of the case of the Kenyan blogger and activist had been elucidated in other settings; the case had been settled by the Qatari courts.

56. The Government of Qatar found that the Committee's general recommendations were highly important for addressing certain challenges in the country's legislative framework and administrative or legal provisions.

57. **Ms. Chung** said that the Committee had received many reports of deportation and other forms of oppression perpetrated against foreign nationals belonging to religious groups.

58. She would be interested to know what steps had been taken to remedy the situation of undocumented migrant workers, and especially that of children born to migrant workers in Qatar, who reportedly were undocumented because their parents' visas did not permit the regularization of their legal status. The delegation might also comment on reports that female migrant domestic workers who had been sexually assaulted by their employers were at risk of subsequent punishment or imprisonment for the offence of *zina* (unlawful sexual intercourse) under the country's morality laws.

59. She would also be interested to know what measures the State party had taken to improve its system for collecting data on trafficking cases, in order to evaluate the scope of the problem and to assess the efficiency of anti-trafficking measures. She wondered what had been done to ensure that trafficking cases were thoroughly investigated, perpetrators brought to justice and victims provided with full reparation and means of protection.

60. **Mr. Yeung Sik Yuen** said that it seemed that asylum and naturalization were extremely difficult to obtain in Qatar. He understood that, in the event of a decision rejecting an application for asylum or naturalization, any appeals would be decided by the Prime Minister. He wondered whether it would be more appropriate for such appeals to be decided by judges, in keeping with the principle of separation of powers.

61. Recalling that foreign nationals accounted for up to 90 per cent of the population, and that the country relied upon immigration to sustain its economy, he would be interested to know how long immigrants usually stayed in Qatar and what percentage of them eventually moved to another country.

62. **Ms. Stavrinaki** said that she wished to know whether the law requiring the signature of 20 Qatari citizens in order to establish an association prevented non-citizens from establishing associations. She, too, would be grateful for information on any steps taken to improve the situation of female migrant domestic workers, considering that the withholding of citizenship from their children was a textbook example of intersectional discrimination.

63. **Ms. Shepherd** said that she would be glad to receive information, which might be provided in writing, on the impact of strategies to eliminate racial discrimination and how



the State party had taken into account the Committee's general recommendations in developing those strategies. The term "people of African descent", although not universally accepted, reflected the heritage of people whose ancestors had been trafficked from Africa. Regardless of the term used, she would be interested to know more about the Government's strategies to ensure non-discrimination against black people.

64. **Ms. Tebie** said that she wished to know whether the system whereby the organizers of demonstrations were required to obtain authorization from the authorities might be replaced with a system of notification.

65. **Mr. Diaby** said that the Committee had been informed about the case of two brothers, the lawyers Hazza and Rashed bin Ali Abu Shurayda al-Marri, who had been sentenced to life imprisonment for offences that included contesting laws ratified by the Emir. He wished to know whether they might appeal against their sentence or apply for clemency from the Emir.

66. **A representative of Qatar** said he understood that the case of the two lawyers, who had received a preliminary sentence, was now at the appeal stage. The Emir might issue a pardon once the final judgment had been handed down.

67. Issues related to trafficking in persons were dealt with under the Anti-Human Trafficking Act (No. 15 of 2011), which was in full compliance with international law on the subject, including the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Qatar had a national committee that was responsible for combating human trafficking at the domestic level. Posters to raise awareness of trafficking had been displayed in Qatari airports, and Qatar Airways flight attendants were trained to identify trafficking victims. There had been a prosecution in a case of human trafficking.

68. Regarding the right of association, the law indeed provided that associations must be established by not less than 20 Qatari nationals, although there were exceptions. It was possible for non-nationals to found associations.

69. **A representative of Qatar** said that there had been a specific case in which a domestic worker had been subjected to abuse and subsequently punished for the offence of *zina*. The Ministry of Labour conducted inspection campaigns, in cooperation with the Ministry of the Interior and other relevant authorities, in order to detect cases of abuse. Domestic workers who had been abused were treated as victims, rather than offenders; they received legal and financial protection, medical care and psychological support and were placed in shelters.

70. **Mr. Guissé** said that the dialogue had been a fruitful and a vibrant one. Although an advanced country in terms of economic success and technological prowess, Qatar nonetheless faced certain challenges, especially in relation to the situation of foreign nationals. He encouraged the State party to reflect upon those challenges and to continue its efforts to address them.

71. **A representative of Qatar** said that he was grateful to the Committee for its comments and observations. His Government took the view that human rights could be advanced through dialogue and the exchange of experience. It would draw on the Committee's concluding observations to enhance its policies and programmes.

72. The changes that Qatar had experienced in recent years reflected the Government's attachment to the promotion of justice and the dignity of humankind. The Government stood ready to cooperate with international organizations, non-governmental organizations and other partners, considering that, through collective endeavour and solidarity, the international community could achieve the difficult objectives of promoting and protecting human rights around the world.

*The meeting rose at 1.05 p.m.*

## SEANCE DE LA 112EME SESSION DU CERD UN DES 17 ET 18 AVRIL 2024

### Intervention des experts au sujet du cas Tayeb Benabderrahmane

*L'affaire dont il est question relève des multiples cas de droit de l'homme dans le monde. Monsieur Tayeb Benabderrahmane, arabe algérien de nationalité française a été arrêté au Qatar, jugé et condamné, en frôlant même d'être exécuté. Mais des autorités qataries, judiciaires et diplomatiques, saisies par des instances internationales, ne semblent pas avoir connaissance du dossier. La 112ème session du CERD des Nations-Unies tenue les 17 et 18 avril 2024 a offert l'occasion de poser le problème. Espoir que ce cas particulier ouvre la voie à plusieurs autres pareils ou semblables dans le monde.*

#### 1- intervention de l'expert M. Diaby Bakari

Monsieur le Président, l'article 35 de la constitution du Qatar garantie la légalité de tous les droits et la non-discrimination de tous les citoyens et les non ressortissants sur le traitement devant la loi. Les articles 18 et 19 garantissent également l'indépendance du système judiciaire de tous les citoyens, sans distinction de race. Il a été porté donc à la connaissance du comité quelques cas de mauvais traitement, de discrimination de certains non citoyens. On pourrait citer, entre autres, Monsieur Tayeb Benabderrahmane. Il n'aurait pas bénéficié d'une justice équitable et il aurait été emprisonné, puis expulsé. Puisque nous avons la chance d'avoir le gouvernement et la délégation de l'Etat partie, n'est-ce pas, on peut avoir plus d'informations sur cette affaire ou d'autres encore, en ce qui concerne l'accès à la justice, notamment aux non citoyens et l'application d'une justice équitable, y compris celle-ci. Je m'arrête là, Monsieur le président.

#### 2- intervention du Dr. Turki Abdulla Al-Mahmoud, Directeur du département des DH du MAÉ

En cas de mauvais traitements sur le territoire du Qatar, tous les services chargés de l'application des lois traitent tous les cas de violation de liberté ou des droits d'une personne, quelle que soit sa nationalité ou son origine. Il y a des citoyens qui ont été emprisonnés pour avoir violé les droits d'autrui. Moi aussi, je condamne le cas que vous avez cité, le cas de Tayeb Abderrahman, dont je n'ai jamais entendu parler du cas avant. Il serait utile de nous fournir des informations sur cette situation afin que nous puissions répondre au comité et que nous puissions nous adresser aux forces de sécurité de l'Etat du Qatar et aux autorités judiciaires pour statuer sur ce cas et le condamner. Monsieur Ali Al Jassiman est un juge, il représente le conseil suprême de la magistrature, il va prendre la parole pour répondre à certains de vos points et éclaircissements.

#### 3- intervention du juge Ali Abdulla Al-Jusaiman, conseil suprême de la magistrature :

Nous souhaiterions, en tant que délégation de l'Etat, que vous nous communiquiez l'affaire qui a été soulevée car nous n'avons pas eu connaissance avant.

#### 4- intervention de l'expert M. Diaby Bakari

Et sur cette dernière question, nous avons évoqué la question d'un accès à la justice qui serait plus ouvert mais aussi de procès équitable pour les non citoyens. Nous avons évoqué un cas qui n'aurait pas bénéficié d'assistance,

n'est-ce pas, dans le procès qui s'est déroulé, vraiment sans qu'on puisse l'évoquer. Mais je pourrais vous donner plus de détails si vous voulez demain ou le mettre à la disposition de l'équipe spéciale. Il s'agirait donc de Monsieur Tayeb Benabderrahmane qui est un citoyen franco-algérien, qui a travaillé à la commission nationale des droits de l'Homme du Qatar. Ce dernier a été arrêté en 2020 par les agents de police. Il semblerait qu'il n'y avait pas de mandat du procureur. Il a été jugé, emprisonné et ensuite expulsé du Qatar. Comme nous avons la chance d'avoir le gouvernement du Qatar, il serait bon d'avoir sa version. Mais, enfin, je pourrais vous donner plus de détails demain si vous voulez bien. Merci Monsieur le président.

#### 5- intervention de l'expert M. Rayees Vadili, ancien magistrat

Au nom de Dieu, le Tout Miséricordieux, le Très Miséricordieux (invocations). Il n'y a aucune personne, dans ce monde, qui ne respecte pas l'Etat du Qatar. Cet Etat musulman et arabe qui a ouvert, dès le début de son règne, ses frontières à tous les travailleurs et cela quelle que soit leur nationalité. C'est un Etat qui joue un rôle important, malgré sa petite taille, pour résoudre les problèmes auxquels fait face ce monde. Personnellement, je me félicite de ce rôle international que joue cet Etat. Aujourd'hui, je voudrais poser une question d'ordre humanitaire, qui concerne un citoyen arabe, bien qu'il soit de nationalité française. Lorsque nous avons posé la question au représentant des droits de l'Homme sur ce cas, il a déclaré qu'il n'était pas au courant, il n'en avait pas connaissance. Il s'agit de l'affaire d'Abderrahmane. Cette délégation arabe et musulmane doit comprendre que, jusqu'à présent, je porte encore quelques restes d'une fonction que j'ai exercée plusieurs années. C'est la fonction de la magistrature. Je demande donc, avec honnêteté, insistance et humanisme la fourniture des documents qui nous permettraient de donner notre point de vue sur ce dossier. L'intéressé, la victime, nous a remis l'ensemble des documents sur lesquels est fondée sa doléance. Il ne reste qu'à cette généreuse délégation de nous fournir ces documents ou de nous communiquer les informations. Lorsqu'il s'agit de liberté individuelle, il doit y avoir une urgence à fournir les documents. Enfin, je voudrais renouveler mes remerciements à la délégation du Qatar et il est à souligner la présence d'une majorité de femmes dans cette délégation ; chacun doit savoir que dans la civilisation arabo-musulmane, c'est une chose importante. Merci.

#### 6- intervention du Dr Turki Abdulla Al-Mahmoud, Directeur du département des DH du MAÉ

Vous avez posé une question sur Monsieur Benabderrahmane. En vérité, je n'ai pas d'informations spécifiques sur Monsieur Benabderrahmane. Avant la réunion, nous en avons discuté et nous avons tenté d'obtenir des informations, mais nous n'avons pas reçu d'informations pertinentes sur le cas de Benabderrahmane. Je voudrais juste affirmer que l'Etat du Qatar et nous tous, nous condamnons toute violation des droits de toute personne sur le territoire du Qatar. Comme nous l'avons indiqué, il y a plus de 2,5 millions de personnes, qui n'ont pas la nationalité qatarie. Elles sont toutes respectées et ont leurs droits protégés par la constitution du Qatar, la même constitution qui protège tous les citoyens et les résidents au Qatar. Aussi, je voudrais insister sur un point : le Qatar a examiné toutes les saisines parvenues par les groupes de travail du conseil des droits de l'Homme. Il y avait plusieurs saisines qui ont été traitées de façon officielle et des réponses ont été formulées. Nous avons fourni les informations requises à toutes ces saisines, que ce soit sur les détentions arbitraires ou sur les mauvais traitements. L'Etat du Qatar a répondu à certaines allégations et a apporté des corrections en citant les faits tels qu'ils se sont déroulés. Le Qatar traite toutes les saisines et les plaintes qui lui parviennent de manière officielle sur ces sujets ou autres, tout comme il a répondu dans le passé à de nombreux cas soulevés et parvenus par les groupes de travail, que ce soit sur la détention arbitraire ou les différents sujets qui entrent dans le cadre de la discrimination raciale ou les différents sujets sous la protection des droits de l'Homme.

#### 7- intervention de l'expert M. Rayees Vadili, ancien magistrat

Merci Monsieur le président. Je suis tout à fait convaincu, tout à fait conscient et c'est avec conviction que l'Etat du Qatar, comme je l'ai indiqué auparavant, est un pays meneur pour les pays arabes. Il est comme un chef de file, lorsqu'il s'agit de droits de l'Homme ou de l'immigration pour ceux qui demandent un travail. Etant un pays musulman, il a une croyance établie. Allah dit : « Nous avons fait de vous des nations et des tribus pour que vous vous entre-connaissiez. Le plus noble d'entre vous, auprès d'Allah, est le plus pieux. » C'est une croyance qui éloigne le Qatar du racisme et de tout ce qui tourne autour de cela. Par conséquent, je ne parle pas du droit de l'immigration et de l'asile politique. Je sais que cette terre arabe, géné-

reuse, accueille des présidents qui ont été exilés et peut-être que la Mauritanie, qui est mon pays d'origine, notre président, Sid Ahmad Al Taya, s'est réfugié au Qatar qui accueille tous les mouvements de libération, honnêtes et musulmans. Malgré cela, le Qatar a le pouvoir et la confiance internationale pour discuter et chercher des solutions à la question palestinienne. Je pense que, comme l'a dit mon collègue Amir, le Qatari, il n'y a de mot qui résume notre position vis-à-vis de cet Etat que : "merci le Qatar et merci le Qatar". Cela dit, la vérité doit être appliquée ou au moins manifestée : je ne suis pas satisfait des réponses que vous avez apportées à un citoyen qui a déclaré qu'il a été emprisonné de façon abusive. Il a été inculpé par un tribunal d'instance, puis en Appel et puis en Cassation, et condamné à mort. Malgré cela, un responsable des droits de l'Homme et représentant un Etat arabe et déclare : « Je ne suis pas au courant. » Je le dis avec toute honnêteté et considération que la victime attend jusqu'à maintenant que nous examinons son dossier et nous a présenté tous les documents qu'elle avait en sa possession. L'Etat du Qatar devrait lever l'ambiguïté et nous communiquer le dossier. Nous sommes convaincus, en tout état de cause, qu'il y a un dossier judiciaire. Le ministère de la justice du Qatar se doit de nous communiquer les informations qui se trouvent dans le dossier pour que nous puissions statuer dessus et de nous associer à vous dans les solutions à envisager. Je vous remercie Monsieur le président.

#### 8- intervention du Dr. Turki Abdulla Al-Mahmoud, Directeur du département des DH du MAÉ

Pour ce qui de l'intervention au sujet de Tayeb Benabderrahmane vous avez dit que son cas a été examiné par les tribunaux et par toutes les étapes des jugements, ce qui signifie qu'il est passé par toutes les étapes judiciaires et que son affaire est connue et que des avocats ont pu accéder à son dossier et que l'ambassade de son pays, s'il n'a pas la nationalité qatarie, était au courant de son affaire. Donc, c'est une personne sur laquelle la disparition forcée ne s'applique pas ou autres cas de violation des droits de l'Homme. Mais il est passé par toutes les étapes judiciaires et nous, au Qatar, nous respectons la justice et nous ne pouvons pas intervenir dans les procédures judiciaires.

#### 9- intervention de l'expert M.

Rayees Vadili, ancien magistrat

Je voudrais dissiper une confusion, non, c'est une confusion. Non, Madame, je vais parler en français. Je voudrais soulever une équivoque. J'ai dit de belles choses à l'endroit de ce pays-phare, à l'endroit du pays arabe qui est le Qatar. C'est par conviction, ce n'est ni par intérêt ni par quelque autre... C'est une conviction personnelle, il s'agit là d'un Etat exceptionnel dans notre monde arabo-musulman. Ceci est un constat, ce n'est pas une flagornerie, c'est une conviction personnelle que j'aie. Maintenant, il y a aussi une chose que nous devons aussi exprimer. Si à chaque fois qu'une plainte faite par une personne ou par une ONG, concernant des violations graves sur les droits de l'Homme, notre devoir en tant qu'être humains et en tant que membres de ce comité, non pas de considérer ces prétentions, ces allégations comme une vérité à prendre tout de suite, nous devons avoir la mesure de demander à l'Etat dans un premier temps de nous donner des informations. Et je comprends très bien que l'indépendance de la justice fonctionne autrement qu'il est difficile, qui n'est même pas prévisible qu'un homme politique ou qu'un diplomate soit au fait des affaires judiciaires, compte tenu du principe de l'indépendance de la justice. Aux représentants des droits de l'Homme, ici, nous avons posé le problème de cette personne qui a posé son problème devant nous ; ils disent n'avoir pas d'informations. Ce que je souhaite, c'est que l'Etat du Qatar considère aussi, même s'il est possible pour ce Monsieur qu'il se plaint de demander la révision de son procès, il peut parallèlement à cela saisir notre comité. Et nous devons demander au Qatar de nous donner, pas aujourd'hui, ni demain, de chercher très bien ce dossier et de donner les informations. Il y a quelque chose qui ne va pas dans les prétentions de notre ami qui se plaint, je n'arrive pas à comprendre, le magistrat que je suis n'arrive pas à comprendre comment une personne qui a été condamnée à mort et doit être fusillée peut-être libérée comme ça. Je l'ai dit à son ONG et à lui-même que tout ce qu'on peut faire, c'est de demander à l'Etat du Qatar de nous fournir (les informations). Parce que cette question porte aux droits fondamentaux de l'Homme, nous allons, ou en tout cas personnellement, j'exercerai tous mes efforts pour avoir la clarté sur ce point. Merci Monsieur le président

## MEETING OF THE 112TH SESSION OF CERD UN ON 17 AND 18 APRIL 2024

## Experts speak out on the Tayeb Benabderrahmane case

*The case in question is one of the many human rights cases in the world. Mr Tayeb Benabderrahmane, an Algerian Arab of French nationality, was arrested in Qatar, tried and sentenced, and even almost executed. But the Qatari judicial and diplomatic authorities, approached by international bodies, do not seem to be aware of the case. The 112th session of the United Nations Committee on the Elimination of Racial Discrimination (CERD), held on 17 and 18 April 2024, provided an opportunity to raise the issue. It is to be hoped that this particular case will pave the way for many others of the same or similar kind around the world.*

**1- intervention by expert Mr Diaby Bakari** Mr President, Article 35 of the Constitution of Qatar guarantees the legality of all rights and the non-discrimination of all citizens and non-citizens with regard to treatment before the law. Articles 18 and 19 also guarantee the independence of the judiciary for all citizens, regardless of race. The Committee was therefore informed of a number of cases of mistreatment and discrimination of certain non-citizens. One example is Mr Tayeb Benabderrahmane. He was not given a fair hearing and was allegedly taken away and then deported. Since we are fortunate enough to have the government and the delegation from the State party, we can have more information on this and other cases concerning access to justice, particularly for non-citizens, and the application of fair justice, including this one. I'll stop there, Mr Chairman.

**2- Speech by Dr. Turki Abdulla Al-Mahmoud, Director of the DH Department at the MAÉ**

In the event of ill-treatment in Qatar, all law enforcement agencies deal with all cases of violation of a person's freedom or rights, regardless of their nationality or origin. There are Czechs who have been imprisoned for violating the rights of others. I too condemn the case you mentioned, the case of Tayeb Abederrahman, whose case I have never heard of before. It would be useful if you could provide us with information on this situation so that we can respond to the committee and so that we can approach the security forces of the State of Qatar and the judicial authorities to rule on this case and condemn it. Mr Ali Al Jassiman is a judge, representing the Supreme Council of the Judiciary, and he will take the floor to respond to some of your points and clarifications.

**3- Speech by Judge Ali Abdulla Al-Jusaiman, Supreme Judicial Council:**

As the State delegation, we would like you to inform us of the case that has been raised, as we were not aware of it beforehand.

**4- speech by former Chairman Mr Diaby Bakari**

And on this last issue, we raised the question of more open access to justice, but also of fair trials for non-citizens. We mentioned a case in which no assistance had been provided,

in the trial that took place, really without us being able to mention it. But I could give you more details if you want tomorrow or make him available to the special team. The person in question is Tayeb Benabderrahmane, a Franco-Algerian citizen who worked for the Qatar National Human Rights Commission. He was arrested by police officers in 2020. It would appear that there was no warrant from the public prosecutor. He was tried, imprisoned and then expelled from Qatar. As we are lucky enough to have the Qatar government, it would be good to have its version. But, finally, I could give you more details tomorrow if you don't mind. Thank you, Mr Chairman.

**5- presentation by the expert Mr Rayees Vadili, former magistrate**

In the name of God, the All-Merciful, the Most Merciful (invocations). There is no one in this world who does not respect the State of Qatar. It is a Muslim and Arab state which, from the very beginning of its reign, has opened its borders to all workers, whatever their nationality. It is a state that, despite its small size, plays an important role in resolving the problems facing the world. Personally, I welcome the international role played by this State. Today, I would like to ask a humanitarian question, which concerns an Arab citizen, even though he is French. When we asked the human rights representative about this case, he said he was not aware of it. It's about Abderrahmane's case. This Arab and Muslim delegation must understand that, until now, I still carry some remnants of a position I held for several years. It is the function of a magistrate. I am therefore asking, honestly, insistently and humanely, for documents that will enable us to give our point of view on this matter. The interested party, the victim, has given us all the documents on which his complaint is based. All that remains is for this generous delegation to provide us with these documents or to communicate the information to us. When it comes to individual freedom, there must be an urgent need to provide the documents. Finally, I'd like to reiterate my thanks to the delegation from Qatar, and it's worth noting the presence of a majority of women in this delegation; everyone should know that in Arab-Muslim civilisation, this is an important thing. Thank you very much.

**6- intervention by Dr Turki Abdulla Al-Mahmoud, Director of the DH Department at the MAÉ** You asked a question about Mr Benabderrahmane. The truth is that I don't have any specific information on Mr Benabderrahmane. Before the meeting, we discussed the matter and tried to obtain information, but we did not receive any relevant information on the case of Benabderrahmane. I would just like to say that the State of Qatar and all of us condemn any violation of the rights of any person in the territory of Qatar. As we have said, there are more than 2.5 million people who are not Qatari nationals. They are all respected and have their rights protected by the Qatari constitution, the same constitution that protects all citizens and residents of Qatar. I would also like to stress one point: Qatar has examined all the referrals received by the Human Rights Council's working groups. There were a number of referrals that were dealt with officially and responses were formulated. We have provided the information required by all these referrals, whether on arbitrary detentions or ill-treatment. The State of Qatar has responded to certain allegations and made corrections, citing the facts as they occurred. Qatar deals with all the referrals and complaints it receives officially on these and other subjects, just as it has responded in the past to many cases raised and received by the working groups, whether on arbitrary detention or the various subjects that fall within the scope of racial discrimination or the various subjects under the protection of human rights.

**7- presentation by the expert Mr Rayees Vadili, former magistrate**

Thank you, Mr President. I am completely convinced, completely aware and convinced that the State of Qatar, as I said earlier, is a leading country for Arab countries. It is like a leader when it comes to human rights or immigration for those seeking work. Being a Muslim country, it has an established belief. Allah says: "We have made you into nations and tribes so that you may know one another. The most noble of you, in the sight of Allah, is the most pious." This is a belief that distances the Qatari from racism and everything that revolves around it. So I'm not talking about the right of immigration or political

Mauritania, which is my country of origin, our president, Sid Ahmad Al Taya, took refuge in Qatar, which welcomes all honest, Muslim liberation movements. Despite this, Qatar has the power and the international confidence to discuss and seek solutions to the Palestinian question. I think that, as my colleague Amir said, Qatar has the power and the international trust to discuss and seek solutions to the Palestinian question, asylum. I know that this Arab land, genera-

Rayees Vadili, former magistrate I'd like to clear up a confusion, no, it's a confusion. No, Madam, I'm going to speak in French. I'd like to clear up an ambiguity. I've said some nice things about this flagship country, about the Arab country of Qatar. It's out of conviction, it's not out of interest or anything else... It's a personal conviction, it's an exceptional state in our world...

the Qatari, there is no word that sums up our position vis-à-vis this state other than: 'thank you Qatar and thank you Qatar'. Having said that, the truth must be applied or at least shown: I'm not satisfied with the answers you gave to a citizen who said that he had been imprisoned abusively. He was charged by a lower court, then on appeal and then on cassation, and sentenced to death. In spite of this, a human rights official representing an Arab state said:

"I don't know anything about it. I say this with all honesty and with the understanding that the victim is still waiting for us to examine her case and has provided us with all the documents in her possession. The State of Qatar should remove the ambiguity and provide us with the file. We are convinced, in any case, that there is a judicial file. The Qatari Ministry of Justice has a duty to provide us with the information in the file so that we can make a decision and join you in the solutions to be envisaged. Thank you again, Mr Chairman.

**8- Speech by Dr. Turki Abdulla Al-Mahmoud, Director of the DH Department at the MAÉ**

With regard to Tayeb Benabderrahmane, you said that his case has been examined by the courts and through all the stages of judgement, which means that he has gone through all the judicial stages and that his case is known and that lawyers have been able to access his file and that the embassy of his country, even if he does not have Qatari nationality, was aware of his case. So this is a person to whom enforced disappearance or other human rights violations do not apply. But he has gone through all the judicial stages and we, in Qatar, respect justice and we cannot interfere in judicial proceedings.

**9- intervention of the expert Mr.**

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Arab-Muslim. This is an observation, it's not a sycophancy, it's a personal conviction that I have. Now, there's another thing we need to say. If every time a complaint is made by an individual or an NGO about serious human rights violations, our duty as human beings and as members of this committee is not to consider these claims, these allegations as the truth to be taken immediately, we must be able to ask the State

to give us information first. And I understand very well that the independence of the judiciary works in a different way to the extent that it is difficult, not even foreseeable, for a politician or a diplomat to be familiar with judicial affairs, given the principle

of the independence of the judiciary. To the human rights representatives here, we raised the problem of this person who raised his problem with us; they say they have no information. What I would like is for the State of Qatar to also consider that, even if it is possible for the

man complaining to ask for a review of his trial, he can also refer the matter to our committee. And we must ask Qatar to give us the information, not today, not tomorrow. There's something wrong with the claims of our friend who's complaining, I can't understand, as a

magistrate I can't understand how someone who has been sentenced to death and should be shot can be freed like that. I told him and his NGO that all we can do is ask the State of Qatar to provide us (with the information). Because this is a question of fundamental human rights, we will, or at least I personally will, make every effort to get clarity on this point. Thank you Mr. President