

QATAR

A BRIEF ON NON-DISCRIMINATION, EQUALITY, CHILD MARRIAGE, AND CHILD AND ADULT LABOR (Articles 2, 3, 7, 10, 13, and General Comments No. 5 and No. 18)

*Information for the Committee on Economic, Social, and Cultural Rights
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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 69th Pre-Sessional Working Group of the Committee on Economic, Social, and Cultural Rights.

This brief will focus on the following four areas:

1. Equality and non-discrimination (Article 2, General Comment No. 5)
2. Child marriage (Articles 3 and 10)
3. Non-discrimination in work and employment (Article 7)
4. Child labor (Article 10, General Comment No. 18)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our constitutional and legislative findings, as well as suggested questions for the Committee to ask Qatar and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed constitutional and legislative excerpts documenting our findings. We hope the Committee will recommend that Qatar address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Qatar for having provisions in place, we hope the Committee will recommend that Qatar work with stakeholders to overcome any obstacles in implementing these provisions.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

[1. Equality and Non-Discrimination \(Article 2, General Comment No. 5\)](#)

Based on our review of full-text national constitutions, the constitution of Qatar prohibits all forms of discrimination based on sex, race, language, and religion. However, some groups guaranteed equality and non-discrimination in the Covenant are not protected by constitutional provisions, including persons



facing discrimination based on political opinion, national origin, social origin, property status, birth status, or disability status.

We hope the Committee will:

- Recommend in its concluding observations that **Qatar amend the constitution** to add explicit guarantees of equality and non-discrimination based on political opinion, national and social origin, property status, birth status, and disability status, consistent with ICESCR commitments. These guarantees could be added to Article 35 of the constitution, which already guarantees non-discrimination based on other personal characteristics and statuses.

2. Non-Discrimination in Work and Employment (Article 7)

Our systematic review of national legislation identified limited provisions that prohibit workplace discrimination in Qatar. The Labor Law guarantees equal wages between men and women and prohibits gender-based discrimination during trainings and promotions. However, the **law fails to prohibit gender-based discrimination in other areas of employment such as hiring and dismissals.**

The Law on Persons with Special Needs also prohibits employers from denying any benefits or rights to persons with disabilities who are hired in accordance with the law. **However, the law does not explicitly prohibit workplace discrimination across fundamental areas of employment for persons with disabilities, including hiring, remuneration, promotions and demotions, and dismissals.**

Notably, **several groups covered through the Covenant's commitments are not included in either of these provisions, such as workers facing discrimination based on race, language, religion, political opinion, national or social origin, property status, and birth status.**

We hope the Committee will:

- In its list of issues, ask Qatar: Can Qatar outline how it is enforcing provisions prohibiting sex-based discrimination at work?
 - Where Qatar is not fully implementing these provisions, recommend in its concluding observations that Qatar explore how to implement these provisions fully and effectively.
- In its list of issues, ask Qatar: Can Qatar demonstrate whether broad prohibitions of disability-based workplace discrimination have been interpreted to include specific forms of discrimination that occur during hiring, promotions and demotions, remuneration, and dismissals, when these explicit prohibitions are missing?
 - If Qatar cannot demonstrate that broad prohibitions of disability-based workplace discrimination have been interpreted to prohibit discrimination during hiring, promotions and demotions, remuneration, and dismissals, recommend in its concluding observations that Qatar pass and implement legislation that explicitly prohibits discrimination against persons with disabilities in these critical areas of employment.



- In its list of issues, ask Qatar: Can Qatar outline any concrete, near-term plans to pass legislation that explicitly prohibits all forms of workplace discrimination based on race, language, religion, political opinion, national or social origin, property status, and birth status?
 - If Qatar does not have concrete, near-term plans in place, recommend in its concluding observations that Qatar pass and implement legislation that explicitly prohibits discrimination on the basis of all groups covered in Article 2 and General Comment 5 of the ICESCR, particularly in the following aspects of employment:
 - Employment opportunities and hiring
 - Equal remuneration for work of equal value
 - Career advancements, including promotions and demotions
 - Continuance of employment or terminations
 - We also hope the Committee will recommend that this legislation includes effective enforcement mechanisms, such as protection from retaliation after reporting incidences of workplace discrimination.

3. Child Marriage (Articles 3, 10)

Based on our review, Qatar establishes 18 years as the minimum age of marriage for boys. **However, girls are legally allowed to be married at the age of 16, creating a gender disparity of two years in the minimum age of marriage.**

We hope the Committee will:

- In its list of issues, ask Qatar: Can Qatar outline any concrete, near-term plans to pass legislation that eliminates the gender disparity in the minimum age of marriage by raising the minimum age of marriage to 18 for girls?
 - If Qatar cannot outline near-term plans to do so, recommend in its concluding observations that Qatar pass and implement legislation that eliminates gender disparities in the law by raising the minimum age of marriage to 18 for girls.

4. Child Labor (Article 10, General Comment No. 18)

Based on our review, Qatar generally prohibits the employment of children under the age of 16. **However, the laws note exclusions for specific categories of workers**, including those employed in governmental organs, public institutions, corporations, and companies which are established by Qatar Petroleum, as well as members of the armed forces or police, sea workers, casual workers, domestic workers, and agricultural workers. For these workers, there is no specified minimum age for admission into labor or employment.

We hope the Committee will:

- In its list of issues, ask Qatar: Does Qatar have concrete, near-term plans in place to amend its labor laws and ensure children under the age of 16 are fully protected from child labor?



- If Qatar does not have concrete, near term plans in place, recommend in its concluding observations that Qatar amend its laws to protect children under the age of 16 from child labor in all industries.

DETAIL OF CONSTITUTIONAL AND LEGISLATIVE FINDINGS

1. Equality and Non-Discrimination (Article 2, General Comment No. 5)

Article 2 (2) of The Covenant states that:

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, General Comment No. 5 explicitly addresses non-discrimination of persons with disabilities by stating:

[...] the requirement contained in article 2 (2) of the Covenant that the rights “enunciated ... will be exercised without discrimination of any kind” based on certain specified grounds “or other status” clearly applies to discrimination on the grounds of disability.

Constitutions state the values of a country, describe the rights of people living within the country, and profoundly influence norms and practice. In nearly all countries, constitutions take precedence over other sources of law—making them critical tools for delineating and implementing equal rights. New constitutions and new rights guaranteed in constitutions can be used to overturn discriminatory laws as well as to legislate non-discrimination guarantees. Moreover, constitutions can offer protection against policy and legal changes during periods of social and political shifts that may seek to undermine equal rights. For these reasons and others, as the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing equal rights.

We reviewed full text constitutions for all 193 UN member states available from official government sources to determine whether the constitution took any approach to equality across the grounds listed in Article 2.2 and General Comment No. 5 of the Covenant by prohibiting discrimination based on each specific status, guaranteeing equal rights, guaranteeing equality before the law, or guaranteeing overall equality or equal opportunities.

QATAR’S CONSTITUTIONAL PROVISIONS: MISSING EXPLICIT GUARANTEES OF EQUALITY AND NON-DISCRIMINATION

Based on our review of full-text national constitutions, Article 35 of the constitution of Qatar prohibits all forms of discrimination based on sex, race, language, and religion.

Constitution of Qatar

Article 35



All persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion.

However, some groups guaranteed equality and non-discrimination in the Covenant are not protected by constitutional provisions, including persons facing discrimination based on political opinion, national origin, social origin, property status, birth status, or disability status.

2. Work and Employment (Article 7)

In addition to Article 2(2) and General Comment No. 5 of the Covenant which guarantees equal rights regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and disability status, Article 7 of the Covenant outlines a number of specific measures States Parties shall undertake in order to eliminate discrimination in the field of employment:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

We systematically reviewed national labor codes, penal codes, equal opportunity, anti-discrimination legislation and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states to determine whether national legislation prohibited discrimination in employment across four areas covered by the Covenant:

- Employment opportunities or hiring
- Equal remuneration for work of equal value
- Promotions and demotions
- Dismissals or terminations

For each area, we assessed whether there were explicit prohibitions from discrimination across the grounds listed in Article 2.2 and General Comment No. 5 of the Covenant.



QATAR’S LEGISLATIVE PROVISIONS: LIMITED PROTECTIONS FROM WORKPLACE DISCRIMINATION

Our systematic review of national legislation identified limited provisions that prohibit workplace discrimination in Qatar. In Article 93, the Labor Law guarantees equal wages between men and women and prohibits gender-based discrimination during trainings and promotions.

Labor Law

Article (93)

A working woman shall be paid a wage equivalent to the wage payable to a man if she performs the same work and shall be availed of the same opportunities of training and promotion.

However, the law fails to prohibit sex-based discrimination in other areas of employment, such as hiring and dismissals.

The Law on Persons with Special Needs, Article 7, also prohibits employers from denying any benefits or rights to persons with disabilities who are hired in accordance with the law.

Law on Persons with Special Needs

Article (7): People with special needs who are employed in accordance with the provisions of this law may not be deprived of any benefits or rights generally prescribed for workers in the organizations in which they work.

However, the law does not explicitly prohibit workplace discrimination across fundamental areas of employment, including hiring, remuneration, promotions and demotions, and dismissals.

Additionally, several groups covered through the Covenant’s commitments are notably omitted from these provisions, including workers facing discrimination based on race, language, religion, political opinion, national or social origin, property status, and birth status.

Table 1. Guaranteed legal provisions of non-discrimination in Qatar across key areas of employment for personal characteristics covered by the Covenant

	Discrimination broadly prohibited	Employment opportunities or hiring	Equal remuneration	Promotions and demotions	Dismissals
Race and colour					
Sex			✓	✓	
Language					
Religion					
Political opinion					
National origin					
Social origin					
Property status					
Birth status					



Disability	✓				
<i>Note: An empty cell indicates no relevant provisions were found.</i>					

3. Child Marriage (Articles 3, 10)

Article 10 (1) of the Covenant states that all States Parties must recognize that:

[...] Marriage must be entered into with the free consent of the intending spouses.

Additionally, Article 3 guarantees this right to be applied to all persons equally regardless of sex:

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Child marriage has life-long health, educational, and economic consequences, particularly for girls. Child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Covenant, specifically the right to physical and mental health (Article 12), and the right to education (Article 13).

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labor Organization’s NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBASE, and official country websites.

QATAR’S LEGISLATIVE PROVISIONS: GENDER DISPARITY IN THE MINIMUM AGE OF MARRIAGE

Based on our review, Article 17 of the Family Code of Qatar establishes 18 years as the minimum age of marriage for boys. **However, girls are legally allowed to be married at the age of 16, creating a gender disparity of two years in the minimum age of marriage.**

Family Code

Article 17

Males are not allowed to enter into marriage contracts before the age of eighteen (18). Females are not allowed to enter into marriage contracts before the age of sixteen (16). All marriages of males and females over the age of eighteen (18) and sixteen (16) respectively shall only be allowed after the approval of the guardian, verification of the consent from both parties to the contract and the permission of a competent Judge.



4. Child Labor (Article 10, General Comment No. 18)

Article 10 of the Covenant requires States Parties to recognize the special measures needed to protect children for economic exploitation. Specifically, the Article states:

Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

In addition, General Comment No. 18 obligates State Parties to implement Article 10 of the Covenant by taking “effective measures, in particular legislative measures, to prohibit labor of children under the age of 16.”

We systematically reviewed national labor and child-related legislation available through the International Labour Organization’s NATLEX database for all 193 UN member states to determine whether national legislation established a minimum age for admission to employment and hazardous employment.

QATAR’S LEGISLATIVE PROVISIONS: MISSING FULL PROTECTIONS FROM CHILD LABOR FOR CHILDREN UNDER THE AGE OF 16

Based on our review, the Labor Law in Qatar generally prohibits the employment of children under the age of 16.

Labor Law

Article (1) In the application of this law the following words and expressions shall, unless the context otherwise requires, have the meanings respectively assigned to them:

7. Juvenile - Any natural person who has reached the age of sixteen but has not reached the age of eighteen.

However, the Labor Law excludes specific categories of workers listed in Article 3. In these industries, there is no specified minimum age for admission into labor or employment.

Article (3)

Except as otherwise provided for in any other law the provisions of this law shall not apply to the following categories:

The employees and workers of the Ministries and other governmental organs, public institutions, corporations, and companies which are established by Qatar Petroleum by itself or with others, and the workers whose employment affairs are regulated by special laws.

The Officers and members of the armed forces and police and the workers employed at sea.

The workers employed in casual works.



The persons employed in domestic employment such as drivers, nurses, cooks, gardeners and similar workers.

Working members of employer's family. These are the wife, ascendants and descendants who are residing with and wholly dependent on him.

The workers employed in agriculture and grazing other than the persons employed in the agricultural establishments processing and marketing their own products or those who are permanently employed in the operation or repair of the necessary agricultural mechanical appliances.

The provisions of this law or any part thereof may by a resolution of the Council of Ministers upon the recommendation of the Minister be applied to categories 3,4,5 & 6 referred to in this Article.

Article (87)

A juvenile may not be employed without the consent of his father or guardian and the issuance of a special permission from the Department.

If the juvenile is a Qatari pupil an approval from the Minister of Education shall be obtained. The Juveniles shall not be employed in the works, where its nature and circumstance of the performance of which may cause damage to the health, safety or morals thereof. These works shall be determined by a decision of the Minister.