



## **Qatar's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women**

### **Suggested List of Issues Prior to Reporting Relating to the Death Penalty**

#### **Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

and

#### **The World Coalition Against the Death Penalty**

for the 92<sup>nd</sup> Session of the Committee on the Elimination of Discrimination against Women  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty** is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. This report suggests questions the Committee on the Elimination of Discrimination against Women should pose to the Government of Qatar in its List of Issues Prior to Reporting, particularly with respect to the administration of the death penalty against women.
2. Little to no information is available about the various aspects of the death penalty as it applies to women in Qatar. The absence of data about women subject to the death penalty may obscure the ways in which Qatar's death penalty practices discriminate against women.
3. Between 2000 and 2020, Qatar maintained a *de facto* moratorium on executions, but during that period courts continued to sentence people, including women, to death. In 2020, however, Qatar executed a Nepali migrant worker by firing squad. Qatar lacks an independent judiciary and women face institutionalized discrimination at many stages of the criminal legal system, putting them at risk of facing the death penalty. Qatar has failed to address gender-based violence, further increasing risks to women. Migrant workers are particularly vulnerable in the country's criminal legal system. Women at risk of being sentenced to death or executed experience poor conditions of detention. Qatar is not taking steps toward a *de jure* moratorium on executions or ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

### **Qatar fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination against Women**

#### **I. Qatar continues to implement the death penalty, including against women.**

4. Qatari courts sentenced at least two people to death in 2019,<sup>1</sup> at least four people in 2020,<sup>2</sup> at least one person in 2021,<sup>3</sup> at least one person in 2022,<sup>4</sup> and eight people in 2023.<sup>5</sup> In 2023, a court sentenced eight Indian former naval officers to death, but a Qatari court later commuted those sentences,<sup>6</sup> and in February 2024 authorities released the officers from custody.<sup>7</sup> Authorities do not regularly publish official, disaggregated data with respect to people under sentence of death. Researchers estimate that between 2016 and 2021, there were 21 individuals

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<sup>1</sup> Cornell Center on the Death Penalty Worldwide, *State of Qatar*, <https://deathpenaltyworldwide.org/database/#/results/country?id=59> (last updated Dec. 1, 2021).

<sup>2</sup> Cornell Center on the Death Penalty Worldwide, *State of Qatar*, <https://deathpenaltyworldwide.org/database/#/results/country?id=59> (last updated Dec. 1, 2021).

<sup>3</sup> Amnesty International, *Death Sentences and Executions 2021* (May 2022), at 40, <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

<sup>4</sup> Amnesty International, *Death Sentences and Executions 2022* (May 2023), at 28, <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

<sup>5</sup> Amnesty International, *Death Sentences and Executions 2023* (2024), at 40, <https://www.amnesty.org/en/documents/act50/7952/2024/en/>.

<sup>6</sup> Suhasini Haidar, *Qatar court drops death penalty for 8 Indians*, *The Hindu* (Dec. 29, 2023), <https://www.thehindu.com/news/national/death-sentences-of-eight-indians-in-qatar-commuted/article67682982.ece>.

<sup>7</sup> *Qatar frees eight Indians months after dropping death sentences*, *Reuters* (Feb. 12, 2024), <https://www.reuters.com/world/india/qatar-frees-eight-indians-arrested-2022-india-government-2024-02-12/>.

under sentence of death,<sup>8</sup> and that 18 of the 21 people are foreign nationals.<sup>9</sup> It is also reported that one of those individuals was a woman.<sup>10</sup> Remarkably, nearly all of the 18 foreign nationals were sentenced to death for homicide, with the majority being “male migrant labourers from South Asia, convicted of crimes related to their precarious migrant worker status.”<sup>11</sup>

5. The World Coalition Against the Death Penalty, in its *Data Mapping of Women on Death Row*, determined that as of December 2022, Qatar was among 12 countries that retain the death penalty where the Coalition was aware that women are on death row but did not know how many.<sup>12</sup>
6. According to one uncorroborated report, in 2016 a court sentenced an “Asian maid” to death for killing an elderly woman in her care, allegedly for pushing the woman out of her wheelchair, resulting in fatal injuries.<sup>13</sup>
7. Qatar carried out one execution in 2020, as discussed further below.<sup>14</sup> Prior to 2020, Qatar’s last known execution had taken place in 2000.<sup>15</sup> Hence, women sentenced to death are still at risk of arbitrary and discriminatory executions.
8. In 2021, Qatar asserted to the Human Rights Committee that “Legislators have set tight controls on the application of the death penalty whereby its use is restricted within strict limits. This is consistent with article 6 of the Covenant and with the Committee’s general comment No. 36 on the right to life.”<sup>16</sup>
9. Despite these assertions, Qatar does not limit the death penalty to intentional killings. Qatar is a constitutional monarchy in which Emir Sheikh Hamad bin Khalifa al-Thani exercises full executive power. Sharia or Islamic law is a primary source of legislation. The Penal Code, contained in Law No. 11 of 2004, as amended, stipulates that crimes punishable by the death

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<sup>8</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>9</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>10</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>11</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (25 Nov. 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>12</sup> World Coalition Against the Death Penalty, *Data Mapping: Women on Death Row* (August 2023), [https://worldcoalition.org/wp-content/uploads/2023/08/ENG\\_Country-Mapping-report\\_Women-on-Death-Row.pdf](https://worldcoalition.org/wp-content/uploads/2023/08/ENG_Country-Mapping-report_Women-on-Death-Row.pdf)

<sup>13</sup> *Maid sentenced to death for killing elderly woman*, QatarLiving.com, June 3, 2016, <https://www.qatarliving.com/forum/news/posts/maid-sentenced-death-killing-elderly-woman>.

<sup>14</sup> Cornell Center on the Death Penalty Worldwide, *State of Qatar*, <https://deathpenaltyworldwide.org/database/#/results/country?id=59> (last updated Dec. 1, 2021).

<sup>15</sup> Amnesty International, *Death Sentences and Executions 2020* (Apr. 2021), at 43, <https://www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf>.

<sup>16</sup> Human Rights Committee, *Replies of Qatar to the list of issues in relation to its initial report*, U.N. Doc. CCPR/C/QAT/RQ/1, (Apr. 8, 2021), ¶ 41.

penalty include murder,<sup>17</sup> abduction leading to death,<sup>18</sup> 11 terrorism-related offenses,<sup>19</sup> rape,<sup>20</sup> incest,<sup>21</sup> repeat drug trafficking offenses, treason,<sup>22</sup> espionage,<sup>23</sup> extortion by threat of accusation of a crime of honor, such as adultery or fornication, and giving false witness with the consequence of inflicting capital punishment on the accused. The Penal Code also adopts the provisions of Sharia law for certain *hudud* offenses, ranging from theft and drinking alcohol to apostasy.<sup>24</sup> Such offenses are punishable by death.

10. For an execution to go forward, the Emir must first ratify the death sentence<sup>25</sup>; the Emir may commute a death sentence to life imprisonment if the victim's family agrees.<sup>26</sup> Under Article 92 of the Penal Code, a court may reduce a capital sentence to as little as five years' imprisonment if the circumstances of the crime call for mercy, although this provision does not apply to terrorist offenses.<sup>27</sup> Sharia law provides for *diyya*, or "blood money," for some offenses such as homicide, whereby the accused pays financial compensation to the victim's family as an alternative to retribution by execution.<sup>28</sup> As discussed in paragraph 15 below, women in conflict with the law may experience discrimination in the context of the *diyya* procedure.
11. The nationality of both the victim and the defendant in capital cases seems to influence not only whether a court issues a death sentence, but also whether authorities go forward with the execution. In 2021, the Emir "halted the execution of a Tunisian man convicted of [the] murder" of a foreign national<sup>29</sup> after the intervention of the Tunisian President and other Tunisian political officials.<sup>30</sup> In contrast, Qatar ended its de facto moratorium on executions in 2020 when it executed a Nepali migrant worker accused of killing a Qatari national.<sup>31</sup> Authorities informed the Nepali embassy of the execution only one day in advance and ignored

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<sup>17</sup> Law No. 11 of 2004, Articles 300, 301, 302.

<sup>18</sup> Law No. 11 of 2004, Article 318.

<sup>19</sup> Law No. 11 of 2004, Articles 250, 252.

<sup>20</sup> Law No. 11 of 2004, Article 279.

<sup>21</sup> Law No. 11 of 2004, Articles 279, 280, 284.

<sup>22</sup> Law No. 11 of 2004, Articles 98, 99, 100, 101, 103, 105, 114, 118, 130, 131, 132, 135.

<sup>23</sup> Law No. 11 of 2004, Articles 107, 110, 111.

<sup>24</sup> Law No. 11 of 2004, Article 1.

<sup>25</sup> Law No. 11 of 2004, Article 58.

<sup>26</sup> Human Rights Committee, *Summary record of the 3837th meeting*, U.N. Doc. CCPR/C/SR.3837 (Feb. 28, 2022), ¶ 33.

<sup>27</sup> Law No. 11 of 2004, Article 92.

<sup>28</sup> Hutton, Jocelyn, et al., *Qatar's death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>29</sup> Amnesty International, *Qatar*, <https://www.amnestyusa.org/countries/qatar/> (last visited Dec. 3, 2024).

<sup>30</sup> *Postponement of the execution of Tunisian Fakhri Landolsi in Qatar*, Business News (Feb. 24, 2021), <https://www.businessnews.com.tn/Report-de-l%E1%BF%BDex%E1%BF%BDcution-du-Tunisien-Fakhri-Landolsi-au-Qatar,520,106213,3>.

<sup>31</sup> *Qatar: Nepali man shot to death as punishment for murder*, Hands Off Cain (May 25, 2020), <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945>.

requests to postpone or stop the execution.<sup>32</sup> At the time of the execution, ten other Nepalis were jailed in Qatar for homicide-related charges.<sup>33</sup>

12. Suggested questions:

- What steps has Qatar taken to abolish the death penalty and replace it with a penalty that is fair, proportionate, and consistent with international human rights standards or to institute a formal moratorium on executions?
- Please provide official annual data about the number of women charged with capital crimes, sentenced to death, under sentence of death, and executed in Qatar since 2019, disaggregated by age, race/ethnicity, nationality, disability, crime of conviction, date of conviction, familial or employment relationship to any victim, familial or employment relationship to any codefendants, number and age of any minor children, status of any appeals or requests for mercy, current sentence, and current location.
- What steps are planned to increase transparency in the application of the death penalty in the country?

**II. Women face institutionalized discrimination at many stages of the criminal legal system, placing them at increased risk of being sentenced to death (Concluding Observations paras. 15-16(a)-(b), 32(e)).**

13. In its 2019 Concluding Observations, the Committee expressed “concern about the lack of an independent judiciary” and observed that “women face institutionalized discrimination at many stages of the justice system.”<sup>34</sup> The Committee recommended that Qatar “[c]ontinue its efforts to strengthen the independence and effectiveness of the justice system,” and “abolish[] any existing laws, procedures, regulations, jurisprudence and practices that directly or indirectly discriminate against women, including corroboration rules that discriminate against women as witnesses, complainants and defendants by requiring them to discharge a higher burden of proof than men to establish an offence or seek a remedy, as well as procedures that exclude or accord inferior status to the testimony of women.”<sup>35</sup> The Committee also recommended that Qatar “[r]emove structural barriers to access by women to decision-making positions in the judiciary . . . .”<sup>36</sup>

14. Judges still have “discretion to consider a woman’s testimony as equal to one-half of a man’s testimony.”<sup>37</sup>

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<sup>32</sup> *Qatar: Nepali man shot to death as punishment for murder*, Hands Off Cain (May 25, 2020), <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945>.

<sup>33</sup> *Qatar: Nepali man shot to death as punishment for murder*, Hands Off Cain (May 25, 2020), <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945>.

<sup>34</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 15.

<sup>35</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 16(a)-(b).

<sup>36</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 32(e).

<sup>37</sup> U.S. Department of State, 2023 Country Reports on Human Rights Practices: Qatar (2024), at 20, [https://www.state.gov/wp-content/uploads/2024/02/528267\\_QATAR-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_QATAR-2023-HUMAN-RIGHTS-REPORT.pdf).

15. As mentioned in paragraph 4 above, the available information on women sentenced to death mentions that these convictions were for the crime of murder. Global trends show that the murder crimes for which they are sentenced to death are often committed in a context of gender-based violence, including domestic violence.<sup>38</sup> In Qatar, the lack of transparency on the application of the death penalty prevents access to data on this subject. Furthermore, in many countries that retain the death penalty, courts fail to take into account a defendant's experience as a survivor of gender-based violence when making sentencing decisions.<sup>39</sup> Women who kill their abusers may face compounded discrimination in the context of *diyya*, or "blood money." The woman may be unable to gather sufficient funds from relatives who are also related to her victim, and regardless of the sum they may be unwilling to accept *diyya* because of animus toward her as a "bad wife" who brought shame on the family.
16. Global trends also show that women sentenced to death face intersectional discrimination. According to a groundbreaking 2018 study by the Cornell Center on the Death Penalty Worldwide, most women on death row worldwide come from backgrounds of severe socio-economic deprivation, a factor that can reinforce unequal access to effective legal representation.<sup>40</sup> This intersectional discrimination exacerbates the risk that a woman charged with a capital crime will be subjected to an unfair trial. The Cornell study found that most women who are detained are unable to afford a lawyer and are more likely to be illiterate and unaware of their legal rights.<sup>41</sup> Illiteracy and lack of education among poor women also leave them more vulnerable to discrimination, coercion, and exploitation,<sup>42</sup> conditions that can bring them into conflict with the law.
17. In this context, migrant women workers are particularly vulnerable as they face human rights violations under the *kafalah* guest-worker system, and it is unclear whether courts take into account their precarious circumstances when assessing culpability in capital cases.
18. Research by the Cornell Center also shows that women are more likely to receive a death sentence when the adjudicating authority perceives that they are violating entrenched gender norms, being cast as the "female fatale" or the "witch." Women are often put on trial not only for acts they performed but also for allegedly being "a bad wife, a bad mother, and a bad

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<sup>38</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide 3 (Sept. 2018), <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>39</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide 3 (Sept. 2018), <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>40</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide 3 (Sept. 2018), <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>41</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide 18 (Sept. 2018), <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>42</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide 18 (Sept. 2018), <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

woman.”<sup>43</sup> Qatar’s legal system may exacerbate these risks because it does not recognize that a woman can make autonomous decisions about her life and her rights.<sup>44</sup>

19. Finally, women are underrepresented in the judiciary. The State of Qatar has acknowledged “women’s role in promoting the rule of law and reducing the judicial gender gap” and has committed “to effective national strategies and plans for the advancement of women in judicial justice systems,”<sup>45</sup> but authorities appointed the first female criminal judge in 2015.<sup>46</sup> As of 2020, only eight women served as judicial officers out of a field of 198, even though women make up the majority of students at the Qatar University College of Law.<sup>47</sup> One woman who had applied to be a judge reported of her experience: “there were no forms for applying. So I gave my papers to the clerk and waited for a year . . . . Finally I heard that they were interviewing judges . . . . The Chief told me my application never reached him. Sometimes [the Ministry employees] were not referring female applicants. There were more than 50 men who showed up for interviews and I was the only woman. During my interview the first question was, ‘Can you do the job if you get married? Can you balance your job and family and children?’ After the interview, I doubted [I would get an offer] but then I was accepted with three other [women].”<sup>48</sup>

20. Suggested questions:

- Please indicate whether and how courts take into account gendered vulnerabilities, such as trauma, gender-based violence against women, poverty, coercive control, and dependency as mitigating factors in cases of women convicted of capital crimes. What steps, if any, has Qatar taken to codify such gender-specific defenses and mitigation?
- What standards do courts apply regarding the immediacy and intensity of the threat in order for a defendant charged with murder to successfully plead self-defense? Are those standards subjective (belief of the defendant at that point in time) or objective (belief of a reasonable person in similar circumstances)?
- Under what circumstances may a woman who has experienced prolonged domestic violence successfully plead self-defense for killing her abuser? Which legal standards apply in such cases?
- To what extent do law enforcement, prosecutors, or defense counsel in capital cases receive comprehensive training on gender-based discrimination, domestic violence,

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<sup>43</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide (Sept. 2018), <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>44</sup> *World Report 2023: Qatar: Events of 2022*, Human Rights Watch, <https://www.hrw.org/world-report/2023/country-chapters/qatar> (last visited Dec. 3, 2024).

<sup>45</sup> Center on International Cooperation, *CSW68: Advancing Women in the Judiciary* (Mar. 12, 2024), <https://cic.nyu.edu/events/csw68-advancing-women-in-the-judiciary/>.

<sup>46</sup> Harvard University, Fatima Abdulla Al-Mal, Harvard University, Fatima Abdulla Al-Mal (undated), [https://scholar.harvard.edu/files/mdeehring/files/fatima\\_abdulla\\_al-mal.\\_final.pdf](https://scholar.harvard.edu/files/mdeehring/files/fatima_abdulla_al-mal._final.pdf).

<sup>47</sup> Melissa Deehring, *The emerging legal profession in Qatar: diversity realities and challenges*, International Journal of the Legal Profession, Apr. 2020, <https://doi.org/10.1080/09695958.2020.1749059>.

<sup>48</sup> Melissa Deehring, *The emerging legal profession in Qatar: diversity realities and challenges*, International Journal of the Legal Profession, Apr. 2020, <https://doi.org/10.1080/09695958.2020.1749059>.

and tactics of coercive control that may influence or prompt a woman to commit a death-eligible offense?

- How do authorities ensure that all women accused of capital crimes have access to free and effective legal representation by attorneys who specialize in death penalty cases, ensure access to counsel at all times (from the start of the investigation through any appeals), and ensure that the defense team has sufficient funding to conduct a thorough investigation and to secure relevant expert witnesses, particularly regarding gender-specific defenses?
- What steps has the State Party taken to ensure that no judge discounts a person's testimony because she is a woman and to ensure that all judicial officials are aware that such practices are discriminatory and violate the State Party's obligations under the Convention? What remedies are available to a party to a legal proceeding during which the judge discounts a woman's testimony because she is a woman?
- What efforts are in place to expand representation of women in the judiciary, particularly within the criminal legal system?

### **III. Qatar's failure to address gender-based violence puts women at risk of facing the death penalty (Concluding Observations paras. 27-28).**

21. In its 2019 Concluding Observations, the Committee expressed concern about “[t]he lack of progress made in ensuring that domestic violence and marital rape are explicitly criminalized in national legislation,” “[t]he underreporting of cases of domestic and sexual violence owing to cultural and social stigma and fear of reprisals against victims and their families, as well as the lack of awareness among victims about their rights,” and “[t]he lack of awareness about and training in relation to gender-based violence against women and girls among judges, prosecutors and police officers to enable them to respond effectively to such cases in a gender-sensitive manner.”<sup>49</sup> The Committee recommended that Qatar “criminalize all forms of gender-based violence against women . . . without exemptions,” [a]dopt a national plan of action to combat all forms of gender-based violence against women,” “combat[] the cultural and social stigma attached to reporting” cases of gender-based violence against women and girls, “[e]nsure that victims of gender-based violence . . . have effective access to justice, protective measures, appropriate support services, rehabilitation and adequate redress and reparation, including compensation,” and “[t]ake effective measures to ensure that perpetrators are held accountable,” and “[p]rovide mandatory training for judges, prosecutors and the police on the criminal nature of all forms of gender-based violence against women and on gender-sensitive interrogation methods.”<sup>50</sup>

22. According to Human Rights Watch, Qatar has no law on domestic violence and no legal provisions to protect survivors of gender-based violence or to hold perpetrators accountable.<sup>51</sup> Moreover, “Qatari laws, regulations, and practices impose discriminatory male guardianship

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<sup>49</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 27.

<sup>50</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 28.

<sup>51</sup> *World Report 2023: Qatar: Events of 2022*, Human Rights Watch, <https://www.hrw.org/world-report/2023/country-chapters/qatar> (last visited Dec. 3, 2024).



rules on women and harm women's abilities to make autonomous decisions about their lives and their rights."<sup>52</sup> Even if a law has been changed to eliminate the requirement of guardian permission, in practice authorities often demand that women provide proof of such permission.<sup>53</sup> Moreover, as mentioned in paragraph 9 above, the penal code authorizes the death penalty for rape, further discouraging victims from reporting the crime, particularly if it could result in a family member's execution.<sup>54</sup>

23. Because the Qatari legal system fails to protect women from gender-based violence and fails to recognize their right to make autonomous decisions, women are at greater risk of gender-based discrimination in the criminal legal system and such discrimination places them at risk of being sentenced to death.
24. The Cornell study referenced above found that in the global context, women are most likely to be sentenced to death for murdering a family member, often in the context of gender-based violence.<sup>55</sup> Qatar's legal constraints on women's rights and lack of support for survivors of gender-based violence elevate the risk that women who experience gender-based violence will come into conflict with the law and will be sentenced to death.

25. Suggested questions:

- Please provide comprehensive data on all reports of rape and sexual assault that authorities received during the reporting period, disaggregated by authority receiving the report, relationship (familial, employment, educational, etc.) between the alleged victim and the alleged perpetrator, response of the authority, whether authorities brought charges, whether the alleged offender was brought to trial, outcome of any trial (including any penalties), services provided to the victim, and remedies or reparations provided to the victim.
- What measures has Qatar taken to encourage reporting of gender-based violence, including rape and sexual assault?
- Has Qatar considered eliminating the death penalty for rape?
- What measures have authorities taken to adopt and implement a national action plan to combat all forms of gender-based violence against women?
- What measures are in place to ensure that officials do not require women to provide proof of permission from a guardian when the law does not so require? What remedies are available to women who experience such extra-legal constraints?

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<sup>52</sup> *World Report 2023: Qatar: Events of 2022*, Human Rights Watch, <https://www.hrw.org/world-report/2023/country-chapters/qatar> (last visited Dec. 3, 2024).

<sup>53</sup> Harriet Grant, "We're treated as children," *Qatari women tell rights group*, Guardian, Mar. 29, 2021, <https://www.theguardian.com/global-development/2021/mar/29/were-treated-as-children-qatari-women-tell-rights-group>.

<sup>54</sup> Morine Chauvis, *Why is the Death Penalty not the answer to Rape?* World Coalition Against the Death Penalty, July 8, 2024, <https://worldcoalition.org/2024/07/08/why-is-the-death-penalty-not-the-answer-to-rape/>.

<sup>55</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide 4 (Sept. 2018), <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

What measures has the State Party taken to ensure that no official interacting with the public imposes such constraints on women seeking to exercise their rights?

**IV. Women migrant workers are particularly vulnerable, placing them at risk of coming into conflict with the law and facing capital charges (Concluding Observations paras. 15, 16(c), 28(d)-(e), 45(b), 46(c)-(d)).**

26. In its 2019 Concluding Observations, the Committee expressed concern “that women and girls experiencing intersecting forms of discrimination, such as migrant women and women and girls with disabilities, face significant barriers in terms of access to justice.”<sup>56</sup> The Committee recommended that Qatar “[s]tep up efforts to remove barriers faced by women and girls, in particular migrant women and women and girls with disabilities, in terms of access to justice, including by providing legal aid and independent and professional translation and interpretation services, when needed.”<sup>57</sup> The Committee also recommended that Qatar “[e]nsure that victims of gender-based violence, including women domestic workers, have effective access to justice, protective measures, appropriate support services, rehabilitation and adequate redress and reparation, including compensation,” and “[t]ake effective measures to ensure that perpetrators are held accountable, by . . . prosecut[ing] and punish[ing] cases of gender-based violence against women, including women domestic workers.”<sup>58</sup> The Committee also observed that “[w]omen migrant workers, in particular domestic workers, continue to face significant barriers to bringing complaints against their employers and obtaining redress in cases of abuse, including owing to fear of retaliation, detention or deportation,” and recommended that Qatar “[e]nsure that women migrant workers, in particular domestic workers, have effective access to legal aid and complaint mechanisms, shelters and rehabilitation services” and “ensure that abusive employers are held accountable.”<sup>59</sup>
27. As mentioned in paragraph 4 above, migrant workers are particularly vulnerable to the death penalty. 18 of the 21 people believed to be on death row are foreign nationals: 7 from India, 2 from Nepal, 5 from Bangladesh, 1 Tunisian and 3 Asians of unknown nationality.<sup>60</sup>
28. Similarly, according to a study conducted by Reprieve, in the first seven months of 2019, 96 Indian nationals were arrested at the Doha airport for smuggling drugs. They joined the 200 Indian nationals who were already in Qatari prisons facing drugs charges. Many of these people report a similar pattern of being propositioned to fly to Qatar for a job interview at the expense of a “talent hunter” and being given bags to carry, which were subsequently found to contain

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<sup>56</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 15.

<sup>57</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 16(c).

<sup>58</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 28(d)-(e).

<sup>59</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the second periodic report of Qatar* (30 July 2019), UN Doc. CEDAW/C/QAT/CO/2, ¶ 45(b), 46(c)-(d).

<sup>60</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

drugs.<sup>61</sup> No courts sentenced people to death for drug-related offenses in 2019 or 2020, but as noted in paragraph 9, the penal code authorizes the death penalty for repeat drug-related offenses.

29. The woman who was sentenced to death in 2016 was a female Bangladeshi maid. A court had convicted her of murdering the woman she served.<sup>62</sup> The circumstances surrounding her offense seem to be aligned with global trends showing that in many cases, authorities accuse female domestic workers of killing their employers, suggesting a “pattern of female migrant domestic workers sentenced to death in . . . Middle Eastern countries, who suffer from intersecting forms of oppression based on class, foreign nationality, precarious immigration status, and gender.”<sup>63</sup>
30. There is no information to suggest that courts in Qatar take these multifaceted forms of oppression, including sexual harassment and gender-based violence, into account in capital cases against foreign domestic workers. Although research did not uncover any specific capital cases against migrant women in Qatar during the reporting period, available information suggests that these women may face a disproportionate risk of violation of their due process rights in capital cases.
31. There are no constitutional provisions that provide protection against discrimination on the basis of national or social origin. The Constitution prohibits discrimination “on grounds of sex, race, language, or religion.”<sup>64</sup> Foreign nationals (who “account for more than 85 per cent of the population” in Qatar<sup>65</sup>) have inadequate access to legal counsel, to their respective embassies, and to assistance in a language they can understand.<sup>66</sup>
32. Qatari prison authorities have failed to comply with their obligations under the Vienna Convention on Consular Relations when foreign nationals are arrested, detained, or are awaiting trial.<sup>67</sup> Further, even when embassies are notified, research suggests that some are reluctant to assist their own nationals because of their interest in maintaining positive diplomatic relationships.<sup>68</sup> According to reports, foreign nationals who were allegedly deprived of their consular rights and due process were migrant workers facing precarious

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<sup>61</sup> Reprieve, *Worked to Death: A study on migrant workers and capital punishment* (November 2023), <https://reprieve.org/uk/2021/11/23/worked-to-death/>

<sup>62</sup> *Maid sentenced to death for killing elderly woman*, QatarLiving.com, June 3, 2016, <https://www.qatarliving.com/forum/news/posts/maid-sentenced-death-killing-elderly-woman>.

<sup>63</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide 28 (Sept. 2018), <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>64</sup> *The Constitution of the State of Qatar*, Qatar Government Communications Office, <https://www.gco.gov.qa/wp-content/uploads/2016/09/GCO-Constitution-English.pdf> (last visited Dec. 3, 2024).

<sup>65</sup> Committee on Economic, Social and Cultural Rights, *Replies of Qatar to the list of issues* (22 Nov. 2022), U.N. Doc. E/C.12/QAT/RQ/1, ¶ 2.

<sup>66</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>67</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>68</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

social-economic conditions.<sup>69</sup> According to one source, “foreign detainees had access to the legal system, although some complained of opaque legal procedures and complications, mostly stemming from language barriers. Foreign nationals did not uniformly receive translations of legal proceedings, although interpretation was generally provided within courtrooms.”<sup>70</sup>

33. Recent history suggests that prosecutors and courts may discriminate against migrant workers in capital cases, particularly if they are accused of killing a Qatari national. When authorities executed a Nepali migrant worker who had killed a Qatari national, ten other Nepalis were imprisoned for murder, but all of their victims were other Nepalis.<sup>71</sup> Of those ten, some had been sentenced to death but none have been executed.<sup>72</sup> The facts suggest that authorities singled out the Nepali who had killed a Qatari national to carry out his death sentence, perhaps deeming that his crime was more grave due to the nationality of his victim. It is also not clear whether sentencing authorities accounted for the exploitation and abuse that migrant workers can face in the *kafalah* guest-worker system.<sup>73</sup> The sentencing authority likely did not take those circumstances into account, if they had any relevance to the alleged crime. Rather, the migrant worker’s fate was in the hands of the victim’s family, who refused to accept “blood money” in return for a reduced sentence.<sup>74</sup> Due to poverty, women migrant workers are unlikely to be able to raise funds to offer sufficient *diyya* to the victim’s family to escape the death penalty.<sup>75</sup>
34. Although the UN General Assembly issued a resolution that obliges states to recognize people who have been trafficked as victims of crime and to treat them accordingly, not to penalize them for having been trafficked, Qatar continues to charge and deport victims of trafficking for contravening Qatari labor and immigration laws, and authorities have charged some potential victims of sex trafficking with *zina* (sex outside marriage).<sup>76</sup>
35. Suggested questions:
- What safeguards are in place to protect women migrant domestic workers from violence at the hands of coworkers, their employers, or relatives of their employers?
  - What measures has Qatar implemented to ensure that women foreign nationals in conflict with the law are afforded their rights to due process and to a fair trial?

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<sup>69</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>70</sup> Confidential source on file with the authors, 2020.

<sup>71</sup> *Qatar: Nepali man shot to death as punishment for murder*, Hands Off Cain (May 25, 2020), <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945>.

<sup>72</sup> *Qatar: Nepali man shot to death as punishment for murder*, Hands Off Cain (May 25, 2020), <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945>.

<sup>73</sup> See, e.g., Human Rights Committee, *List of issues in relation to the initial report of Qatar*, UN Doc. No. CCPR/C/QAT/Q/1, 24 Aug. 2020, ¶ 12.

<sup>74</sup> *Qatar: Nepali man shot to death as punishment for murder*, Hands Off Cain (May 25, 2020), <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945>.

<sup>75</sup> Cf. Geeta Pandey, *Nimisha Priya: The Indian nurse from Kerala on death row in Yemen*, BBC News, Dec. 5, 2023, <https://www.bbc.com/news/world-asia-india-67544059>.

<sup>76</sup> Reprieve, *Worked to Death: A study on migrant workers and capital punishment* (November 2023), <https://reprieve.org/uk/2021/11/23/worked-to-death/>

- How does Qatar guarantee consular assistance for foreign women charged with death-eligible offenses, as required by the Vienna Convention on Consular Relations?

**V. Women in conflict with the law may experience poor conditions of detention, in violation of Articles 11-12 of the Convention.**

36. The Government of Qatar has failed to address overcrowding and unsanitary living conditions in prisons, directly violating the rights of people in detention to an adequate standard of living.<sup>77</sup> The conditions of detention on death row are reported to be poor; individuals are living in “cramped and cold conditions,” with little to no contact with their families.<sup>78</sup> In general, the people in detention have described prisons as overcrowded, with limited toilet and bathing facilities, and limited healthcare.<sup>79</sup>
37. Human Rights Watch reports that Qatar’s only central prison in Doha is both overcrowded and unsanitary.<sup>80</sup> One foreign national interviewed by the organization stated that in one prison block, only 96 beds were provided for a population of 150 inmates.<sup>81</sup> As a result, people in prison were forced to sleep on the floor, in the prison mosque, and in the library.<sup>82</sup> Further, several people stated that their block had only 8 bathrooms for 150 individuals, with limited access to soap, water, hand sanitizer, and facemasks.<sup>83</sup> “[P]rison authorities [had] yet to sanitize . . . blocks and continue[d] to provide only one bar of soap per month to each prisoner despite the need for better cleaning and hygiene protocols during the pandemic.”<sup>84</sup> Due to insufficient accommodations, it remained nearly impossible for people to socially distance.<sup>85</sup> The lack of consistent and complete information provided to people in detention about the status of infections and delayed response to confirmed outbreaks further aggravated the situation.<sup>86</sup> Overall, people in detention reported widespread fear and anxiety about the lack of

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<sup>77</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>78</sup> Hutton, Jocelyn, et al., *Qatar’s death row and the invisible migrant workforce deemed unworthy of due process* (Nov. 25, 2022), <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

<sup>79</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>80</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>81</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>82</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>83</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>84</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>85</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>86</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

adequate living conditions and the creation of conditions that hamper physical health in prison.<sup>87</sup>

38. In addition to overcrowded and unsanitary environments, some people in detention are subjected to inhumane and unreasonably long solitary confinement that directly impacts their right to an adequate standard of living and undermines mental and physical health while detained.<sup>88</sup> It is unclear whether these detention conditions apply equally to women in detention.

39. A 2023 report on implementation of the Bangkok Rules, specifically as they relate to the right to health, found that detention conditions for women in Qatar were characterized by inadequate sanitation, insufficient ventilation, shortages of bedding and food, as well as inadequate facilities and materials to meet women's specific hygiene needs as required under Rule 5.<sup>89</sup>

40. Suggested questions:

- What measures has Qatar implemented to ensure that all prison authorities adopt gender-sensitive policies in relation to women's detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated?
- Please describe the safeguards in place to ensure the safety, privacy, and health of women who are in detention, including access to adequate toilets and sanitation and feminine hygiene products. How has prison infrastructure design accommodated women's specific needs, including their need for privacy?
- What steps have authorities taken to ensure that women under sentence of death are not held in prolonged and indefinite solitary confinement, as prohibited under Rules 43–45 of the Nelson Mandela Rules?
- Do non-governmental organizations have the opportunity to conduct unannounced, independent visits to all detention facilities where women are held to monitor conditions of detention, including whether facilities comply with the Bangkok Rules and the Nelson Mandela Rules regarding hygiene and sanitation?

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<sup>87</sup> *Qatar: Reported Covid-19 Outbreak in Central Prison*, Human Rights Watch (May 18, 2020), <https://www.hrw.org/news/2020/05/18/qatar-reported-covid-19-outbreak-central-prison>.

<sup>88</sup> *Kenyan Labour Rights Activist Leaves Qatar After Paying Hefty Fine for Publishing "False News,"* Amnesty International (Aug. 19, 2021), <https://www.amnesty.org/en/documents/mde22/4626/2021/en/>.

<sup>89</sup> Marie Claire Van Hout et al., *"Women's right to health in detention": United Nations Committee Observations since the adoption of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)*, *Journal of Human Rights Practice* (Feb. 2023), Vol. 15, pp. 138-155, <https://academic.oup.com/jhrp/article/15/1/138/6847143>.