

THE COMMITTEE ON THE RIGHTS OF THE CHILD

75th Session (15 May – 2 June 2017)

QATAR

Additional information for the consideration of the Committee on the right of every child to acquire a nationality under Article 7 CRC

14 April 2017

1. The Global Campaign for Equal Nationality Rights (GCENR)¹ and the Institute on Statelessness and Inclusion (Institute)² welcome the opportunity to submit additional information for the consideration of the Committee on the Rights of the Child regarding Qatar's compliance towards every child's right to acquire a nationality under Article 7 CRC.
2. GCENR and the Institute wish to note that Qatar is yet to respond to the list of issues and we may provide further additional information to the Committee if Qatar does provide a written response.
3. In light of the Committee's previous recommendations to Qatar on the issue,³ recommendations issued to Qatar during the second UPR cycle⁴ and the UN High Commissioner for Refugees #IBelong campaign

¹ The Global Campaign for Equal Nationality Rights mobilizes international action for the removal of gender discriminatory provisions from all nationality laws and is led by its Steering Committee of the Office of the UN High Commissioner for Refugees, Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission.

² The Institute on Statelessness and Inclusion is an independent non-profit organisation committed to promoting the human rights of stateless persons and fostering inclusion to ultimately end statelessness. Addressing childhood statelessness is one of the core thematic priorities of the Institute. The Institute has made thematic submissions to the Committee on the Rights of the Child on the child's right to a nationality and the protection of stateless children in a number of countries including Serbia, South Africa, Estonia, Nepal, Cameroon, Saudi Arabia and Sierra Leone. The Institute has also developed a Toolkit to assist civil society organisations prepare submissions to the Committee under this theme. For more information, see: <http://www.institutesi.org/ourwork/children.php>.

³ CRC/C/QAT/CO/2 (2009) and CRC/C/15/Add.163 (2001).

⁴ https://www.upr-info.org/sites/default/files/document/qatar/session_19_-_april_2014/recommendations_and_pledges_qatar_2014.pdf.

to end statelessness,⁵ the submitting organisations made a civil society submission to the Committee (Joint Submission),⁶ in which the gender discriminatory nationality law in Qatar is highlighted as undermining child rights under Articles 7 and 8 of the Convention on the Rights of the Child.

4. As noted in the joint submission:

‘Sex discrimination in nationality laws can result in significant violations of children’s rights, as well as the rights of women and their foreign spouses, including: statelessness; lack of access to public education, healthcare and other services; increased risk of gender-based violence; impeded family reunification; unemployment; social alienation and psychological damage. This alienation can result in future security threats for a State where a proportion of their population feels indefinitely marginalized. We therefore respectfully request the Committee explore further with the State Party any harmful impacts of its sex discriminatory nationality law, such as on children’s right to healthcare and to education under Articles 24 and 28 respectively, and recommend swift and comprehensive changes to remedy all breaches of the CRC.’

5. We are encouraged therefore, that paragraph 1, of the List of Issues adopted by the Committee (CRC/C/QAT/Q/3-4) requests the state to: *“Please provide information on measures and programmes introduced by the State party to ensure equal enjoyment of the rights set forth in the Convention by all children in the State party, particularly children born out of wedlock, children with disabilities, migrant children and children from minorities. Please also provide information on the measures taken to address the persistence of gender stereotypes and attitudes that impede the full enjoyment of all human rights by girls.”* Particularly, Qatari nationality law, which enshrines women and children’s legal identity as derivative from men, can leave children born out of wedlock, migrant children and children from other vulnerable groups stateless. Further, children’s inability to equally access their mother’s nationality implicitly endorses an understanding of women and girls as inferior. This is not in compliance with Article 2 or 7 CRC (neither articles 2, 5, 9, 15 and 16 CEDAW).

6. In relation to this, the List of Issues also requests the state to *“please provide additional information on the situation of children deprived of a family environment, particularly in relation to kafala”*.⁷ Qatari women’s inability to confer nationality on their foreign spouses threatens a child’s right to know and be cared for by his or her parents which would violate Article 7 CRC. For example, when foreign men are denied access to their spouses’ nationality, they may be forced to live away from their children due to challenges in acquiring residency permits and obstacles to employment. In addition, a father may threaten to take any children away from the mother and back to his home country for a number of reasons, including if his employment and social status in his wife’s country is insecure because of his nationality status. His wife may have very limited legal means to oppose such a threat.

7. We further welcome the Committee’s request that the state *“provide information on the rights of mothers and fathers both in law and in practice with regard to equality in child custody and guardianship matters,”* and information *“regarding inheritance for boys and girls.”* Children’s inability to access their

⁵ <http://www.unhcr.org/ibelong/>. Action point 3 of the Global Action Plan to End Statelessness focuses on removing gender discrimination from nationality laws.

⁶ http://www.institutesi.org/CRC_Qatar_2015.pdf

⁷ CRC/C/QAT/Q/3-4, para. 4.

mother's nationality, can prevent mothers from equally exerting their rights and responsibilities as parents and guardians, as described above, while implicitly endorsing fathers as the 'natural' head of the family. Discriminatory nationality laws can also limit children's ability to receive an inheritance from their mother, including family property, as land ownership in many areas is restricted to nationals.

8. Issue 15 (g) of the List of Issues requests updated statistical data of children who are not Qatari nationals residing in the State party. We would like to request the Committee to specifically seek data on stateless children residing in Qatar, as well as children residing in Qatar who are not Qatari nationals and who have Qatari mothers.
9. In this context, GCENR and the Institute would like to take this opportunity to request that the Committee emphasizes through these three questions, the relevance between gender discrimination and the child's right to acquire a nationality, and more directly address these issues in its dialogue with the state party during the forthcoming Committee session. In line with the previous Joint Submission we would like to take this opportunity to request the Committee to seek further information and clarification from Qatar on the following:
 - I. Given the violations of children's rights resulting from sex discrimination in the Qatar's Nationality Act No. 38 of 2005, what steps is the government taking and within what timeframe to amend the nationality law to ensure that women citizens have the same rights as men to confer nationality on their children and their foreign spouses?
 - II. What support might be needed, if any, to further this process?"