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PROTECTING WOMEN'S RIGHTS IN QATAR: LEGISLATION, PROGRESS AND CHALLENGES

This article provides a review of the current situation of women's rights in Qatar, identifies the challenges women face, and outlines strategies to address these challenges.

Qatar is a rapidly developing country with a diverse population, including a significant number of women. The country has made considerable strides towards gender equality and women's empowerment in recent years. During the preparation of the article it was found out that Qatar has ratified several international conventions and agreements that promote women's rights, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Declaration and Platform for Action. The State of Qatar has also introduced various policies and initiatives to promote women's education, employment and leadership roles.

Despite these efforts, however, women in Qatar still face several challenges in accessing their rights fully. But at the same time we can observe that women in Qatar are pushing back, becoming more vocal about their rights at least online, despite the restricted civic space. As we can observe, many women in Qatar do not know legislation well and what the official male guardianship rules are, or their legal basis, and know of them only because of their experiences or from the words of others. The findings show that, in many aspects of their lives, adult women are treated as legal minors in Qatar. Combined with other discriminatory laws and practices, male guardianship limits the ability of women in Qatar to live full, productive, and independent lives and fuels further discrimination and domestic violence. Furthermore, the country's sponsorship system, which is tied to the employment of migrant workers, often results in the exploitation and abuse of female migrant workers. Female migrant workers are also excluded from labor protections, such as minimum wage and maximum working hours, which makes them vulnerable to exploitation.

The legislative regulation of the main challenges, needs and problems women are facing in Qatar is analyzed in the article. Also significant attention has been given in this article to such areas as the legislation and its implementation in the area of protection of women's health. Considerable attention was paid to the development and limitation of rights in the field of education and opportunities in the field of professional development.

Key words: *protection of women's rights, gender equality, human rights in Qatar, women's rights in Qatar, violation of women's rights.*

Introduction. Women's rights have been a crucial topic of discussion globally, and Qatar is no exception. Qatar, a small Gulf state in the Middle East, has made significant progress in recent years towards advancing women's rights through various legislative measures. While traditionally, Qatar has been a conservative and patriarchal society, the country has taken several steps towards promoting gender equality and empowering women. Qatar has

introduced a number of legal and policy changes to ensure that women enjoy equal opportunities and are protected from discrimination.

While the country has made significant progress in terms of gender equality and women's empowerment, there is still much to be done to ensure full protection of women's rights.

The problem statement. Qatar has a unique legal system that is a combination of civil law

and Islamic law. Islamic law, or Sharia, has a significant influence on the legal framework of the country. Traditionally, under Sharia, women have had limited rights and have been subject to strict gender segregation. However, in recent years, the country has undertaken several initiatives to promote women's rights and gender equality.

In 2003, Qatar passed a law granting women the right to vote and stand for election in municipal elections. In 2011, the country's first female minister was appointed. The same year, a new labor law was introduced that prohibits gender discrimination in the workplace and provides for equal pay for equal work. In 2017, Qatar became the first country in the region to introduce a law allowing domestic workers to change employers without their consent.

Moreover, in 2021, the Qatar Cabinet approved a draft law on domestic violence that includes provisions for protection orders, penalties for abusers, and a national hotline for victims. The law aims to combat all forms of violence against women and will help to provide legal protection and support for victims.

Despite these positive developments, there are still significant challenges that Qatar faces in promoting gender equality and women's rights. For example, while women can vote and stand for election in municipal elections, they are still excluded from participating in national elections. Women also face restrictions on their ability to travel, work, and marry without the consent of their male guardians, which is a major obstacle to their economic and social empowerment.

The purpose of the article. This paper aims to provide a comprehensive overview of the current situation of women's rights in Qatar, including the current state of women's rights legislation in Qatar, the progress made, the challenges faced, and the strategies needed to further protect women's rights. The article draws on existing literature and research, including official reports, academic articles, and news sources.

Discussion. Qatar's constitution enshrines equality among citizens. But the U.S. State Department and human rights groups say the Qatari legal system discriminates against women when it comes to their freedom of movement and issues of marriage, child custody and inheritance. Under Shariah law, for example, women can inherit property, but daughters receive half as much as sons. Men can easily divorce their wives, while women must apply to courts from a narrow list of acceptable grounds. Men can marry up to four

wives without issue, while women must obtain approval from a male guardian to get married at any age. Under a rule rarely enforced, Qatari women under the age of 25 also must secure a male guardian's permission to leave the country. Husbands and fathers may bar women from traveling. Unmarried Qatari women under 30 cannot check into hotels. Single women who get pregnant face prosecution for extramarital sex. There is no government office dedicated to women's rights[6].

Women's rights in Qatar are conflicting, and even contradictory sometimes. As a woman in Qatar, you might have access to the most luxurious lifestyle, but still not feel comfortable wearing shorts outside. You might start your own successful business, yet still feel unprotected by the police.

Qatar is a country that exists right at the intersection of modernity and tradition, and this play noticeable most strikingly when it comes to gender rights[21].

No doubt that within the Gulf, Qatar is among the best nations for women's rights. Within the global ranking of gender inequality, however, Qatar is 44th according to Human Development Report 2021/2022 prepared by UNDP[5]. We can observe this paradoxical nature throughout various levels of life in Qatar. The country has explicitly stated its commitment to gender equality, yet still enforces imbalanced laws in the spheres of inheritance, marriage, and even whose testimony holds more weight in court. That said, women in the peninsula are highly educated and have significantly more freedoms than some of its neighbors.

Attitudes towards women are improving in Qatar, however, there are some key contradictions which deserve special attention. For example, even though there is a popular sense of women being respected and protected, many laws do not practice this ideal.

The Qatari government has introduced several legal and policy changes to promote gender equality and protect women's rights.

According to Article 35 of Permanent Constitution of the State of Qatar declares that all persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion[16].

In 2009, Qatar became a member of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)[3]. Despite membership, the country did not fully commit to all portions of the convention. Qatar

refuses to maintain the following: gender equality in domestic laws and policies, equality with regard to nationality, equality before the law, freedom of movement and of residence and domicile and equality in marriage and family life. These requirements contradict Islamic law[5].

In addition, Qatar has introduced policies to promote women's participation in the workforce. In 2013, the government launched the Qatar National Vision 2030, which aims to promote sustainable development and diversification of the economy. As part of this vision, the government has set a target of increasing the proportion of women in the workforce to 51% by 2022. To achieve this target, the government has introduced several measures, including providing subsidies to companies that employ women and introducing quotas for women in certain industries[17].

The male guardianship system is closely related to the seclusion of women from a male-dominated society that has traditionally controlled women's sexuality and strictly limited their autonomy. For example, women reported that their male guardians and other family members refused them permission to travel, work or study where they wished because they were intent on ensuring that they do not end up in a relationship with a man against their family's wishes, acquire a reputation for being viewed as sexually active or breaking social taboos, or to otherwise "protect" them from male society[8]. It is not just travel that is restricted. Women must obtain permission from their male guardians—who may be fathers, brothers, uncles, grandfathers, and, when married, their husbands—to exercise many of their basic rights, including to marry, obtain a government scholarship to pursue higher education, work in many government jobs, and obtain some reproductive health care. Women cannot be primary guardians of their own children at any time. They have no authority to make independent decisions relating to their children's documents, finances, travel, and sometimes schooling and medical treatment, even if they are divorced and a court ordered that their children should live with them ("custody"), or the children's father has died. If the child has no male relative to act as guardian, the government takes up this role.

Discrimination in laws relating to divorce and decisions concerning children has left some women trapped in abusive relationships, often waiting years to obtain a divorce. If they do leave, they may be unable to remarry for fear of losing custody of their children and remain dependent on their former husbands, who remain the children's legal guardians[19].

Women are required to have a male guardian's permission to marry. Once married, a woman is required to obey her husband and can lose her husband's financial support if she works or travels or refuses to have sex with him, without a "legitimate" reason. While the family law forbids husbands from hurting their wives physically or morally, and there are general criminal code provisions on assault, Qatar has no law on domestic violence or measures to protect survivors and prosecute their abusers. No law explicitly prohibits corporal punishment of children either[21].

Women can be forced to return to their families by the police if they leave their home, including when fleeing abuse. In January, a Yemeni woman was killed by her former Qatari husband outside a family court that had ruled in her favor in a dispute concerning their child[10].

Qatar allows men to pass citizenship to their spouses and children, whereas children of Qatari women and non-citizen men can only apply for citizenship under narrow conditions. This discriminates against Qatari women married to foreigners, and their children and spouses.

As we can see from all above mentioned women's freedom depend a lot on opinion of her male guardian.

Let's look closer at the progress of women's rights in the political and economical sphere.

Qatar was the first Gulf country to allow women the right to vote alongside men, in 1999. These elections—the first ever in Qatar—were deliberately held on 8 March 1999, International Women's Day[8]. It was the first GCC country to enfranchise its population.

Speaking about the amount of women in the political sphere we should mention Majlis ash-Shura (Consultative Assembly of Qatar) - legislative body of the State of Qatar. It was designated by the Emir of Qatar. In November 2017, Emir Tamim bin Hamad Al Thani appointed four women to the 45-member council. It is the first time women have taken part in the council. The Shura Council of Qatar looks over government policy, creates proposals for new laws and renews the country's financial allocation.

Prominent Qatari women hold other high-level positions, too. The female deputy foreign minister gained prestige as the spokeswoman for Qatar's critical diplomatic efforts amid the U.S. military and NATO withdrawal from Afghanistan. Another powerful woman is Sheikh Tamim's younger sister, the head of the Qatar Museum Authority who has become one of the international art world's

most popular figures. Last year, Sheikh Tamim appointed two women to the country's advisory Shura Council. But the legislative elections for the 45-member council were a stark testament to Qatari women's limited role. Female candidates did not win a single seat.

Qatar appointed its first female cabinet minister in 2003, when Sheikha Ahmed al-Mahmoud was named as Minister of Education. In 2008, Ghalia bint Mohammed bin Hamad Al Thani was made Minister of Public Health. The third woman government minister was Hessa Al Jaber, who was designated as head of the Ministry of Communication and Technology. Hanan Al Kuwari became the fourth female cabinet member in 2016 when she was made Minister of Public Health.

Speaking about influential women in Qatar it would be a mistake not to mention Her Highness Sheikha Moza bint Nasser. She has been actively engaged in education and other social reforms in Qatar for many years and has played a major role in spearheading national and international development projects.

Domestically, she currently serves as Chairperson of Qatar Foundation for Education, Science and Community Development (QF), a private non-profit organization founded in 1995. Its flagship project is Education City, which serves as a hub of academic excellence and houses branch campuses of renowned international universities and institutions. Qatar Foundation is also engaged in numerous scientific research and economic and social development projects. In addition to her work at Qatar Foundation, Sheikha Moza served as the Vice Chair of the Supreme Council of Health from 2009-2014 and as the Vice Chair of the Supreme Education Council from 2006-2012. In these roles, she helped enact major top-down reforms of Qatar's public schools and healthcare system. More recently, she chairs Sidra Medicine, a new training and research hospital that opened its doors in 2016 and is set to become a leading institution for women and children's specialty care.

Qatar has made significant advances on women's access to higher education. In the 1970s there were a few hundred female graduates in Qatar, but by 2018 there were more than 38,000 Qatari female graduates, exceeding the number of Qatari men with bachelors and postgraduate degrees[14]. Part of that success is due to the former Emir's wife, Sheikha Moza, who set up Education City in 1997 under Qatar Foundation to encourage foreign universities to set up satellite campuses in Doha, enabling Qatari women to

access more universities and a broader range of academic courses, including from internationally high-ranking institutions and in mixed gender (co-educational) environments.

However, male guardians can directly or indirectly control women's choices about education. Qatar's Family Law requires that the husband "allow his wife to complete her compulsory education and facilitate continuation of her university education within the State, provided that this shall not conflict with her family duties," making a woman's right to study contingent on her husband and prioritizing her domestic responsibilities.

Education is a huge priority for the Qatari state, and the government has made tremendous strides. In fact, the adult literacy rate is over 97%. Furthermore, Qatar has an incredibly high proportion of female students; the gross ratio of women enrolled in post-secondary education is five times that of men. However we still can observe that women being limited and controlled in their choices and ability to choose what to study and where by their guardians[21].

Despite a large number of highly educated Qatari women—there are more Qatari women university graduates than men graduates—Qatari women's employment hovers at 37 percent compared to Qatari men's employment at 68 percent[14]. While Qatari men's participation in the labor force is increasing, Qatari women's participation has remained steady and even shown "a significant and continuous decline among the more educated women." Qatar's Vision 2030 aims for a diversified workforce including "increased opportunities and vocational support for Qatari women." Yet, women face severe discrimination in their right to work.

Qatari women reporting that they need male guardian permission in order to work in most government ministries and some governmental or quasi-governmental institutions. No law requires employers to ask women to obtain such permission but there is also no law prohibiting public or private institutions from requiring such permission.

Article 93 of the Labour Law of 2004 states that women shall be given equal remuneration to men when they do the same work and shall have the same opportunities for training and advancement as men[7]. Unfortunately, women on average still earn 70% of what men make and are more likely to be unemployed. Most women work in the public sector; very few women work in the private sector, and fewer still are in top-level positions, with a few exceptions.

The Labour Law provides that women shall not be employed in dangerous work, arduous work, work that is detrimental to their health or morals, or other works to be specified by a Decision of the Minister. The Minister may also specify that women cannot be employed during certain times, such as at night.

Many women stop or scale back work after they marry or have children. For those who don't, new mothers have 50 days of paid maternity leave; this is provided they worked at the company for at least a year. There is no national policy for paternity leave, however, most companies do offer a few days to new fathers. Many expat and local families hire expat women from places like Southeast Asia or Africa to help with childcare and housework.

Women also struggle to obtain high-level posts in private companies and the public sector, even though more than half of all college graduates are women. There is no law prohibiting gender discrimination in the workplace. Despite the obstacles, some women have managed to succeed professionally.

Qatar has a strong regional reputation for its healthcare service, which provides free or subsidized health care to its citizens and residents with health insurance[2]. However, in some cases women face discrimination in their access to health care. Women reported that in some cases hospitals required that they show a marriage certificate as a prerequisite for admission, or to receive certain forms of care such as for pregnant women to obtain prenatal and obstetric care. Human Rights Watch interviewed healthcare workers who said hospital staff are required to report women to the police if they are pregnant outside of marriage, as sex outside of marriage is a crime.

Women also reported that they need male guardian permission in order to access specific forms of sexual and reproductive health care.

Under the Penal Code, abortion is generally illegal, except if necessary to save the life of the woman. A pregnant woman who performs an abortion on herself or consents to its performance is subject to up to five years' imprisonment. A person who intentionally performs an abortion on a pregnant woman is subject to the same penalty if she consents, or to up to ten years' imprisonment if she does not consent. Law No. 2 of 1983 governing the practice of the medical professions provides that if the pregnancy is of less than four months' duration an abortion may be legally performed if continuation of the pregnancy would cause certain and serious harm to the mother's health; or if

there is evidence that the child would be born with serious and incurable physical malformations or mental deficiency, and both spouses consent to the abortion.

Women also need their husband's consent in relation to some matters of fertility, but it is unclear what the legal basis for such a requirement is, such as if they are seeking sterilization. Women and girls who are unmarried but experiencing reproductive health issues for which they need examinations or birth control may also need to get guardian permission or show a marriage certificate to access such care.

After analyzing all the mentioned above issues and inequality areas in sphere of women's rights we can come to conclusion that following strategies could be helpful in protecting women's rights in Qatar:

1. Legal and Policy Reforms: The government should review and amend laws and policies that discriminate against women and adopt measures to protect women's rights fully. Moreover, the government should implement the existing legal protections, including those relating to domestic violence and sexual harassment, effectively.

2. Education and Awareness-raising: To promote gender equality and empower women, there is a need to raise awareness among the public and stakeholders about women's rights and gender equality. This can be achieved through education campaigns, public dialogues, and media engagement.

3. Capacity Building: Government officials, law enforcement agencies, and judicial authorities need to be trained to address gender-based violence effectively and provide support to women who experience abuse.

4. Support for Women's Organizations: Civil society organizations that advocate for women's rights should be supported and encouraged to work actively in this direction and achieve the set goals.

Conclusion. The present situation indicates that Qatar is moving toward greater gender equality. A struggle for equality and women's rights in Qatar still exists despite its progressive nature. The country is aware of this issue and is continuing its work to further the rights of women in Qatar. Gender issues have become a key theme of social development programmes and strategies. There have already been achievements in creating equal opportunities and legal reform for female citizens. More are sure to come with Qatar's commitment to increased gender equality.

The state of Qatar continues its increasing concern about human rights through making the required legislative, legal, administrative and other arrangements to establish those rights and provide the means whereby to confirm and develop them in the context of comprehensive social development.

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Аракелян М. Р., Луцан А. В. Захист прав жінок у Катарі: законодавство, прогрес та виклики

Стаття містить огляд поточної ситуації стосовно прав жінок у Катарі, визначає проблеми, з якими стикаються жінки, і окреслює стратегії вирішення цих проблем.

Катар – країна, що швидко розвивається та має у своєму складі багатонаціональне населення, серед якого значна кількість жінок. За останні роки країна зробила значний крок у напрямку гендерної рівності та розширення прав і можливостей жінок. У ході підготовки статті з'ясувалося, що Катар ратифікував кілька міжнародних конвенцій і угод, які заохочують права жінок, включаючи Конвенцію про ліквідацію всіх форм дискримінації щодо жінок і Пекінську декларацію та Платформу дій. Країна також запровадила різноманітні політики, ініціативи та сприятливі умови спрямовані на просування жіночої освіти, працевлаштування та змогу зайняття керівних позицій жінками.

Однак, незважаючи на ці зусилля, жінки в Катарі все ще стикаються зі значними проблемами в повному доступі до своїх прав. Але в той же час ми можемо спостерігати, що жінки в Катарі не відступають, а стають більш обізнаними і потрохи заявляють про

свої права незважаючи на обмеження. Як ми з'ясували, багато жінок у Катарі погано знають законодавство та офіційні правила чоловічої опіки чи їхню правову основу, і знають про них лише завдяки власному досвіду чи зі слів інших. Ми можемо зробити висновки, що в багатьох аспектах життя з дорослими жінками у Катарі поводяться як з неповнолітніми. У поєднанні з іншими дискримінаційними законами та практиками чоловіча опіка обмежує здатність жінок у Катарі жити повноцінним, продуктивним і незалежним життям і сприяє подальшій дискримінації та домашньому насильству. Крім того, система спонсорства в країні, пов'язана з працевлаштуванням трудящих-мігрантів, часто призводить до експлуатації та жорстокого поводження з жінками-мігрантами. Працюючі жінки-мігранти також обмежені в умовах захисту праці, таких як мінімальна заробітна плата та максимальна тривалість робочого часу, що робить їх уразливими до експлуатації.

У статті проаналізовано законодавче регулювання основних викликів, потреб і проблем, з якими стикаються жінки в Катарі. Також у цій статті значну увагу було приділено таким сферам, як законодавство та його реалізація у сфері охорони здоров'я жінок. Певну увагу було приділено розвитку та обмеженню прав у сфері освіти та можливостей у сфері професійного розвитку.

Ключові слова: захист прав жінок, гендерна рівність, права людини в Катарі, права жінок в Катарі, порушення прав жінок