

By Nick Langer\*

Relations between Qatar's ruling family and prominent individuals who control the country's wealth are close. This opens questions about Qatari authorities' declared intentions to fight corruption.

There is no consensus about the size of the population, but estimates indicate that the tiny Arab gulf emirate is home to less than half a million citizens, and nearly one million expatriates. Many of these expats come from the sub-Indian continent to work and in Qatar they face difficult conditions or human rights abuses.

Most ruling family members, who have already amassed a fortune through oil, natural gas and related industries, are married to members of prominent families that regularly bring in and employ Qatar's international army of expatriates.

According to a 2009 U.S. State Department report, immigrant workers in Qatar are often subjected to threats of physical harm; withholding of wages; charging workers for benefits the employer is responsible for; restrictions on movement, including the confiscation of passports and travel documents and the withholding of exit permits; arbitrary detention; threats of legal action and deportation; false charges; as well as physical, mental, and sexual abuse.

Taleb Assaf, a prominent lawyer and human rights activist, said instances of worker abuse are often covered up to protect influential families and maintain a positive image of the country, which has lobbied to host the headquarters of various United Nations (UN) bodies in the region.

The weight of the foreign workers in the Qatari economy is also a factor. "If the government pursues legal action against all companies that disrespect human rights, the country would be paralyzed and industries would collapse because they would no longer have sufficient workforce to do the job," said a Western diplomat from Doha, who wished to remain unnamed.

Keeping the distance from human rights conventions

Despite pressure from the international community, authorities remain reluctant to sign several human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention Against Torture, the Convention on the

Elimination of All Forms of Racial Discrimination and other accords recognized by most countries worldwide.

Instead, Qatar has set up its own human rights committees, but they are run by pro-government figures that shy away from issues like the human trafficking and physical abuse of thousands of expatriates.

Observers in Qatar say the emirate's 15 human rights committees have yet to issue a single periodical report about the state of Qatar's human rights practices. In 2009, none of the committees submitted reports about progress, or lack of it, concerning Qatar's compliance with human rights accords and the rule of the law.

"The majority, if not all of the committees on human rights are run by members of prominent families that have direct or indirect commercial relations with members of the ruling family. There is a large web of common interests between officials running state affairs, business tycoons and the ruling family," Assaf said.

Human rights activists say that Qatar hasn't opened its doors to independent human rights groups either, and that the country has failed to sign relevant international accords that would allow these organizations to establish their offices in Doha.

"Qatar is reluctant to sign on the international accord on civil rights that allows independent NGOs to operate on its territories in a bid to avoid focus on illegal practices by influential people from the government and elsewhere," said Rashid Mesli, legal director at al Karameh human rights organization, based in Geneva. Experts who wish to remain unnamed pointed to the country's sponsorship law as an example of the conflict of interest between Qatar's declared intention to respect migrants' rights and its pressing need for cheap labour from India, Sri Lanka, Pakistan, Philippines and former Soviet Union states.

According to the legislation, only Qatari nationals can give work sponsorship to foreigners, and it allows employers to withhold foreign workers' passports, on the grounds that the workers arrived to work only for them. Such a practice opens the gateway for human trafficking.

Justice, but not for everybody

The independence of Qatar's judiciary is also under the spotlight as the government has the final say on the

appointment of judges and all related posts, compromising the courts' efficiency, let alone respect of the law.

Judges are appointed by the government-run Supreme Judicial Council. Most judges come from Egypt, Sudan and Jordan with three to five-year contracts.

Court rulings must be issued under the name of the ruler, Emir Sheikh Hamad bin Khalifa Al-Thani, thus compromising the independence of the judiciary and putting into question decisions on disputes involving members of the ruling family or their long list of allies.

“The council of ministers, run by a ruling family member is in control of everything in Qatar, including the Supreme Judicial Council that runs the legal system. This provides the elite family and its allies complete immunity from clutches of the law,” said a human rights activist and law expert.

Expatriate judges are often more concerned about finishing out their contract without getting in trouble rather than doing justice, said a former Arab national judge who worked in Qatar for five years.

Not surprisingly, Asian diplomats and observers from international human rights groups say Qatari authorities discriminate against foreigners when it comes to upholding justice.

There is a perception that police and the Office of the Prosecutor General are significantly more lenient with Qatari nationals accused of corruption or human rights abuses than they are with expatriates.

According to police sources, most cases of abuse toward women and expatriates during 2009 that reach court do not involve Qatari nationals.

“The lack of court cases against nationals is not because they are the minority, but because they are often granted preferential treatment,” said a Sudanese judge, who claimed that police routinely pressure victims to accept out-of-court settlements.

For instance, nearly 70 percent of rape cases filed by expatriate women are dismissed by the police, according to sources within the Doha police department.

“Cases with strong evidence that implicate nationals, particularly from influential families, are almost always

settled outside court,” said Assaf.

Those who insist on proceeding with a case often find themselves without residency permits, a precondition for perusing legal action in a Qatari court.

According to a 2009 Amnesty International report to the UN: “Migrant workers are not adequately protected by Qatari law and are generally unable to access the justice system to challenge the decisions of their employers or to seek redress, because they are trapped at home and because of the prohibitive costs of going to court and language barriers.”

A different version

Qatari officials insist that they are committed to fighting corruption. Minister of Justice Hassan Abdullah al Ghanem stressed that all corruption cases that reach the prosecutor general’s office are either referred to court or studied for further legal action.

“We will not hesitate to prosecute officials and send them to court to face justice,” said the minister, who also vehemently rejected claims that the judiciary is biased. “We have been successful in fighting corruption. We ranked the first in the Arab world for two consecutive years,” he pointed out, referring to 2007 and 2008 Transparency International reports.

On judiciary independence, Al Ghanem said the Ministry of Justice has granted the prosecutor general and the Supreme Judicial Council financial autonomy.

“The prosecutor general is independent and does not answer to any authority from the ministry of justice or other party,” he added, during the Conference of the Parties to the UN Convention Against Corruption (UNCAC) in Doha, Qatar, held on November 2009.

For Qatar, the path toward justice and good governance must enter the inter-tangled relations among influential politicians and businessmen. Time will tell whether the government will stay true to its word and follow that path.

Otherwise, it will remain one of the richest countries in the Middle East in terms of energy resources and its booming economy, but one of the poorest in terms of upholding human rights and combating corruption.

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