

Overall Score:

42 - Very Weak

Legal Framework Score:

41 - Very Weak

Actual Implementation Score:

38 - Very Weak

Category I. Civil Society, Public Information and Media

I-1. ³⁰Civil Society Organizations

1. Are anti-corruption/good governance CSOs legally protected?

0

1a. In law, citizens have a right to form civil society organizations (CSOs) focused on anti-corruption or good governance.

YES | **NO**

Comments:

The Law pertaining to Private Institutions and Vocational Assemblies prohibits organizations in Qatar from participating in political matters of any sort.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

1b. In law, anti-corruption/good governance CSOs are free to accept funding from any foreign or domestic sources.

YES | **NO**

Comments:

Anti-corruption/good governance CSOs are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

Art. 8 allows for all other (non-political) organizations in Qatar to partner with any organization that is similar to it in its mandate, that can aid or assist the organization in achieving its goals, or that can partner with it in any way.”

Art. 10 of the same law allows for a wide range of sources of funding without distinction between their domestic or foreign origin.

These articles overturned Article 31 of Law No. 12 of 2004, which forbade associations in Qatar from receiving any form of funding (loans, grants, gifts, etc) from any foreign body without Ministerial approval.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

Article 8 and 10 of Decree Law No. 21 (2006) on Private Institutions of General Interest. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2990>

YES: A YES score is earned if anti-corruption/good governance CSOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

NO: A NO score is earned if there any formal legal or regulatory bans on foreign or domestic funding sources for CSOs focused on anti-corruption or good governance.

1c. In law, anti-corruption/good governance CSOs are required to disclose their sources of funding.

YES | **NO**

Comments:

Anti-corruption/good governance CSOs are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

Art. 5(5) of Law. 21 of 2006 states that all other (non-political) organizations must disclose their source of funding within its founding mandate.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned if anti-corruption/good governance CSOs are required to publicly disclose their sources of funding.

NO: A NO score is earned if no such public disclosure requirement exists.

2. Are good governance/anti-corruption CSOs able to operate freely?

33

2a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance CSOs.

100 | 75 | 50 | 25 | 0

Comments:

There are no anti-corruption or good governance CSOs in Qatar. Domestic CSOs in Qatar are prohibited from engaging in political issues and none have taken active steps toward challenging this legal barrier.

According to a National Human Rights Committee representative, this Committee makes a point of avoiding corruption-related issues. All requests for the creation of new independent CSOs are pending. For example, according to a former editor-in-chief Dr. Ahmed Abdul Malik, the Qatar Writers Association, which doesn't focus on anti-corruption issues but whose members include journalists and activists who have spoken out against corruption in the past, has been waiting for over a year for a license.

Associations focused on anti-corruption and good governance issues exist only within government ministries, have been formed only after an Executive Decision (or Emiri Decree), and receive government financing. As expressed by the BTI Report (2009, p. 9): Interest groups are only rudimentary and almost completely under the control of the authorities. Founding an NGO [nongovernmental organization] is expensive and burdened by extensive red tape."

References:

Bertelsmann Stiftung, BTI 2010-Qatar Country Report. Gütersloh: Bertelsmann Stiftung, 2009. Available at: <http://www.bertelsmann-transformation-index.de/>

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: CSOs focused on promoting good governance or anti-corruption can freely organize with little to no interaction with the government, other than voluntary registration.

75:

50: CSOs focused on promoting good governance or anti-corruption must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the CSO. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Other than pro-government groups, CSOs focused on promoting good governance or anti-corruption are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

2b. In practice, anti-corruption/good governance CSOs actively engage in the political and policymaking process.

100 | 75 | 50 | 25 | 0

Comments:

There are no anti-corruption or good governance CSOs. Local organizations may make policy recommendations that are not controversial, but they are prohibited from engaging in political issues. No organization has actively challenged this legal barrier.

It should be noted that in 2008 Qatar's National Human Rights Committee requested that the government revise certain laws and procedures that the Committee deems in violation of human rights (i.e., pertaining to the press law, treatment of foreign migrant laborers, nationality and citizenship laws, and prisoner detention). This Committee does not, however, address corruption or governance.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Civil society organizations focused on anti-corruption or good governance are an essential component of the political process. CSOs provide widely valued insights and have political power. Those CSOs play a leading role in shaping public opinion on political matters.

75:

50: Anti-corruption/good governance CSOs are active, but may not be relevant to political decisions or the policymaking process. Those CSOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

25:

0: Anti-corruption/good governance CSOs are effectively prohibited from engaging in the political process. Those CSOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

2c. In practice, no anti-corruption/good governance CSOs have been shut down by the government for their work on corruption-related issues during the study period.

YES | NO

Comments:

As there are no anti-corruption or good governance CSOs in Qatar, the government could not effectively shut one down.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

YES: A YES score is earned if there were no CSOs shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period. YES is a positive score.

NO: A NO score is earned if any CSO has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the CSO's work may not be explicit, however the burden of proof here is low. If it seems likely that the CSO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3. Are civil society activists safe when working on corruption issues?

100

3a. In practice, in the past year, no civil society activists working on corruption issues have been imprisoned.

YES | NO

References:

Representative from the Doha Center for Media Freedom. Interview date and location: e-mail correspondence on March 14, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

YES: A YES score is earned if there were no CSO activists imprisoned because of their work covering corruption. YES is a positive score.

NO: A NO score is earned if any activist was jailed in relation to work covering corruption. The causal relationship between the official charges and the person's work may not be explicit, however the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

3b. In practice, in the past year, no civil society activists working on corruption issues have been physically harmed.

YES | NO

References:

Representative from the Doha Center for Media Freedom. Interview date and location: e-mail correspondence on March 14, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

YES: A YES score is earned if there were no documented cases of CSO activists covering corruption being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3c. In practice, in the past year, no civil society activists working on corruption issues have been killed.

YES | NO

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Representative from the Doha Center for Media Freedom. Interview date and location: e-mail correspondence on March 14, 2010.

YES: A YES score is earned if there were no documented cases of CSO activists being killed because of their work covering corruption in the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation. The relationship between a mysterious death and an individual's history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

4. Can citizens organize into trade unions?

63

4a. In law, citizens have a right to organize into trade unions.

YES | NO

Comments:

Law No 12 of 2004 regulating Private Institutions and Vocational Assemblies grants citizens the right to establish professional associations, and Art. 116 of Labor Law No. 14 of 2004 grants workers the right to organize into a trade union. However, the law allows for only one trade union: the General Union of Workers of Qatar, made up of several General Committees for workers in different trades or industries.

In order to create such a Committee, however, work sites must have a minimum of 100 Qatari employees and the Committee cannot engage in political issues. Also, government employees are prohibited from forming trade unions, as are non-Qatari nationals. Both laws have been in effect since November 2004.

References:

Arts. 116-123 of Qatar's Labour Law No. 14 of 2004.

See also Law 12 of 2004 regulating Private Institutions and Vocational Assemblies.

YES: A YES score is earned when trade unions are allowed by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent trade union is legally prohibited by the government from organizing.

4b. In practice, citizens are able to organize into trade unions.

100 | 75 | 50 | 25 | 0

Comments:

The right to form trade unions is highly restricted and no union formation has yet to be documented in Qatar. In both law and practice, work sites must have a minimum of 100 Qatari employees in order for a workers committee (the precursor to a trade union) to be formed. Workers committees may join the General Union of Workers only after they meet certain requirements.

There are strict conditions on the management, establishment and function of workers committees and they are subject to a licensing fee of 50,000 Qatar Riyals ((US\$13,740) and an annual fee of 10,000QR (US\$2,750). Also, government employees are prohibited from forming trade unions, as are non-Qatari nationals without the permission of the Prime Minister.

The reality in Qatar is such that foreign migrant workers make up the vast majority of the private and semi-private workforce, while the majority of Qatari nationals are employed in the civil service. As it is rare to find a private or semi-private establishment that employs at least 100 Qatari nationals, this scenario highly restricts Qataris from forming trade unions. It should be noted, however, that the government has not been known to use violence as a barrier to organizing into trade unions.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Solidarity Center Website – Information on Qatar. Available at: <http://www.solidaritycenter.org/content.asp?pl=863&sl=407&contentid=878>. Accessed on March 20, 2010.

International Trade Union Confederation. Annual Survey of Violations of Trade Union Rights – Qatar (2009). Available at: <http://survey09.ituc-csi.org/survey.php?IDContinent=5&IDCountry=QAT&Lang=EN>. Accessed on April 23, 2010.

100: Trade unions are common and are an important part of the political process and political discourse. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

75:

50: Trade unions exist, but are not always relevant to politics or policy debates. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

25:

0: Trade unions are rare. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

I-2. Media

5. Are media and free speech protected?

0

5a. In law, freedom of the media is guaranteed.

YES | **NO**

Comments:

Article 22 states that Any journal issuing in Qatar shall not publish any announcement or statement from any foreign country or body before the approval of the Minister of Information.”

Article 24 allows the Council of Ministers to “suspend the journal for maximum one year or cancel its authorization if it is confirmed that its policy is in contradiction with the national interest.”

Article 42 forbids any publication from criticizing the Head of State, the Emir of Qatar.

Article 43 encompasses an extensive list of topics that are also prohibited, including: prejudicing the State or its interests; any item that challenges the work of a public official; the promotion of “destroying principles”; anything that may trouble the relations between Qatar and its allies or other Arab states or prejudice their leaders; any opinion, irony, or offense of the the divine religions; any item that may prejudice the state currency; or any item in contradiction to ethics or that may injure a person’s dignity, reputation, or trade name.

References:

Press and Publication Law No. 8 of 1979, Articles 24, 42 and 43 (1-2; 5-6; 8-11; 13-14). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2802>

YES: A YES score is earned if freedom of the press is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any specific publication relating to government affairs is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

5b. In law, freedom of speech is guaranteed.

YES | **NO**

Comments:

No laws exist to protect freedom of speech. Article 47 of the Constitution allows for freedom of expression of opinion, but with the conditions and circumstances set forth in the law.

Article 134 of the Penal Code forbids the use of public means” (defined as shouting, stating, making acts, signs, movements, or drawings, writing, filming or photographing) to criticize the authority of the Head of State, the Emir of Qatar.

Art. 138 prohibits offending the State flag by public means.

Article 42 of the 1979 Press and Publication Law forbids citizens from publishing an item that criticizes the State of Qatar or the Head of State (the Emir).

Article 43 (13) restricts writers from challenging the work of a public official unless the writer was of “good intention” or “aiming to protect the public interest.”

References:

Article 47 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

Article 134 and 138 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

Articles 42 and 43 of the Press and Publication Law (No. 8 of 1979). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2802>

YES: A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

6. Are citizens able to form print media entities?

19

6a. In practice, the government does not create barriers to form a print media entity.

100 | 75 | 50 | 25 | 0

Comments:

Four publishing companies owned by people in power, or those close to them, dominate this sector in Qatar. According to a representative from Doha Center for Media Freedom, although none of Qatar’s daily newspapers is legally state-owned, the owners or board members are either high-level government officials or have ties to government officials and any new entity needs an influential government connection to get through the red tape.

It was explained to me by a local intellectual that new print media entities need the approval of a head Sheikh in the Council of Ministers (or cabinet), but, in practice, the government has stopped allowing new media entities from forming altogether.

References:

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

Representative from the Doha Center for Media Freedom. Interview date and location: e-mail correspondence on March 14, 2010.

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

100: Print media entities can freely organize with little to no interaction with the government. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of print media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Print media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

6b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | **NO**

Comments:

Law No. 7 of 2007 on Administrative Disputes allows any individual who has been affected by a discriminatory administrative decision to file a claim with the Administrative Court. The Administrative Court (within the Preliminary Court) will hear trials concerning government infringements of citizen rights. However, according to Art. 3 of this law, although citizens may seek civil redress in the court system for many civil grievances, decisions governing print and broadcast media are among those that may not be questioned under judicial jurisdiction.

References:

Art. 3 of Law No. 7 (2007) on Administrative Disputes. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=3205>

Press and Publication Law No. 8 of 1979 does not establish an appeal process. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2802>

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied print media license, including through the courts. A YES score is also earned if no print license is necessary.

NO: A NO score is earned if there is no appeal process for print media licenses.

6c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100 | 75 | 50 | **25** | 0

Comments:

Four publishing companies owned by people in power, or those close to them, dominate this sector in Qatar. According to a representative from Doha Center for Media Freedom, although none of Qatar’s daily newspapers is legally state-owned, the owners or board members are either high-level government officials or have ties to government officials and any new entity needs an influential government connection to surpass the red tape.

It was explained to me by a local intellectual that new print media entities need the approval of a head Sheikh in the Council of Ministers (or cabinet), but, in practice, the government has stopped allowing new media entities from forming altogether.

References:

Representative from the Doha Center for Media Freedom. Interview date and location: email correspondence on March 14, 2010.

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

100: Licenses are not required or licenses can be obtained within two months.

75:

50: Licensing is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing takes close to or more than one year for most groups.

6d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

100 | 75 | 50 | **25** | 0

References:

Representative from the Doha Center for Media Freedom. Interview date and location: e-mail correspondence on March 14, 2010.

100: Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

7. Are citizens able to form broadcast (radio and TV) media entities?

7a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

100 | 75 | 50 | 25 | 0

Comments:

All broadcast media entities in Qatar are state-owned and financed, including the 24-hour satellite TV news channel Al-Jazeera, launched in late 1996, and its sister channel Al-Jazeera English, launched in 2006.

References:

BBC News Online – Qatar Country Profile. Published December 16, 2009. Available at: news.bbc.co.uk/2/hi/middle_east/country.../791921.stm. Accessed on: April 21, 2010.

Representative from the Doha Center for Media Freedom. Interview date and location: e-mail correspondence on March 14, 2010.

100: Broadcast media entities can freely organize with little to no interaction with the government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of broadcast media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

25:

0: Broadcast media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear. This score is appropriate if the division of broadcast bandwidth is widely viewed to be used as a political tool.

7b. In law, where a broadcast (radio and TV) media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | NO

Comments:

After reviewing this law, no such appeals mechanism could be found.

References:

Press and Publications Law (No. 7 of 1979) .Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2802>

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied broadcast media license, including through the courts. A YES score is also earned if no broadcast license is necessary.

NO: A NO score is earned if there is no appeal process for broadcast media licenses.

7c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

All broadcast media entities are owned by the government and citizens cannot obtain licenses.

References:

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

100: Licenses are not required or licenses can be obtained within two months.

75:

50: Licensing is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing takes close to or more than one year for most groups.

7d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

All broadcast media entities are state-owned and citizens cannot obtain a license.

References:

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

100: Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

8. Can citizens freely use the Internet?

50

8a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | **50** | 25 | 0

Comments:

Qatar Telecommunications Company (or, Q-Tel) is the sole Internet provider in the country, despite Law No. 34 of 2006 issued by the Head of State (the Emir) that legally lifts its monopoly on telecommunications. The Law allows Internet Service Providers to monitor online usage and requires them to hand over this information to the government upon request. Those found to be using the Internet to disturb, irritate or offend” may be subject to fines and up to a year in prison.

Q-Tel uses content control software to censor websites that are politically, socially or religiously sensitive, and has been known to block Voice-over-Internet sites in the past (Vonage, Skype, etc.). Regular censorship mainly includes: pornography, content that criticizes Islam, the state of Qatar, the Emir, or other Gulf states, gay and lesbian sites, and privacy and circumvention tools. Internet censorship also includes monitoring of e-mails and chat rooms. However, the majority of international online newspapers, international organizations’ websites, social networking sites (i.e. Facebook and twitter) and blogs are permitted, although Q-Tel has been known to randomly censor content on these sites. Also, censorship does not apply to businesses and is restricted to private residences. There is very little in the way of standardized regulations and procedures for online censorship and filters appear random at times.

In December 2009, a professor from Virginia Commonwealth University in Qatar posted comments on QatarLiving.com (a social networking and information-sharing site used mainly by foreign expatriates) criticizing the behavior of certain young Qataris during Qatar National Day. The comments not only sparked a national outcry against foreigners publishing content criticizing Qatar, the professor’s comments were censored and later removed from the Internet. Censorship does not apply to businesses, however, and is restricted to private residences. Also, there is very little in the way of standardized regulations and procedures for online censorship and filters appear random at times.

References:

Shadina S. Khatri, Maintaining Boundaries on the Internet – How Far is Too Far in Qatar?” Available at: <http://www.qatarvisitor.com/index.php?cID=448&pID=1617>. Accessed on March 18, 2010.

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

100: The government does not prevent Internet users from accessing online content. While some forms of content may be illegal to download or own (such as child pornography), the government does not manipulate networks to prevent access to this information. This indicator addresses direct government intervention in the transfer of information, not indirect deterrents such as intimidation, surveillance or technical difficulties in countries with poor infrastructure.

75:

50: Internet users are prevented by the government from reaching online content in some cases. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

25:

0: Internet users are routinely prevented from accessing online content. Government restrictions are in place at all times for certain topics. Government tactics may include firewalls preventing access to networks in other countries, or manipulating

search engine results to exclude politically sensitive topics.

8b. In practice, the government does not censor citizens creating content on-line.

100 | 75 | **50** | 25 | 0

Comments:

Qatar Telecommunications Company (or, Q-Tel) is the sole Internet provider in the country, despite Law No. 34 of 2006 issued by the Head of State (the Emir) that legally lifts its monopoly on telecommunications. The Law allows Internet Service Providers to monitor online usage and requires them to hand over this information to the government upon request. Those found to be using the Internet to disturb, irritate or offend” may be subject to fines and up to a year in prison.

Q-Tel uses content control software to censor websites that are politically, socially or religiously sensitive. Regular censorship mainly includes: pornography, content that criticizes Islam, the state of Qatar, the Emir, or other Gulf states, gay and lesbian sites, and privacy and circumvention tools. It monitors emails and chat rooms and prevents people from accessing or publishing on certain blogs and websites, such as qatarsucks.com and tagged.com. However, the majority of blogs and other content-publishing sites – such as Facebook, Youtube and Twitter – are permitted, although Q-Tel has been known to censor content on these sites. Also, censorship does not apply to businesses, however, and is restricted to private residences. Also, there is very little in the way of standardized regulations and procedures for online censorship and filters appear random at times.

In December 2009, a professor from Virginia Commonwealth University in Qatar posted comments on QatarLiving.com (a social networking and information-sharing site used mainly by foreign expatriates) criticizing the behavior of certain young Qataris during Qatar National Day. The comments not only sparked a national outcry against foreigners publishing content criticizing Qatar, the professor’s comments were censored and later removed from the Internet.

References:

Shadina S. Khatri, Maintaining Boundaries on the Internet – How Far is Too Far in Qatar?” Available at: <http://www.qatarvisitor.com/index.php?cID=448&pID=1617>. Accessed on March 18, 2010.

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

100: The government never removes online information or disables servers due to their political content. All political speech is protected with limited exceptions, such as legitimate intellectual property restrictions; direct calls to violence; or pornography.

75:

50: In some cases, the government restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting restricted content, or indirectly through threats or intimidation against the persons posting political content.

25:

0: The government regularly restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting the restricted content, or indirectly through threats or intimidation against the persons posting political content.

9. Are the media able to report on corruption?

9a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

YES | NO

Comments:

Article 43 (13) of Press and Publication Law No. 8 of 1979 forbids the publishing any Challenge of the work of a public official, unless it is confirmed that the writer was of good intention and was aiming for the protection of the public interest.”

Arts. 18-21 of Law No. 8 (1979) require journals that publish “an insinuation, defamation, or prejudice” addressed at a public official to also publish the official’s response to such accusations, with certain exceptions. However, the law does not allow for a Truth Defense, whereby print media entities may defend their report by providing accurate evidence.

In addition, Art. 3 of Law No. 7 of 2007 concerning Administrative Disputes states that government decisions that regulate print and broadcast media may not be questioned under judicial jurisdiction and persons may not seek redress in the court system for such civil grievances.

References:

Arts. 18-21 and Art. 43 (13) of Press and Publication Law No. 8 of 1979. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2802>

Art. 3 of Law No. 7 of 2007 concerning Administrative Disputes. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=3205>

YES: A YES score is earned if it is legal to report accurate information on public figures regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the government or civil service; any political leader; leaders of civil society groups including religious groups, trade unions, or NGOs; leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

NO: A NO score is earned if privacy laws protect any public figures (as defined in the YES coding) from accurate information.

9b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100 | 75 | 50 | 25 | 0

Comments:

It is crucial to note that Qatari citizens only make up roughly 13% of Qatar’s total population, approximated to be 1,800,000. Perhaps as a result, over 90% of journalists in Qatar are foreign nationals.

All foreigners working in Qatar are bound by the sponsor system, which restricts their freedom of movement and places them under the control of their Qatari employers/sponsors. This status puts foreign journalists in a delicate position and discourages them from practicing investigative journalism or questioning government decisions. Self-censorship is generally practiced when reporting on government policies or material deemed hostile to Islam, the ruling family, and relations with neighboring states.

Broadcast media entities generally focus on entertainment and the Al-Jazeera news channel, while openly reporting on the region, refrains from criticizing the Qatari government or its GCC allies. It has been explained to me by local experts that editors-in-chief of local newspapers are viewed as government proxies, as all four publishing companies in Qatar are run by either high-level government officials or those who have ties to government officials. Editors’ positions are approved, denied and secured by the government and, therefore, they are accountable to it. They are viewed as encouraging self-censorship in order to avoid controversy, secure their jobs and to ensure that the newspaper stays open.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

BBC World News Online – Qatar Country Profile. Published on December 16, 2009. Available at: news.bbc.co.uk/2/hi/middle_east/country.../791921.stm. Accessed on April 21, 2010.

100: The government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues through unofficial means.

75:

50: The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

25:

0: The government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

9c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | **50** | 25 | 0

Comments:

Shortly after he came to power in 1995, Qatar's head of state, the Emir Hamad bin Khalifa al-Thani, removed former official censors that reviewed all newspaper pages before they went to the printer's. The Emir also dissolved the Information Ministry, which had been in charge of the media.

However, the government continues to censor foreign newspapers and magazines for sensitive or prohibited sexual, religious, and political content.

It is crucial to note that Qatari citizens only make up roughly 13 percent of Qatar's total population, estimated to be 1,800,000. Perhaps as a result, over 90 percent of journalists in Qatar are foreign nationals.

All foreigners working in Qatar are bound by the sponsor system, which restricts their freedom of movement and places them under the control of their Qatari employers/sponsors. This status puts foreign journalists in a delicate position and discourages them from practicing investigative journalism or questioning government decisions. Self-censorship is generally practiced when reporting on government policies or material deemed hostile to Islam, the ruling family, and relations with neighboring states.

Broadcast media entities generally focus on entertainment and the Al-Jazeera news channel, while openly reporting on the region, refrains from criticizing the Qatari government or its GCC allies. It has been explained to me by local experts that editors-in-chief of local newspapers are viewed as government proxies, as all four publishing companies in Qatar are run by either high-level government officials or those who have ties to government officials. Editors' positions are approved, denied and secured by the government and, therefore, they are accountable to it. They are viewed as encouraging self-censorship in order to avoid controversy, secure their jobs and to ensure that the newspaper stays open.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Representative from the Doha Center for Media Freedom. Interview date and location: e-mail correspondence on March 14, 2010.

100: The government never prevents publication of controversial corruption-related materials.

75:

50: The government prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information. This score is appropriate if in countries where illiteracy is high, the government may allow a free print press but censor broadcast media.

25:

0: The government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

10. Are the media credible sources of information?

50

10a. In law, print media companies are required to publicly disclose their ownership.

YES | NO

Comments:

Article 15 of the Press Law states Each copy should mention in a prominent place the name of the press publication owners, the editor-in-chief, the name of the publisher, if any, the name of the printer house where the journal is printed if it has not an own printer, the issue date, the subscription cost and the unit price.”

References:

Article 15 of the Press and Publication Law No. 8 of 1979. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2802>

YES: A YES score is earned if print media companies are required by law to publicly disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10b. In law, broadcast (radio and TV) media companies are required to publicly disclose their ownership.

YES | **NO**

Comments:

After reviewing the law, no such requirement to publicly disclose their ownership could be found. All broadcast media entities in Qatar are state-owned and financed, including Qatar Radio and Television Corporation (which operates Qatar Television and the radio station Qatar Broadcasting Service), the 24-hour satellite TV news channel Al-Jazeera and its sister channel Al-Jazeera English.

References:

Press and Publications Law (Law No. 7 of 1979) : Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2802>

YES: A YES score is earned if broadcast media companies are required by law to publicly disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10c. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100 | 75 | **50** | 25 | 0

Comments:

It is crucial to note that over 90 percent of journalists in Qatar are foreign nationals. All foreigners working in Qatar are bound by the sponsor system, which restricts workers' freedom of movement and places them under the control of their Qatari employers/sponsors. Cases of journalists accepting bribes are quite uncommon. Rather, it is their expatriate status that puts them in a delicate position and discourages them from practicing investigative journalism or adhering to professional journalistic practices.

When covering local news, journalists often simply publish pre-drafted press releases received from companies' communications departments. Also, the diverse background and non-standardized training of journalists contributes to low levels of professionalism. However, journalists employed by the Al Jazeera news channel (English and Arabic) are more professional and highly qualified.

References:

International Research and Exchanges Board (IREX) – Media Sustainability Index, Qatar (2008). Available at: http://www.irex.org/programs/MSI_MENA/2008/MSIMENA_qatar.asp. Accessed on March 15, 2010.

100: Editors and journalists at the major media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

75:

50: Editors and journalists at the major media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

25:

0: Editors and journalists are widely known to sell" favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major media outlets do not abide by any formal journalistic code of conduct.

10d. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

100 | 75 | 50 | 25 | 0

Comments:

The last elections were held in 2007. Aside from rare cases of candidates bribing local journalists, coverage was fair.

References:

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

100: All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as disinterested parties in an election. In places where a government is popular with the public, opposition viewpoints can access the public via media outlets.

75:

50: Major popular media outlets have a persistent bias regarding some parties or independent candidates. Some major parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

25:

0: The mass media, on balance, have clear preferences in election outcomes and coverage is driven to achieve these goals. Some major parties or independent candidates are excluded or consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

10e. In practice, political parties and candidates have equitable access to state-owned media outlets.

100 | 75 | 50 | 25 | 0

Comments:

According to Article 35(3) of the law pertaining to private institutions and vocational assemblies, political parties are illegal in Qatar. There were no political candidates, as elections were not held during the study period and elections are not anticipated in the coming years.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcclegal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

100: The government ensures that equal access and fair treatment of election contestants is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all

other content. All parties and candidates are offered consistent and equivalent rates for campaign advertising on state-owned media outlets.

75:

50: The government generally ensures equal access and fair treatment of all candidates and parties by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

25:

0: The government uses state-owned media to routinely discriminate against opposition candidates and parties. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

11. Are journalists safe when investigating corruption?

100

11a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

YES

NO

Comments:

Although Qatar's 1979 Press Law is restrictive, its harshest provisions are not enforced. Journalists are often summoned by the police or public prosecutor or sued for libel, but the government is seldom involved in these cases. It is crucial to note that Qatari citizens only make up roughly 13 percent of Qatar's total population, approximated at 1,800,000. Perhaps as a result, over 90 percent of journalists in Qatar are foreign nationals.

Foreign Journalists fear the threat of being thrown out of or barred from exiting the country more than the threat of prison. In March 2009, for example, the head of research at the Doha Center for Media Freedom was forbidden from leaving the country.

References:

Representative from the Doha Center for Media Freedom. Interview date and location: email correspondence on March 14, 2010.

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

YES: A YES score is earned if there were no journalists imprisoned related to work covering corruption during the study period. A YES score is positive.

NO: A NO score is earned if any journalist was jailed because of his/her work covering corruption during the study period. The causal relationship between the official charges and the journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

YES | NO

References:

Representative from the Doha Center for Media Freedom. Interview date and location: email correspondence on March 14, 2010.

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

YES: A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues. A YES score is positive.

NO: A NO score is earned if there were any documented cases of assault to a journalist covering corruption during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

11c. In practice, in the past year, no journalists investigating corruption have been killed.

YES | NO

References:

Representative from the Doha Center for Media Freedom. Interview date and location: email correspondence on March 14, 2010.

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

YES: A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues during the study period. A YES score is positive.

NO: A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

40
I-3. Public Access to Information

12. Do citizens have a legal right of access to information?

0

12a. In law, citizens have a right of access to government information and basic government records.

YES | **NO**

Comments:

There is no formal right to access government documents.

References:

There is no formal right to access government documents.

YES: A YES score is earned if there is a formal right to access government documents, including constitutional guarantees. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents should be available upon a public request.

NO: A NO score is earned if there is no such right.

12b. In law, citizens have a right of appeal if access to a basic government record is denied.

YES | **NO**

References:

There is no such formal process.

YES: A YES score is earned if there is a formal process of appeal for rejected information requests. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

NO: A NO score is earned if there is no such formal process.

12c. In law, there is an established institutional mechanism through which citizens can request government records.

YES | **NO**

Comments:

The Supreme Council of Information and Communication Technology (ictQatar) and the government public website (www.gov.qa) provide administrative services and allow citizens to access personal records (drivers license, paying bills, permit or application status, making appointments, etc). This has allowed Qatar to move up in the World Bank's ranking with respect to government readiness. They do not, however, provide a means for requesting government records.

References:

There is no such formal mechanism or institution.

YES: A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records available under freedom of information laws. This mechanism could be a government office (or offices within agencies or ministries) or an electronic request system.

NO: A NO score is earned if there is no such formal mechanism or institution.

13. Is the right of access to information effective?

0

13a. In practice, citizens receive responses to access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

There is no freedom of information in Qatar.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

75:

50: Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25:

0: Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of government information.

13b. In practice, citizens can use the access to information mechanism at a reasonable cost.

Comments:

There is no freedom of information in Qatar.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

13c. In practice, responses to information requests are of high quality.

Comments:

There is no freedom of information in Qatar.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Responses to information requests typically address the requestor's questions in full and are not redacted or edited to remove sensitive information.

75:

50: Information requests are sometimes met with sufficient responses, but responses to information requests may be vague or overly general when sensitive information is sought.

25:

0: The government rarely or never replies to information requests with meaningful responses. If and when responses are issued, they are so overly general or heavily redacted as to render them useless.

13d. In practice, citizens can resolve appeals to access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

There is no such appeals mechanism, as there is no freedom of information in Qatar.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

13e. In practice, citizens can resolve appeals to information requests at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

There is no such appeals mechanism, as there is no freedom of information in Qatar.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

25:

0: The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

13f. In practice, the government gives reasons for denying an information request.

100 | 75 | 50 | 25 | 0

Comments:

There is no such appeals mechanism, as there is no Freedom of Information in Qatar.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The government always discloses to the requestor the specific, formal reasons for denying information requests.

75:

50: The government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain.

25:

0: The government does not regularly give reasons for denying an information request to the requestor.

Category II. Elections

II-1. ¹⁷Voting & Citizen Participation

14. Is there a legal framework guaranteeing the right to vote?

50

14a. In law, universal and equal adult suffrage is guaranteed to all citizens.

YES | **NO**

Comments:

Art. 42 of the Constitution (2003) allows both male and female citizens to elect and be elected only according to the law.

Art.16 of the subsequent Nationality Law No. 28 of 2005 prohibits naturalized citizens from voting or from serving in public office. These rights are granted only to "original" Qatari citizens, whom Art. 1 defines as members of families who lived in Qatar before 1930. Art. 16 also states that equality between "original" and naturalized citizens is prohibited during the first 5 years of naturalization. Members of the police and armed forces, as well as citizens who are/were convicted of certain crimes, are also prohibited from voting

It was expressed to me by a local expert that many citizens who voted in favor of the 2003 referendum supporting the new Constitution were under the impression that the Constitution would guarantee universal suffrage and were surprised by the subsequent Nationality Law that enforced an "original"- "non-original" divide.

References:

Art.16 of the Nationality Law No. 28 of 2005. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2736>

YES: A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

NO: A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

14b. In law, there is a legal framework requiring that elections be held at regular intervals.

YES | NO

Comments:

The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term. However, elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005. No legislative elections have actually taken place in the country since 1970. No executive elections are held, as the position of Emir is hereditary and the current Emir's son is the heir apparent. It should be noted that the current Emir overthrew his father, the former Emir, in a bloodless coup in 1995.

In 2007 there elections were held to select members of the Municipal Council. However, this Council is purely advisory and its primary function is to advise the minister of municipal affairs and agriculture on local public services

References:

Article 81 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

NO: A NO score is earned if no such framework exists.

15. Can all citizens exercise their right to vote?

33

15a. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

Comments:

Article 42 of the Constitution allows both male and female citizens to elect and be elected according to the law. Article 16 of the subsequent Nationality Law No. 28 of 2005 prohibits naturalized citizens from voting or from serving in public office. These rights are granted only to "original" Qatari citizens, whom Art. 1 defines as members of families who have lived in Qatar since before 1930. Art. 16 also states that equality between "original" and naturalized citizens is prohibited during the first 5 years of naturalization.

It was expressed to me by a local expert that many citizens who voted in favor of the 2003 referendum supporting the new Constitution were under the impression that the Constitution would guarantee universal suffrage and were surprised by the subsequent Nationality Law that enforced an "original"/"non-original" divide.

Members of the police and armed forces, as well as citizens who are/were convicted of certain crimes, are also prohibited from voting

During Qatar's last Municipal Council elections held in 2007, the law regulating suffrage was upheld. It should be noted, however, that the Municipal Council does not have legislative powers, but rather serves only to advise the minister of municipal affairs and agriculture on local public services. Since 1970, citizens have, in practice, been unable to vote in legislative elections for the Advisory Council (Majlis al-Shoura), as the Emir has repeatedly postponed these elections and has instead appointed the 35 Council members.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

Inter-Parliamentary Union (IPU). IPU-PARLINE Database: Report on Majlis al-Shoura (Advisory Council) in Qatar. Published on August 25, 2009. Available at: http://www.ipu.org/parline/reports/2384_A.htm. Accessed on April 23, 2010

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

75:

50: Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

25:

0: Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

15b. In practice, ballots are secret or equivalently protected.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Ballots are secret, or there is a functional equivalent protection, in all cases.

75:

50: Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

25:

0: Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

15c. In practice, elections are held according to a regular schedule.

100 | 75 | 50 | 25 | 0

Comments:

The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term. However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005.

Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the terms until June 10, 2010. Different sources have reported that preparations are underway to conduct elections to the Majlis al-Shura in June 2010, but no real evidence has surfaced to support this claim, and in late April, Qatar's Permanent Elections Committee was dissolved in anticipation of further postponement. Elections for the Municipal Council were held in 2007; however, this body is not considered political," as it is purely advisory and its primary function is to advise the minister of municipal affairs and agriculture on local public services. It does not hold legislative power, nor does it represent the Head of State's accountability to the people.

References:

Inter-Parliamentary Union (IPU). IPU-PARLINE Database: Report on Majlis al-Shoura (Advisory Council) in Qatar. Published on

August 25, 2009. Available at: http://www.ipu.org/parline/reports/2384_A.htm. Accessed on April 23, 2010.

Bertelsmann Stiftung, BTI 2010-Qatar Country Report. Gütersloh: Bertelsmann Stiftung, 2009. Available at: <http://www.bertelsmann-transformation-index.de/>

Gulf Times Newspaper. Title: Legislative body polls by June 2010" by Arvind Nair. Available at: http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=266087&version=1&template_id=57&parent_id=56. Accessed on April 1, 2010.

100: Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

75:

50: Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

25:

0: Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

16. Are citizens able to participate equally in the political process?

0

16a. In law, all citizens have a right to form political parties.

YES | **NO**

Comments:

Political parties are illegal in Qatar according to Art. 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

NO: A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

16b. In law, all citizens have a right to run for political office.

YES | NO

Comments:

Article 80 of the Constitution permits only natural, or "original", Qatari citizens to sit on the Shoura Council (the legislative body).

Art. 16 of the Nationality Law No. 28 of 2005 prohibits naturalized, or "non-original", citizens from voting or from serving in public office. These rights are granted only to "original" Qatari citizens, who Art. 1 defines as members of families who have lived in Qatar before 1930. Art. 16 also states that equality between "original" and naturalized citizens is prohibited during the first 5 years of naturalization.

It should be noted that Article 5(1) of Law No. 12 of 1998, organizing the Municipal Council, allows "original" citizens and "naturalized" citizens whose fathers were born in Qatar to run for election to this Council. However, this body is not considered "political," as it is simply an advisory council for the Minister of Municipal Affairs and Agriculture on local public services and does not hold any political power. It should also be noted that children born to a Qatari mother and a non-Qatari father are not automatically entitled to Qatari citizenship ("original" or not) regardless of whether or not the mother is an "original" Qatari.

Citizens who are/were convicted of certain crimes are also prohibited from being elected.

References:

Article 80 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

Article 16 of the Nationality Law No. 28 of 2005. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2736>

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

NO: A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

16c. In practice, all citizens are able to form political parties.

100 | 75 | 50 | 25 | 0

Comments:

Organised political opposition to the absolute monarchy is strictly forbidden in Qatar, as are political parties or any organization with a political motive.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: While there is no guarantee of electoral success, political parties can form freely without opposition.

75:

50: Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

25:

0: Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

16d. In practice, all citizens can run for political office.

100 | 75 | 50 | 25 | 0

Comments:

Naturalized (or non-original") citizens cannot run for the a seat in the Majlis al- Shoura Council (Qatar's legislative body). Only 'original' citizens, defined as persons whose family origins date back to before 1930, may do so. However, legislative elections have not been held since 1970.

There is a Municipal Council that holds elections and that may legally consist of non-original Qataris whose fathers were born in Qatar. However, this Council is not considered political, as it is purely advisory and its primary function is to advise the minister of municipal affairs and agriculture on local public services.

In the last elections of the Municipal Council, held in 2007, the law regulating candidacy was upheld and one woman was elected.

Citizens who are/were convicted of certain crimes are also prohibited from running.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

75:

50: Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing do may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office. A system of party lists may discourage or prevent independent candidates from running for office.

25:

0: Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

16e. In practice, an opposition party is represented in the legislature.

100 | 75 | 50 | 25 | 0

Comments:

Organized political opposition is forbidden in Qatar, as are political parties.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.

75:

50: The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition's ability to force votes or publicly debate certain topics may be limited.

25:

0: The opposition party has only token participation in the legislature's proceedings and cannot advance legislation or force a debate.

II-2. Election Integrity

18. Is the election monitoring agency effective?

0

18a. In law, the agency or set of agencies/entities is protected from political interference.

YES | NO

Comments:

Up until April 2010, a department called the Permanent Elections Committee existed within Qatar's Supreme Council for Family

Affairs (a government agency) and was headed by a member of the ruling al-Thani family. This Committee was dissolved in anticipation of election postponement.

The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds of its members, and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term.

However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005. Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the terms until June 10, 2010. There is no evidence that elections will be held in June and, on the contrary, by dissolving the Permanent Elections Committee, the government has made clear that elections will be further postponed.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

YES: A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no domestic election monitoring agency.

18b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

Up until April 2010, a department called the Permanent Elections Committee existed within Qatar's Supreme Council for Family Affairs (a government agency) and was headed by a member of the ruling al-Thani family. This Committee was dissolved in anticipation of election postponement.]

The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term.

However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005. Although elections for the Municipal Council were held in 2007, this body is not considered political," as it is simply an advisory council to the Emir within the Executive Branch. It does not hold legislative power, nor does it represent the Head of State's accountability to the people.

Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the legislative terms until June 10, 2010. There is no evidence that elections for the Majlis an-Shoura will be held in June and, on the contrary, by dissolving the Permanent Elections Committee the government has made clear that elections will be further postponed.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Appointments to the agency or set of agencies/entities are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

18c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

Up until April 2010, a department called the Permanent Elections Committee existed within Qatar's Supreme Council for Family Affairs (a government agency). This Committee acted as an awareness-raising body to inform citizens of voting rights and procedures during election time and partnered with the U.S.-based National Democratic Institute (NDI) during the 2007 Municipal elections. Neither the Committee nor the NDI, however, had a clear mandate to monitor elections or report election fraud. In late April this Committee was dissolved and its staff members were asked to resign in anticipation of election postponement.

The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term.

However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005. Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the terms until June 10, 2010. There is no evidence that elections will be held in June and, on the contrary, by dissolving the Permanent Elections Committee the government has made clear that elections will be further postponed.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

75:

50: The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

18d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

100 | 75 | 50 | 25 | 0

Comments:

Up until April 2010, a department called the Permanent Elections Committee existed within Qatar’s Supreme Council for Family Affairs (a government agency). This Committee acted as an awareness-raising body to inform citizens of voting rights and procedures during election time. It partnered with the U.S.-based National Democratic Institute (NDI) during the 2007 Municipal elections. In collaboration with the Committee, the NDI published a report on its website pertaining to its civic education program after the elections. Neither the Committee nor the NDI, however, had a clear mandate to monitor” elections or report election fraud.

In late April, this Committee was dissolved and its staff members were asked to resign in anticipation of election postponement.

The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term.

However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005. Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the terms until June 10, 2010. There is no evidence that elections will be held in June and, on the contrary, by dissolving the Permanent Elections Committee, the government has made clear that elections will be further postponed.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

The National Democratic Institute (NDI), Qatar Programme Description (Sept. 24, 2008). Available at: <http://www.ndi.org/node/14875>. Accessed on: March 14, 2010.

100: Reports are released to the public on a predictable schedule, without exceptions.

75:

50: Reports are released, but may be delayed, difficult to access, or otherwise limited.

25:

0: The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

18e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Up until April 2010, a department called the Permanent Elections Committee existed within Qatar’s Supreme Council for Family Affairs (a government agency). This Committee acted as an awareness-raising body to inform citizens of voting rights and procedures during election time. It partnered with the U.S.-based National Democratic Institute (NDI) during the 2007 Municipal elections. Neither the Committee nor NDI, however, had a clear mandate to monitor” elections, report election fraud or impose penalties on offenders.

Qatar's Permanent Elections Committee was dissolved in anticipation of election postponement. The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term.

However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005. Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the terms until June 10, 2010. There is no evidence that elections will be held in June and, on the contrary, by dissolving the Permanent Elections Committee the government has made clear that elections will be further postponed.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

75:

50: The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

19. Are elections systems transparent and effective?

67

19a. In practice, there is a clear and transparent system of voter registration.

100 | 75 | 50 | 25 | 0

Comments:

The pamphlet, titled "The Voters Guide to Central Municipality Committee Elections" goes into detail about registering to vote and provides instructions as to where and how to do so. Voters must cast their votes in person within the voting district, or municipality, where they live and cannot vote elsewhere. Voters must be Qatari nationals or born to Qatari Nationals and have lived in the country for a minimum of 15 years. Each district has a permanent register committee, organized through a decision by the Minister of Interior. It is formed by one director and two members. Each committee has a list of registered voters.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

International Foundation for Electoral Systems (IFES). The voters guide to central municipality committee elections [Qatar]" Available at: <http://www.ifes.org/~media/Files/Publications/VRC/Civic%20Education/1998/CE01649/CE01649.pdf>

100: There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

75:

50: There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

25:

0: The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and ghost" voting by non-existent voters is common.

19b. In law, election results can be contested through the judicial system.

YES | NO

Comments:

Art. 8(2) of Law 7 of 2007 concerning Administrative Disputes Settlement permits the creation of the Administrative Department of Appeals to review disputes concerning decisions involving the election of the Majlis al-Shura (the Advisory Council, or legislative branch) and the Municipal Council.

References:

Art. 8(2) of Law 7 of 2007 regulating Administrative Disputes Settlement. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=3205>

YES: A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

NO: A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

19c. In practice, election results can be effectively appealed through the judicial system.

100 | 75 | 50 | 25 | 0

Comments:

Results of the Municipal Council Elections (a non-political, advisory council to the Head of State) have never been contested. Elections for the Majlis al-Shoura (the legislative body) have been repeatedly postponed since the Constitution was passed in 2004. Although results have not been contested, the interviewee seemed to think that, if they were, they would be effectively appealed through the judicial system as set out by law.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

75:

50: The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

25:

0: The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

19d. In practice, the military and security forces remain neutral during elections.

100 | 75 | 50 | 25 | 0

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

75:

50: The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

25:

0: The military or other security forces are an active and explicit player in politics and overly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

19e. In law, domestic and international election observers are allowed to monitor elections.

YES | NO

Comments:

Up until April 2010, a department called the Permanent Elections Committee existed within Qatar's Supreme Council for Family Affairs (a government agency). This Committee acted as an awareness-raising body to inform citizens of voting rights and procedures during election time and partnered with the U.S.-based National Democratic Institute (NDI) during the 2007 Municipal elections. Neither the Committee nor the NDI, however, had a clear mandate to monitor elections, report election fraud or impose penalties on offenders.

Qatar's Permanent Elections Committee was dissolved in anticipation of election postponement. The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds of its members and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term.

However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005. Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the terms until June 10, 2010. There is no evidence that elections will be held in June and, on the contrary, by dissolving the Permanent Elections Committee the government has made clear that elections will be further postponed.

It should be noted that an Electoral Law was drafted in 2008 that may directly address election monitoring. However, this Law has not yet been ratified or adopted and has received criticism from the public.

References:

No such law could be found

YES: A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

NO: A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

19f. In practice, election observers are able to effectively monitor elections.

100 | 75 | 50 | 25 | 0

Comments:

Up until April 2010, a department called the Permanent Elections Committee existed within Qatar's Supreme Council for Family Affairs (a government agency). This Committee acted as an awareness-raising body to inform citizens of voting rights and procedures during election time and partnered with the U.S.-based National Democratic Institute (NDI) during the 2007 Municipal elections. Neither the Committee nor NDI, however, had a clear mandate to monitor elections, report election fraud or impose penalties on offenders.

Qatar's Permanent Elections Committee was dissolved in anticipation of election postponement. The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani). Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term. However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9, 2005. Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the terms until June 10, 2010. There is no evidence that elections will be held in June and, on the contrary, by dissolving the Permanent Elections Committee the government has made clear that elections will be further postponed.

It should be noted that an Electoral Law was drafted in 2008 that may directly address election monitoring. However, this Law has not yet been ratified or adopted and its provisions have received criticism from the public.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

75:

50: Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

25:

0: Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

0

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

YES

NO

Comments:

Up until April 2010, a department called the Permanent Elections Committee existed within Qatar's Supreme Council for Family Affairs (a government agency). This Committee acted as an awareness-raising body to inform citizens of voting rights and procedures during election time and partnered with the U.S.-based National Democratic Institute during the 2007 Municipal elections.

Neither the Committee nor NDI, however, had a clear mandate to monitor elections or report election fraud. It has been reported that Qatar's National Human Rights Committee monitored the 2007 Municipal Council Elections. However, the law establishing the NHRC (2002) does not protect the Committee's role as a monitor.

Qatar's Permanent Elections Committee was dissolved in anticipation of election postponement. The constitution provides for a 45-member legislative body, or Advisory Council (Majlis al-Shura), of which the public will elect two-thirds of the membership and the remainder of which will be appointed by the Head of State (the Emir, Sheikh Hamad bin Khalifa al-Thani).

Legislative terms are four calendar years long and elections of a new Council should be held during the last 90 days of the 4-year term. However, legislative elections have not taken place in Qatar since 1970, as elections have been postponed and Council members have had their terms extended every year since the new constitution came into force on June 9 2005.

Although elections for the Municipal Council were held in 2007, this Council is not considered political, as it is purely advisory and its primary function is to advise the minister of municipal affairs and agriculture on local public services.

Most recently, the Head of State (the Emir) issued Emiri Decision No. 47 of 2008, which extended the legislative terms until June 10, 2010. There is no evidence that elections for the Majlis an-Shoura will be held in June and, on the contrary, by dissolving the Permanent Elections Committee the government has made clear that elections will be further postponed.

References:

The Permanent Elections Committee was dissolved.

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the election process.

NO: A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

22 II-3. Political Financing

20. Are there regulations governing the financing of political parties?

0

20a. In law, there are limits on individual donations to political parties.

YES | **NO**

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this Law has not yet been ratified and has received criticism from the public.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned if there are any limits in size on individual contributions to political parties. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20b. In law, there are limits on corporate donations to political parties.

YES | **NO**

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned if there are any limits in size on corporate contributions to political parties. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to political parties. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20c. In law, there are limits on total political party expenditures.

YES | **NO**

Comments:

Political Parties or any organized political opposition are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned if there are any limits in size on political party expenditures during the course of an election.

NO: A NO score is earned if there are no limits on political party expenditures during an election. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20d. In law, there are requirements for the disclosure of donations to political parties.

YES | **NO**

Comments:

Political parties or any organized political opposition are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to political parties.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to political parties, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

20e. In law, there are requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

YES | **NO**

Comments:

Political Parties or any organized political opposition are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of party finances and expenditures when irregularities are uncovered. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of political parties' finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for parties to self-audit.

20f. In law, there is an agency or entity that monitors the financing of political parties.

YES | **NO**

Comments:

Political Parties or any organized political opposition are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

References:

Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2684>

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of political parties. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

21. Are there regulations governing the financing of individual political candidates?

0

21a. In law, there are limits on individual donations to political candidates.

YES | **NO**

Comments:

Although there was an electoral law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns.

References:

No such law could be found.

YES: A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21b. In law, there are limits on corporate donations to individual political candidates.

YES | **NO**

Comments:

Although there was an electoral law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns.

References:

No such law could be found.

YES: A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21c. In law, there are requirements for the disclosure of donations to individual political candidates.

YES | NO

Comments:

Although there was an electoral law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the Head of State), candidates allegedly used their own personal funds to finance their campaigns.

References:

No such law could be found.

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

21d. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates when irregularities are uncovered.

YES | NO

Comments:

Although there was an electoral law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified. It received significant public criticism due to its regulations pertaining to the national districts where candidates may run for office. For example, if a candidate's familial origins hail back to a village/district other than the capital city Doha, this candidate must run as a representative of that village/district. However, over 90 percent of Qatar's population resides in Doha and the large majority of Qatari families, regardless of their geographic origins, have lived in Doha for over three generations. The public found that having candidates represent various remote and uninhabited villages was unreasonable and unjust.

Also, after reviewing the law regulating the State Audit Bureau, no such requirement could be found. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees or public officials. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the Head of State), candidates allegedly used their own personal funds to finance their campaigns.

References:

No such law could be found

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for candidates to self-audit.

21e. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

YES | **NO**

Comments:

Although there was an electoral law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the Head of State), candidates allegedly used their own personal funds to finance their campaigns.

References:

No such law could be found

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

22. Are the regulations governing the political financing of parties effective?

0

22a. In practice, the limits on individual donations to political parties are effective in regulating an individual's ability to financially support a political party.

100 | 75 | 50 | 25 | **0**

Comments:

Political Parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This Article forbids any organization in Qatar from engaging in political matters of any sort.

Although there was an electoral law drafted in 2008 that is said to directly address campaign financing this law has not yet been ratified or adopted and its provisions have not been made available to the public. In the last elections, held in 2007 to elect the Municipal Council (a non-political advisory council to the Head of State), candidates allegedly used their own personal funds to finance their campaigns.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which individuals can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22b. In practice, the limits on corporate donations to political parties are effective in regulating a company's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: Existing limits represent the full extent to which a company can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which companies can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to political parties are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

75:

50: Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

22d. In practice, when necessary, an agency or entity monitoring the financing of political parties independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of political parties, or cooperates well with other agencies that do. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, has limited effectiveness when investigating, or is reluctant to cooperate with other agencies in politically sensitive cases. The agency, though limited in effectiveness, is still fair in its application of power.

25:

0: The agency or entity rarely investigates on its own, is uncooperative with other agencies, or the agency or entity is partisan in its application of this power.

22e. In practice, when necessary, an agency or entity monitoring the financing of political parties imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

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100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or cooperates well with other agencies that impose penalties.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power and may refuse cooperation with other agencies.

22f. In practice, contributions to political parties are audited.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: Political party finances are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities. Auditing includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

75:

50: Political party finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

25:

0: Party finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

23. Are the regulations governing the political financing of individual candidates effective?

0

23a. In practice, the limits on individual donations to political candidates are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23b. In practice, the limits on corporate donations to individual candidates are effective in regulating a company's ability to financially support a candidate.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens.

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Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23c. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens.

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Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns, or cooperates well with other agencies that do. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power. It may be reluctant to cooperate with other investigatory agencies.

25:

0: The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power. It does not cooperate well with other investigatory agencies.

23d. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or in cooperating with other agencies that do.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power or may refuse to cooperate with other agencies.

23e. In practice, the finances of individual candidates' campaigns are audited.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens. The State Audit Bureau is not mandated to audit candidate financing.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: The finances of individual candidates' campaigns are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities.

75:

50: The finances of individual candidates' campaigns are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

25:

0: The finances of individual candidates' campaigns are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

24. Can citizens access records related to the financing of political parties?

0

24a. In practice, political parties disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: Political parties disclose their sources of funding and expenditures at least every quarter.

75:

50: Political parties disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Political parties never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

24b. In practice, citizens can access the financial records of political parties within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

24c. In practice, citizens can access the financial records of political parties at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

24d. In practice, the publicly available records of political parties' finances are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Political parties are illegal in Qatar according to Art 35(3) of Law 12 (2004) pertaining to Private Institutions and Vocational Assemblies. This article forbids any organization in Qatar from engaging in political matters of any sort.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: Publicly available records of political parties' finances are complete and detailed, itemizing all significant sources of income and expenditures.

75:

50: Publicly available records of political parties' finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

25:

0: Publicly available records of political parties' finances, when available, are so incomplete or overly general as to render them useless in understanding a party's sources of income and its expenditures.

25. Can citizens access records related to the financing of individual candidates' campaigns?

0

25a. In practice, individual political candidates disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: Individual candidates disclose their sources of funding and expenditures at least every quarter.

75:

50: Individual candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Individual candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

25b. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

25d. In practice, the publicly available records of political candidates' campaign finances are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Although there was an Electoral Law drafted in 2008 that is said to directly address campaign financing, this law has not yet been ratified and has received criticism from the public. In the last elections, held in 2007, to elect the Municipal Council (a non-political advisory council to the head of state), candidates allegedly used their own personal funds to finance their campaigns. Campaign financing was not monitored or audited and information was not made accessible to citizens.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: Publicly available records of political candidates' campaign finances are complete and detailed, itemizing all significant sources of income and expenditures.

75:

50: Publicly available records of political candidates' campaign finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

25:

0: Publicly available records of political candidates' campaign finances, when available, are so incomplete or overly general as to render them useless in understanding a candidate's sources of income and expenditures.

Category III. Government Accountability

III-1. ¹¹Executive Accountability

27. Can the chief executive be held accountable for his/her actions?

44

27a. In practice, the chief executive gives reasons for his/her policy decisions.

100 | 75 | 50 | 25 | 0

Comments:

According to a local academic, the chief executive, the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani, does not take questions

from the media about policy decisions. In order to make a policy decision, however, the Emir issues an executive order, known as an Emiri Decree, whereby some level of justification is provided. Emiri Decrees are considered law.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The chief executive and/or cabinet ministers give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

75:

50: The chief executive and/or cabinet ministers give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

25:

0: The chief executive and/or cabinet ministers do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely censor such sessions.

27b. In law, the judiciary can review the actions of the executive.

YES | NO

Comments:

Art. 8(1) of Law 7 (2007) concerning Administrative Disputes Settlement permits the creation of the Administrative Department of Appeals to review grievances concerning actions of the executive branch. These grievances can only be raised within 60 days by a party who is directly affected by the executive action in question. However, according to Article 3 of this same law, although persons with civil grievances are permitted to seek redress in the court system, the majority of administrative decisions made by the executive authority are immune from judicial jurisdiction.

References:

Article 8(1) of Law No. 7 (2007) regulating Administrative Disputes. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=3205>

YES: A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the executive.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

27c. In practice, when necessary, the judiciary reviews the actions of the executive.

Comments:

Aside from the many executive decisions outlined in Article 3 of Law No. 7 (2007) that are not subject to judicial jurisdiction, the actions of the Head of State (the Emir), his family and the Council of Ministers (the cabinet) may be reviewed by the judiciary.

In practice, however, BTI reports that, as Qatar is run by an autocratic system, it is highly unlikely that a case against a member of the executive would be brought to court" (2009:8). It is crucial to note that the judiciary's reluctance to review the actions of the Emir are less a result of direct political interference and more due to the fact that the majority of judges in Qatar are foreign nationals. All foreigners working in Qatar are bound by the sponsor system, which restricts workers' freedom of movement and places them under the control of their Qatari employers/sponsors. The judges' expatriate status puts them in a delicate position and discourages them from fully implementing the court's mandate and jurisdiction over the executive for fear of having their residence permits revoked and being forced to leave the country.

References:

Bertelsmann Stiftung, BTI 2010-Qatar Country Report (page 8). Gütersloh: Bertelsmann Stiftung, 2009. Available at: <http://www.bertelsmann-transformation-index.de/>

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power. It does not need to rely upon the executive to initiate a constitutional or legal review.

75:

50: The judiciary will review executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review executive policy. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

27d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

Comments:

Executive orders, which are known as Emiri Decrees or Decisions, are one of the primary modes of legislative enactment. The Emir enacts these decrees regularly and their subject matter can range from organizing the Council of Ministers, to creating a Cultural District, to exempting the Qatar Telecommunications Company from custom duties, taxes and other fees.

The context of Emiri Decrees is wide ranging, but rarely are they used to support patronage or nepotism. Although the Constitution sets out a more formal legislative process, in practice, the legislative body is still wholly comprised of Emiri-appointed members and this process is not strictly adhered to. It should be noted, however, that the legislative body (Majlis al-Shoura) does still enact laws and it does not appear that Emiri Decrees are designed specifically to circumvent constitutional or legal requirements for legislative actions.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The chief executive utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

75:

50: The chief executive sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

25:

0: The chief executive routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

28. Is the executive leadership subject to criminal proceedings?

0

28a. In law, the heads of state and government can be prosecuted for crimes they commit.

YES

NO

Comments:

The English translation of Article 64 reads: The Emir is the head of State. His person shall be inviolable and he must be respected by all." The original Arabic term that has been translated into the English word "inviolable" actually holds much more legal significance. In an interview with Dr. Hassan al-Sayed, Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University (May 6, 2010), it was explained to me that this article is meant to be interpreted as a direct prohibition against holding the Emir accountable for his actions. All laws in Qatar are originally drafted in Arabic. The original Arabic version, and not their subsequent translations, are considered legally binding.

References:

Article 64 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if the heads of state and government can be investigated, charged or prosecuted for criminal allegations. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if either the head of state or government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of state or government.

28b. In law, ministerial-level officials can be prosecuted for crimes they commit.

YES | NO

Comments:

Although Article 21 of Law 21 (2004) binds Ministers by the Penal Code, Article 12 of that same law states that ministers can only be prosecuted for crimes pertaining to national security, their general position or elections. Article 13 states that ministers can be tried by the Public Prosecutor, but only after the Emir approves a direct request from the Council of Ministers to do so. If the minister is a member of the Majlis al-Shura (legislature) and enjoys legislative immunity, the Council of Minister may request that the Emir (Head of State) lift this immunity. Executive approval should be in the form of an Emiri Decree (an Executive Order).

References:

Article 12 and 13 of Law 21 (2004) concerning the work of ministers. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2835>

YES: A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

NO: A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

29. Are there regulations governing conflicts of interest by the executive branch?

0

29a. In law, the heads of state and government are required to file a regular asset disclosure form.

YES | NO

Comments:

After reviewing the law regulating the State Audit Bureau, no such requirement could be found. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees, judges, or public officials. Article 17 of the Constitution states that The financial emoluments of the Emir [the Head of State] as well as the funds allocated for gifts and assistance shall be determined by a resolution issued annually by the Emir.” There are no laws pertaining to the disclosure of these assets.

References:

Law No. 5 of 1975, redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999 creating and regulating the State Audit Bureau.

See Article 17 of the Constitution for Financial Remuneration of the Head of State. Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if the heads of state and government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if either the head of state or government is not required to disclose assets.

29b. In law, ministerial-level officials are required to file a regular asset disclosure form.

YES | **NO**

Comments:

After reviewing the law regulating the ministers and the State Audit Bureau, no such requirement could be found. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees, judges, or public officials.

References:

Law No. 21 of 2004 concerning Ministers. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2835>

Law No. 5 of 1975, redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999 creating and regulating the State Audit Bureau.

YES: A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

NO: A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

29c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

YES | **NO**

Comments:

Public officials are not subject to financial disclosure laws. Article 17 of the Constitution states that The financial emoluments of the Emir [the Head of State] as well as the funds allocated for gifts and assistance shall be determined by a resolution issued annually by the Emir." There is no mention of their disclosure or specification regarding what is deemed appropriate.

References:

Article 17 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

29d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

YES | **NO**

Comments:

After reviewing the law regulating the State Audit Bureau, no such requirement could be found. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees, judges, or public officials.

References:

Law No. 5 of 1975, redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999 creating and regulating the State Audit Bureau.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of executive branch asset disclosures. The auditing is performed by an impartial third-party. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of executive branch asset disclosures or if such requirements exist but allow for self-auditing.

29e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

YES | **NO**

Comments:

Although Law No. 21 (2004) stipulates that ministers cannot enter into private business during their tenure that may conflict with the interests of their work, it does not restrict them from entering the private sector after their tenure. It should be noted that Qatari citizens only make up roughly 13 percent of Qatar's total population, approximated at 1,800,000. As a result, Qatari people in power wear several different hats." A Qatari may hold a government position while also sitting on the board of directors or serving as CEO of a private or semiprivate company. The financial and natural resource sectors are at the foundation of Qatari society, preventing any real restrictions on ministers' ability to enter into the private sector after their tenure.

References:

Law No. 21 of 2004 regulating the work of Ministers. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2835>

YES: A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if no such restrictions exist.

29f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

Comments:

It should be noted that Qatari citizens only make up roughly 13 percent of Qatar's total population, approximated at 1,800,000. As a result, Qatari people in power wear several different hats." A Qatari may hold a government position while also sitting on the board of directors or serving as CEO of a private or semiprivate company. The financial and natural resource sectors are at the foundation of Qatari society, preventing any restrictions on ministers' ability to enter into the private sector.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no cases or few cases of those officials taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, heads of state/government or ministers are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Heads of state/government or ministers routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if heads of state and government or minister are allowed to hold private sector jobs while in office.

29g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

Comments:

Public officials are not subject to financial disclosure laws.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The regulations governing gifts and hospitality to members of the executive branch are regularly enforced. Members of the executive branch never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the executive branch are generally applied though exceptions exist. Some ministers in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29h. In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Executive branch asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

30. Can citizens access the asset disclosure records of the heads of state and government?

0

30a. In law, citizens can access the asset disclosure records of the heads of state and government.

YES | **NO**

Comments:

A review of the law regulating the State Audit Bureau did not reveal any such requirement. Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

Law No. 5 of 1975, redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999 creating and regulating the State Audit Bureau.

YES: A YES score is earned if the heads of state and government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

30b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some additional delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

30d. In practice, the asset disclosure records of the heads of state and government are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: The asset disclosure records of the heads of state and government are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the heads of state and government contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the heads of state and government are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

26. In law, can citizens sue the government for infringement of their civil rights?

0

26. In law, can citizens sue the government for infringement of their civil rights?

YES | **NO**

Comments:

Law No. 7 (2007) that governs administrative disputes allows any individual who has been affected by a discriminatory administrative decision to file a claim with the Administrative Court. The Administrative Court (within the Court of First Instance) will hear cases concerning government infringements of citizen rights. However, according to Art. 3 of this law, although the law permits persons with civil grievances to seek redress in the court system, the majority of administrative decisions made by the executive authority are immune from judicial jurisdiction, as well as decisions made according to the laws governing private institutions and corporations and laws governing print and broadcast media.

Also immune from judicial jurisdiction are decisions made according to Law 17 of 2002 for the Protection of Society, Arts. 1-2 of which permit the imprisonment of citizens for crimes against public morals" for a period of two weeks to six months while awaiting trial.

References:

Article 3 of Law No. 1 (2007) regulating Administrative Disputes. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=3205>

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the government, such as failure to follow due process of law when detaining suspected criminals.

NO: A NO score is earned if any group of citizens is excluded from the right to sue the government, or no such mechanism exists.

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

0

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

100 | 75 | 50 | 25 | 0

Comments:

There is no ruling party in Qatar, but rather a ruling family led by the head of state the Emir Sheikh Hamad bin Khalifa al-Thani. The Emir's absolute power is uncontested and he appoints the prime minister, who is also a member of the ruling family (Sheikh Hamad bin Jassim al-Thani), all other ministers, and the members of Qatar's legislative body (Majlis al-Shoura).

References:

Bertelsmann Stiftung, BTI 2010-Qatar Country Report. Gütersloh: Bertelsmann Stiftung, 2009. Available at: <http://www.bertelsmann-transformation-index.de/>

100: Clear rules are followed distinguishing state functions from party activities. Government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

75:

50: The ruling party is, in principal, separate from the state, but exceptions to this standard sometimes occur. Examples may be the use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

25:

0: The government bureaucracy is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

III-2. Legislative Accountability

32. Can members of the legislature be held accountable for their actions?

0

32a. In law, the judiciary can review laws passed by the legislature.

YES | NO

Comments:

Article 12(1) of Law No. 12 (2008) establishing the Supreme Constitutional Court grants this Court the authority to settle disputes over the constitutionality of laws. However, general exceptions exist. Although Law No. 7 2007 on Administrative Disputes permits persons with civil grievances to seek redress in the court system, the majority of administrative decisions made by the executive authority are immune from judicial jurisdiction, as well as decisions made according to the laws governing private institutions and corporations and laws governing print and broadcast media.

Also immune from judicial jurisdiction are decisions made according to Law 17 of 2002 for the Protection of Society, Arts. 1-2 of which permit the imprisonment of citizens for crimes against public morals” for a period of two weeks to six months while awaiting trial.

References:

Law No. 12 of 2008 establishing the Supreme Constitutional Court

Law No. 7 of 2007 regulating Administrative Disputes. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=3205>

YES: A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).

32b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

100 | 75 | 50 | 25 | 0

Comments:

The Supreme Constitutional Court is not yet in effect, and the Administrative Courts may not review disputes concerning a range of legislative decisions.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

75:

50: The judiciary will review laws passed, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review laws passed. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power.

32c. In law, are members of the national legislature subject to criminal proceedings?

YES | **NO**

Comments:

Article 113(1) of the Constitution states: Save when a Member of Al-Shoura Council [the legislative body] is found flagrante delicto, he shall not be arrested, detained, searched or subject to investigation without prior permission from the Council. Where the Council has not issued a resolution on the request for permission within a period of one month from the date of receipt of the said request, this shall be virtually considered a permission."

References:

Article 113(1) of the Constitution

YES: A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

NO: A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the legislature.

33. Are there regulations governing conflicts of interest by members of the national legislature?

0

33a. In law, members of the national legislature are required to file an asset disclosure form.

YES | **NO**

Comments:

After reviewing the law regulating the State Audit Bureau, no such requirement could be found. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

Law No. 5 of 1975, redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999 creating and regulating the State Audit Bureau.

YES: A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the legislature is not required to disclose assets.

33b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

YES | **NO**

Comments:

It should be noted that Qatari citizens only make up roughly roughly 13 percent of Qatar's total population of approximately 1,800,000. As a result, Qatari people in power wear several different hats." A Qatari may hold a government position while also sitting on the board of directors or serving as CEO of a private or semiprivate company. The financial and natural resource sectors are at the foundation of Qatari society, preventing any restrictions on the ability to enter into the private sector.

References:

No such law could be found.

YES: A YES score is earned if there are regulations restricting national legislators' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

33c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

YES | **NO**

Comments:

Public officials are not subject to financial disclosure laws.

References:

No such regulations could be found.

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

33d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

YES | NO

Comments:

A review of the law regulating the State Audit Bureau revealed no such requirement. Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

Law No. 5 of 1975, redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999 creating and regulating the State Audit Bureau.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

33e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

100 | 75 | 50 | 25 | 0

Comments:

It should be noted that Qatari citizens only make up roughly roughly 13 percent of Qatar's total population of approximately 1,800,000. As a result, Qatari people in power wear several different hats." A Qatari may hold a government position while also sitting on the board of directors or serving as CEO of a private or semiprivate company. The financial and natural resource sectors are at the foundation of Qatari society, preventing any restrictions on the ability to enter into the private sector.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no cases or few cases of legislators taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, legislators are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if legislators are allowed to hold private sector positions while in office.

33f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws, and there are no laws regulating gifts/hospitality offered to legislators.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The regulations governing gifts and hospitality to national legislators are regularly enforced. Legislators never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

33g. In practice, national legislative branch asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Legislative branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

34. Can citizens access the asset disclosure records of members of the national legislature?

0

34a. In law, citizens can access the asset disclosure records of members of the national legislature.

YES | **NO**

Comments:

A review of the law regulating the State Audit Bureau revealed no such requirement. Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

Law No. 5 of 1975, redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999 creating and regulating the State Audit Bureau.

YES: A YES score is earned if members of the national legislature file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

34b. In practice, citizens can access legislative asset disclosure records within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

34c. In practice, citizens can access legislative asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

34d. In practice, the asset disclosure records of members of the national legislature are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The asset disclosure records of members of the national legislature are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the members of the national legislature contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the members of the national legislature are overly general, lack any meaningful detail, and do not provide clear accounting of the individuals' sources of income, investments, and other financial assets.

35. Can citizens access legislative processes and documents?

0

35a. In law, citizens can access records of legislative processes and documents.

YES | NO

Comments:

Article 142 of the Constitution states that the laws shall be published in the official Gazette after ratification and promulgation within two weeks of their issue.” However, there are no laws granting the right to access records of legislative debates, hearings or voting records.

References:

Article 142 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

NO: A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

35b. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Although ratified laws are published in the national Gazette, citizens cannot access records of legislative debates, hearings or voting records. For example, the National Human Rights Committee, which acts as Qatar’s Ombudsman, has not been able to access information regarding legislative debates over certain disputed laws.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

35c. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Although ratified laws are published in the national Gazette, citizens cannot access records of legislative debates, hearings or voting records. For example, the National Human Rights Committee, which acts as Qatar's Ombudsman, has not been able to access information regarding legislative debates over certain disputed laws.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

0
III-3. Judicial Accountability

36. Are judges appointed fairly?

17

36a. In law, there is a transparent procedure for selecting national-level judges.

YES | NO

Comments:

Articles 27-33 of Law No. 10 of 2003 sets out specific criteria for judges within all levels of the three-tiered judicial system — the courts of first instance, appeals, and cassation. However, no law establishing a procedure for selecting national-level judges could be found. It should be noted, however, that the judicial system in Qatar is not divided into local- and national-level courts. The lack of a national-level judicial selection procedure is not necessarily a sign of corruption, but rather a reflection of the city-state nature of the country and its capital city, Doha, where over 90 percent of the population resides.

References:

Articles 27-33 of Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there is a formal process for selecting national level justices. This process should be public in the debating and confirmation stages. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

NO: A NO score is given if there is no formal process of selection or the process is conducted without public oversight. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

36b. In practice, professional criteria are followed in selecting national-level judges.

100 | 75 | **50** | 25 | 0

Comments:

Most judges are selected in accordance with Articles 27-33 of Law No. 10 of 2003 that set out specific criteria for selecting judges within all levels of the judicial system. However, in Qatar, there exist certain privileged familial tribes and, according to interviewees, there are known instances where family connections and personal ties play a role in judicial selection.

References:

Interview with Dr. Basher Zaghloul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

75:

50: Most national-level judges selected meet these qualifications, with some exceptions.

25:

0: National-level judges are often unqualified due to lack of training or experience.

36c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

YES | **NO**

Comments:

A review of the law regulating the judicial system revealed no such process.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there is a formal process establishing a review of national-level judicial nominees by an agency or entity independent from the body appointing the judges.

NO: A NO score is earned if there is no formal review. A NO score is earned if the review is conducted by the same body that appoints the judges (such as the Prime Minister approving judicial nominees put forward by the Minister of Justice, both of whom are part of the executive).

37. Can members of the judiciary be held accountable for their actions?

92

37a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

YES | NO

Comments:

The Courts of First Instance, Appeal, and Cassation can hear all cases and must apply the law based on civil code jurisdiction practices, as well as Sharia (Islamic Law) interpretations. Art. 47, Law No. 10 2003 established a judicial oversight mechanism, answerable to the Supreme Court (also known as Court of Cassation) Committee of Magistrates, to review judicial decisions that were made in the lower courts. It is made up of judges and lead attorneys of the Courts of Cassation and Appeals. It investigates complaints raised against judges at all three levels of the judicial branch and may suspend judges for up to a year, although this sentence may be renewed.

If a decision is seen as not following the written law, the decision is to be made null and void and the defendant may have his/her trial heard in another court by another judge. There is also a Judicial Investigation Administration within the Public Prosecutor office that investigates the work of members within the Public Prosecutor office (up to the level of the Public Defenders), and they investigate complaints brought against members of this department and directly raise disciplinary cases against them.

References:

Article 47 of Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there is a formal and mandatory process for judges to explain their decisions.

NO: A NO score is earned if justices are not required to explain decisions. A NO score is earned if there is a general exemption from explaining some decisions (such as national security).

37b. In practice, members of the national-level judiciary give reasons for their decisions.

100 | 75 | 50 | 25 | 0

Comments:

There is an oversight mechanism, set out by Art. 47 of Law No. 10 (2003) by which the Supreme Court (or Court of Cassation)

magistrates review judicial decisions made in the lower courts. If judicial decisions are not justified or if a decision is seen as not following the written law, decisions are often made null and void, and the defendant is granted the right to have his/her trial heard in another court by another judge. All judges comply with the requirements set out by law, which are enforced by the oversight mechanism.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

75:

50: Judges are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

25:

0: Judges commonly issue decisions without formal explanations.

37c. In law, there is a disciplinary agency (or equivalent mechanism) for the national-level judicial system.

YES | **NO**

Comments:

Art. 47, Law No. 10 2003 established a judicial oversight mechanism, answerable to the Supreme Court (also known as Court of Cassation) Committee of Magistrates, to review judicial decisions made in the lower courts. It is made up of judges and lead attorneys of the Courts of Cassation and Appeals. It investigates complaints raised against judges at all three levels of the judicial branch and may suspend judges for up to a year, although this sentence may be renewed.

If a decision is seen as not following the written law, the decision is to be made null and void and the defendant may have his/her trial heard in another court by another judge. There is also a Judicial Investigation Administration within the Public Prosecutor office that investigates the work of members within the Public Prosecutor office (up to the level of the Public Defenders) and they investigate complaints brought against members of this department and directly raise disciplinary cases against them.

References:

Article 47 of Law No. 10 (2003) regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the judicial system. A disciplinary agency is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary. A YES score can still be earned if the judicial disciplinary agency (or mechanism) is internal to the judiciary.

NO: A NO score is earned if no agency or mechanism is specifically mandated to act as a disciplinary mechanism for the national-level judiciary.

37d. In law, the judicial disciplinary agency (or equivalent mechanism) is protected from political interference.

YES | NO

Comments:

The independence of the entire judicial branch is protected in this law.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) is protected from political interference by the executive and legislative branches.

NO: A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism). A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an executive ministry or legislative committee.

37e. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) initiates investigations.

100 | 75 | 50 | 25 | 0

References:

Interview with Dr. Basher Zaghloul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The judicial disciplinary agency (or equivalent mechanism) aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The judicial disciplinary agency (or equivalent mechanism) is fair in its application of this power.

75:

50: The judicial disciplinary agency (or equivalent mechanism) will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The judicial disciplinary agency (or equivalent mechanism), though limited in effectiveness, is still fair in its application of power.

25:

0: The judicial disciplinary agency (or equivalent mechanism) rarely investigates on its own or cooperates in other agencies' investigations, or the judicial disciplinary agency (or equivalent mechanism) is partisan in its application of this power.

37f. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

Comments:

The disciplinary agency is answerable to the the Committee of Magistrates within the Court of Cassation (or Supreme Court). Although this agency is not mandated with the power to impose penalties, it actively makes penalty recommendations to the committee, which usually acts upon these recommendations.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: When rules violations are discovered, the judicial disciplinary agency (or equivalent mechanism) is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The judicial disciplinary agency (or equivalent mechanism) enforces rules, but is limited in its effectiveness. The judicial disciplinary agency (or equivalent mechanism) may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The judicial disciplinary agency (or equivalent mechanism) does not effectively penalize offenders. The judicial disciplinary agency (or equivalent mechanism) may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The judicial disciplinary agency (or equivalent mechanism) may be partisan in its application of power.

38. Are there regulations governing conflicts of interest for the national-level judiciary?

0

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

YES | **NO**

Comments:

A review of the law regulating the Judicial System and the State Audit Bureau reveals no such requirement. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

The State Audit Bureau was created by Law No. 5 of 1975 and redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999.

YES: A YES score is earned if all members of the national-level judiciary are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly

available to score a YES.

NO: A NO score is earned if any member of the national-level judiciary is not required to publicly disclose assets.

38b. In law, there are regulations governing gifts and hospitality offered to members of the national-level judiciary.

YES | **NO**

Comments:

A review of the law governing the Judicial system reveals no such regulation. Public officials are not subject to financial disclosure laws.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the national-level judiciary.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the national-level judiciary. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

38c. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary.

YES | **NO**

Comments:

A review of the law regulating the Judicial System and the State Audit Bureau reveals no such requirement. Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

The State Audit Bureau was created by Law No. 5 of 1975 and redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of national-level judiciary asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of national-level judiciary asset disclosures or if such requirements exist but allow for self-auditing.

38d. In law, there are restrictions for national-level judges entering the private sector after leaving the government.

YES | **NO**

Comments:

A review of the law regulating the Judicial System reveals no such restriction. It should be noted that Qatari citizens only make up roughly 13 percent of Qatar's total population of approximately 1,800,000. As a result, Qatari people in power wear several different hats." A Qatari may hold a government position while also sitting on the board of directors or serving as a CEO of a private or semiprivate company. The financial and natural resource sectors are at the foundation of Qatari society, thus preventing any significant restrictions on the ability to enter into the private sector.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there are regulations restricting national-level judges' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

38e. In practice, the regulations restricting post-government private sector employment for national-level judges are effective.

100 | 75 | 50 | 25 | **0**

Comments:

It should be noted that Qatari citizens only make up roughly 13 percent of Qatar's total population of approximately at 1,800,000. As a result, Qatari people in power wear several different hats." A Qatari may hold a government or judicial position while also sitting on the board of directors or serving as CEO of a private or semiprivate company. The financial and natural resource sectors are at the foundation of Qatari society, thus preventing any significant restrictions on the ability to enter into the private sector.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The regulations restricting post-government private sector employment for national-level judges are uniformly enforced. There are no cases or few cases of judges taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain cases, judges are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if judges are allowed to hold private sector jobs while serving on the bench.

38f. In practice, the regulations governing gifts and hospitality offered to members of the national-level judiciary are effective.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The regulations governing gifts and hospitality to members of the national-level judiciary are regularly enforced. Judges never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the national-level judiciary are generally applied though exceptions exist. Some judges are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

38g. In practice, national-level judiciary asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: National-level judiciary asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: National-level judiciary asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

39. Can citizens access the asset disclosure records of members of the national-level judiciary?

0

39a. In law, citizens can access the asset disclosure records of members of the national-level judiciary.

YES | **NO**

Comments:

A review of the law regulating the Judicial System and the State Audit Bureau revealed no such stipulation. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

The State Audit Bureau was created by Law No. 5 of 1975 and redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999.

YES: A YES score is earned if members of the national-level judiciary file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national-level judiciary. A NO score is earned if the form is filed, but not available to the public.

39b. In practice, citizens can access judicial asset disclosure records within a reasonable time period.

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

39c. In practice, citizens can access judicial asset disclosure records at a reasonable cost.

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor in Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws, and the State Audit Bureau is not mandated to audit the assets of government employees, judges or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor in Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The asset disclosure records of the national-level judiciary are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the national-level judiciary contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the national-level judiciary are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

III-4. Budget Processes

40. Can the legislature provide input to the national budget?

40a. In law, the legislature can amend the budget.

YES | NO

Comments:

According to the new Constitution (2003), the Majlis al-Shoura (the legislative body) can review and amend the draft budget only after the approval of the government. If the new budget is not approved before the beginning of the fiscal year, the previous year's budget shall continue until the new one is approved.

In reality, the new Constitution has not been implemented, and the functions of the Majlis al-Shoura are dictated by the earlier Constitution (1972). Under the old Constitution, the legislative body only has the power to make non-binding recommendations about the budget of certain national-level projects but not the national budget.

It must be noted that Qatar's public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. "Public funds," therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditures.

References:

Article 107 of the Constitution (2003). Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if the legislature has the power to add or remove items to the national government budget.

NO: A NO score is earned if the legislature can only approve but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

40b. In practice, significant public expenditures require legislative approval.

100 | 75 | 50 | 25 | 0

Comments:

According to the Constitution, the Majlis al-Shoura (the legislative body) can amend the draft budget, although only after government approval. In practice, the current Majlis al-Shoura is made up entirely of members appointed by the Head of State (the Emir of Qatar) and popular elections have been postponed since the Constitution came into effect in 2005. The new Constitution has not been fully implemented and the functions of the Majlis al-Shoura are dictated by the earlier Constitution (1972). Under the old Constitution, the legislative body has the power only to make non-binding recommendations about the budget of certain national-level projects but not the national budget. Not accountable to the legislature, the Head of State (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) relies primarily on recommendations made by his closest advisers (the appointed Council of Ministers, or the cabinet) for deciding the annual budget. The ministers cooperate with the Executive by providing a draft budget for each ministry, which the Emir then approves or denies. According to the UNDP-POGAR, Past budgets have not fully reflected significant state expenditure in strategic [military and natural resources] sectors."

It must be noted that Qatar's public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. "Public funds," therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditures.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law

Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

75:

50: Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

25:

0: The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

40c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

100 | 75 | 50 | 25 | 0

Comments:

According to the Constitution, the Majlis al-Shoura (the legislative body) can amend the draft budget, although only after government approval. In practice, the current Majlis al-Shoura is made up entirely of members appointed by the head of state (the Emir of Qatar) and popular elections have been postponed since the Constitution came into effect in 2005.

The new Constitution has not been fully implemented and the functions of the Majlis al-Shoura are dictated by the earlier Constitution (1972). Under the old Constitution, the legislative body has the power only to make non-binding recommendations about the budget of certain national-level projects but not the national budget. Not accountable to the legislature, the head of state (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) relies primarily on recommendations made by his closest advisers (the appointed Council of Ministers, or the cabinet) for deciding the annual budget. The ministers cooperate with the executive by providing a draft budget for each ministry, which the Emir then approves or denies. According to the UNDP-POGAR, Past budgets have not fully reflected significant state expenditure in strategic [military and natural resources] sectors."

It must be noted that Qatar's public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. "Public funds," therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditure.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

75:

50: Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

25:

0: Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.

41. Can citizens access the national budgetary process?

0

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100 | 75 | 50 | 25 | 0

Comments:

According to the Constitution, the Majlis al-Shoura (the legislative body) can amend the draft budget, although only after government approval. In practice, the current Majlis al-Shoura is made up entirely of members appointed by the head of state (the Emir of Qatar) and popular elections have been postponed since the Constitution came into effect in 2005. The new Constitution has not been fully implemented and the functions of the Majlis al-Shoura are dictated by the earlier Constitution (1972).]

Under the old Constitution, the legislative body has the power only to make non-binding recommendations about the budget of certain national-level projects but not the national budget. Not accountable to the legislature, the head of state (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) relies primarily on recommendations made by his closest advisers (the appointed Council of Ministers, or the cabinet) for deciding the annual budget. The ministers cooperate with the executive by providing a draft budget for each ministry, which the Emir then approves or denies.

For example, the 2010 budget is meant to be one of the largest (if not the largest) in Qatar's history, yet the Minister of Economy and Finance met primarily with a small group of senior officials from various ministries and state-owned corporations. According to the UNDP-POGAR, Past budgets have not fully reflected significant state expenditure in strategic [military and natural resources] sectors."

It must be noted that Qatar's public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. "Public funds", therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditure.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Arabian Business – Qatar's 2010 Budget to be the Largest Ever" (by Neeraj Gangal). Published on December 16, 2009. Available at: <http://www.arabianbusiness.com/577128-qatars-2010-budget-to-be-its-largest-ever—paper>. Accessed on: March 30, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor in Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

75:

50: There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

25:

0: Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

41b. In practice, citizens provide input at budget hearings.

100 | 75 | 50 | 25 | 0

Comments:

It must be noted that Qatar’s public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. Public funds,” therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditure.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor in Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Citizens, usually acting through CSOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

75:

50: Citizens or CSOs can provide input, but this information is often not relevant to budget decisions.

25:

0: Citizens or CSOs have no formal access to provide input to the budget debate.

41c. In practice, citizens can access itemized budget allocations.

100 | 75 | 50 | 25 | 0

Comments:

It must be noted that Qatar’s public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. Public funds,” therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditure.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor in Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Citizens, journalists and CSOs can access itemized lists of budget allocations. This information is easily available and up to date.

75:

50: Citizens, journalists and CSOs can access itemized lists of budget allocations but this information may be difficult to access, incomplete or out of date.

25:

0: Citizens cannot access an itemized list of budget allocations, due to secrecy, prohibitive barriers or government inefficiency.

43. Is the legislative committee overseeing the expenditure of public funds effective?

0

43a. In practice, department heads regularly submit reports to this committee.

100 | 75 | 50 | 25 | 0

Comments:

There is no such committee in the Majlis al-Shoura (the legislative body). Instead, the head of state (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) relies primarily on recommendations made by his closest advisers (the appointed Council of Ministers, or the cabinet) for deciding the annual budget. The ministers cooperate with the executive by submitting a draft budget for each ministry, which the Emir then approves or denies. This process does not occur within the legislature. Although the State Audit Bureau has jurisdiction over budget expenditure, this body does not operate within the legislature.

It must be noted that Qatar's public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. Public funds," therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditure.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

75:

50: Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

25:

0: There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

43b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

100 | 75 | 50 | 25 | 0

Comments:

Political opposition is illegal in Qatar.

References:

Political opposition is illegal in Qatar.

100: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee's work to roughly the same extent as any other member of the committee.

75:

50: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members' ability to shape the committee's activities.

25:

0: The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

43c. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

100 | 75 | 50 | 25 | 0

Comments:

There is no such committee within the legislature. The head of state (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) relies primarily on recommendations made by his closest advisers (the appointed Council of Ministers, or the cabinet) for deciding the annual budget. The ministers cooperate with the executive by providing a draft budget for each ministry, which the Emir then approves or denies. Although the State Audit Bureau has jurisdiction over budget expenditure, this body does not operate within the legislature.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: When irregularities are discovered, the committee is aggressive in investigating the government.

75:

50: The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

42. In law, is there a separate legislative committee which provides oversight of public funds?

0

42. In law, is there a separate legislative committee which provides oversight of public funds?

YES

NO

Comments:

The Law regulating the Majlis al-Shoura (Qatar's legislative body) establishes a legislative committee for Economic and Financial Affairs. However, Article 20 stipulates that the committee's mandate is restricted to overseeing public funds allocated to the Majlis al-Shoura itself, rather than the entire public sector.

Law No. 5 of 1989 regulating the National Budget establishes a Department of Financial Affairs Management within the Ministry of Finance and Economy that is beholden to this ministry. The department's mandate is to oversee the allocation and spending of the public funds as determined by the government's national budget. This department has been modified and its mandate clarified under Articles 8 and 9 of Law No. 11 (2005) regulating the Ministry of Finance. It is now called the Public Budget Department and still oversees budget allocation and expenditure. However, this body has no legislative powers and is not directly accountable to the people.

It must be noted that Qatar's public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. Public funds," therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditure.

References:

Article 20 of Law No. 6 of 1979 regulating the Majlis al Shoura (Qatar's legislative body). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2822>

Law No. 5 of 1989 regulating the National Budget. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2921>

Article 8 and 9 Law No. 11 of 2005 regulating the Ministry of Finance. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLaws.aspx?country=>

YES: A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

NO: A NO score is earned if no such body exists within the legislature. A NO score is earned if there is a body executing this function but it is not part of the legislature (such as a separate supreme audit institution).

IV-1. ⁴³Civil Service Regulations

44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

50

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

YES | **NO**

Comments:

Law No.1 (2001) does include comprehensive regulations for the civil service to be managed fairly. However, it does not have clear regulations requiring the impartiality or independence of the civil service. Regarding the independence of the civil service, ministers are the final decision makers with respect to high-level appointments, remuneration and employee performance assessments.

Ministers in Qatar make up the Council of Ministers, which serves as the cabinet within the Executive Branch.

References:

Law No. 1 of 2001 regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

YES: A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference.

NO: A NO score is earned if there are no formal rules establishing an independent civil service.

44b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

YES | NO

Comments:

Arts. 140-147 of the Penal Code prohibit corruption in the public service.

Art. 8 of Law No. 1 (2001) regulating the Civil Service stipulates that general vacancies” are to be filled according to merit and Art. 17 lists the order of preference for employee promotions according to merit, credentials and age.

Additionally, Art. 48-51 stipulate that salary raises are to be granted only according to merit and certain characteristics and promotions are to be based on performance. However, Art. 11 of this same law entitles the Minister of State for the Council of

Minsters to recommend candidates for positions that do and do not require an examination (such as high-ranking positions).

Furthermore, Arts. 12-14 list the specific senior positions that are to be filled only by special decree. Art. 14 states that the three most senior levels of the civil service are to be appointed by a decree by the Head of the Council of Minister and by recommendation by the Minister of State for this Council. Arts. 36-46 establish formal rules for employee performance assessment and disciplinary actions. However, Art. 36 states exempts the Assistant Deputy and Deputy Ministers from these rules.

Regarding disciplinary measures, Art. 44 entitles the Minister to make the final decision according to employee performance assessments, and Art. 45 states that employees with an annual unsatisfactory report will not be promoted (although there is no mention of any being dismissed).

Art. 46 clearly prohibits “demoting” a civil servant and instead suggests horizontal repositioning. Dismissals are only justified if the civil servant is not in good health. It should be noted that the law governing the public and private sectors makes it very difficult to dismiss a Qatari national. On the contrary, the Labor Law of 2004 includes “Qatarisation” measures, which impose a quota of Qatari employees in the workplace.

References:

Arts. 140-147 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

Arts, 8; 11-14; 17; 36-46; 48-51 of Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

YES: A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

NO: A NO score is earned if no such regulations exist.

44c. In law, there is an independent redress mechanism for the civil service.

YES | NO

Comments:

Article 126 of the Human Resource Management Act stipulates that government employees who wish to petition against disciplinary action taken against them in the workplace may do so by submitting a petition to the Operations Manager within 30 days. If the Manager doesn't respond in another 60 days, then it is assumed that the petition has been rejected. At this point, the employee may appeal the disciplinary action/decision in the Administrative Court.

References:

Article 126 of the Human Resource Management Act No. 8 of 2009. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?LawID=3278&country=3>

Law No. 1 (2007) regulating Administrative Disputes. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=3205>

YES: A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. The mechanism should be independent of their supervisors but can still be located within the government agency or entity (such as a special commission or board). Civil servants are able to appeal the mechanism's decisions to the judiciary.

NO: A NO score is earned if no such mechanism exists, or if the only recourse civil servants have is directly through the courts.

44d. In law, civil servants convicted of corruption are prohibited from future government employment.

YES | **NO**

Comments:

Art. 10(4) of Law No. 1 (2001) stipulates that people convicted of a crime that is immoral or that threatens the safety of others without remorse” cannot be employed in the Civil Service. Those convicted only once of any other crime may be employed as civil servants and may have their sentence suspended in order to work in the Civil Service. Article 147 of the Penal Code states that public officers guilty of corruption shall be dismissed from public office. Neither of the laws require a life-time ban.

It is important to note that such decisions are made by the judiciary as part of the sentence/punishment given to civil servants who are found guilty of corruption. It is common that guilty persons will be prohibited from re-entering the public sector until after they complete a “rehabilitation phase” that begins after the actual sentence has expired. This does not constitute a lifetime ban, however.

References:

Article 10(4) of Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

Article 147 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

YES: A YES score is earned if there are specific rules prohibiting continued government employment following a corruption conviction.

NO: A NO score is earned if no such rules exist or if the ban is not a lifetime ban.

45. Is the law governing the administration and civil service effective?

64

45a. In practice, civil servants are protected from political interference.

100 | **75** | 50 | 25 | 0

Comments:

For the most part, civil servants are not subject to direct interference by the government. In 2007, the Qatari government adopted Law No. 7 establishing and regulating the Administrative Courts for resolving disputes between government bodies and between these bodies and citizens. Since then, the civil service sector (being the largest employer of Qatari citizens) has experienced increased independence, as civil sector employees are entitled to bring their grievances to the Administrative Court.

However, many Qataris are reluctant to utilize the court system due to societal stigmas and customs. In the same vein, self-censorship within the public sector remains an issue. As with the media and civil society in Qatar, there exists an undefined red line” that very few people will cross or even challenge (i.e., reporting on corruption or inefficiencies). Moreover, ministers remain the final decision makers with respect to high-level appointments, remuneration and employee performance assessments. As ministers in Qatar make up the Council of Ministers, which serves as the cabinet within the Executive Branch, their dominant role in the sector continues to restrict full independence.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and Location: March 29, 2010 and May 6, 2010 at Qatar University.

100: Civil servants operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants can bring a case to the courts challenging politically-motivated firings.

75:

50: Civil servants are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the government, or other forms of influence. Civil servants may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

25:

0: Civil servants are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants are unable to find a remedy in the courts for unjustified or politically-motivated firings.

45b. In practice, civil servants are appointed and evaluated according to professional criteria.

100 | 75 | **50** | 25 | 0

Comments:

In Qatar, there exist certain privileged familial tribes. These families are large in size and scope, and many of their members are employed in the civil service sector. According to interviewees, it is known for these employees to be appointed or promoted ahead of more qualified co-workers as a result of their familial connections.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Appointments to the civil service and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

45c. In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

100 | 75 | 50 | 25 | 0

Comments:

In Qatar, there exist certain privileged familial tribes. These families are large in size and scope, and many of their members are employed in the civil service sector. According to interviewees, it is known for these employees to be appointed or promoted ahead of more qualified co-workers as a result of their familial connections.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the civil service. Hirings, firings, and promotions are based on merit and performance.

75:

50: Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family member or friends to favorable positions in the civil service, or lend other favorable treatment.

25:

0: Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of civil servants.

45d. In practice, civil servants have clear job descriptions.

100 | 75 | 50 | 25 | 0

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable representation of positions in terms of a person's authority, responsibility and base pay.

75:

50: Civil servants often have formal job descriptions, but exceptions exist. Some civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some

cases.

25:

0: Civil servants do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position's responsibilities, authority, or pay.

45e. In practice, civil servant bonuses constitute only a small fraction of total pay.

100 | 75 | 50 | 25 | 0

Comments:

Article 23 stipulates that bonuses cannot exceed 6 percent of an employee's salary and are only given on an annual basis. This is upheld in practice.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

Article 23 of the Human Resource Management Act No. 8 of 2009. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?LawID=3278&country=3>

100: Civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

75:

50: Civil servant bonuses are generally a small percentage of total take-home pay for most civil servants though exceptions exist where some civil servants' bonuses represent a significant part of total pay.

25:

0: Most civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to civil servants.

45f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.

100 | 75 | 50 | 25 | 0

Comments:

Although certain ministries may publish a list of their civil servant positions (filled and vacant), this is uncommon and doesn't occur on a government-wide scale.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: The government publishes such a list on a regular basis.

75:

50: The government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

25:

0: The government rarely or never publishes such a list, or when it does it is wholly incomplete.

45g. In practice, the independent redress mechanism for the civil service is effective.

100 | 75 | **50** | 25 | 0

Comments:

The independent redress mechanism is generally effective. In 2007 the Qatari government adopted Law No. 7 establishing and regulating the Administrative Courts for resolving disputes between government bodies and between these bodies and citizens.

In 2009, the government adopted the Human Resources Management Act that provided civil servants with an internal redress mechanism. Article 126 of the Human Resource Management Act stipulates that government employees who wish to petition against disciplinary action taken against them in the workplace may do so by submitting a petition to the Operations Manager within 30 days. If the Manager doesn't respond in another 60 days, then it is assumed that the petition has been denied. At this point, the employee may appeal the disciplinary action/decision in the Administrative Court.

However, many Qataris are reluctant to utilize the redress mechanism and court system due to societal stigmas and customs. In the same vein, self-censorship within the public sector remains an issue. As with the media and civil society in Qatar, there exists an undefined red line" that very few people will cross or even challenge (i.e., reporting on corruption or inefficiencies). There is a need for raising of awareness and training workshops that inform civil servants and their superiors about their rights and duties.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: The independent redress mechanism for the civil service can control the timing and pace of its investigations without any input from the bodies that manage civil servants on a day-to-day basis.

75:

50: The independent civil service redress mechanism can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

25:

0: The civil service redress mechanism must rely on approval from the executive or the bodies that manage civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

45h. In practice, in the past year, the government has paid civil servants on time.

100 | 75 | 50 | 25 | 0

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and Location: March 29, 2010 and May 6, 2010 at Qatar University.

100: In the past year, no civil servants have been paid late.

75:

50: In the past year, some civil servants have been paid late.

25:

0: In the past year, civil servants have frequently been denied due pay.

45i. In practice, civil servants convicted of corruption are prohibited from future government employment.

100 | 75 | 50 | 25 | 0

Comments:

By law, there is no such system. Art. 10(4) of Law No. 1 (2001) regulating the Civil Service stipulates that only people convicted of a crime that is immoral or that threatens the safety of others without remorse” cannot be employed in the Civil Service. Those convicted only once of any other crime may be employed as civil servants and may have their sentence suspended in order to work in the Civil Service. Article 147 of the Penal Code states that public officers guilty of corruption shall be dismissed from public office. Neither of the laws require a life-time ban. Such decisions are to be made by the judiciary as part of the sentence/punishment given to civil servants who are found guilty of corruption.

In practice, it is common that guilty persons will be prohibited from re-entering the public sector until after they complete a “rehabilitation phase” that begins after the actual sentence has expired. Although this does not constitute a lifetime ban, societal stigmas and pressures often prohibit a “rehabilitated” citizen from re-entering the civil service sector.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All civil servants are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants may not be affected by the system, or the prohibitions are sometimes not effective. Some bans are only temporary.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted civil servants.

46. Are there regulations addressing conflicts of interest for civil servants?

33

46a. In law, senior members of the civil service are required to file an asset disclosure form.

YES | **NO**

Comments:

A review of the law regulating the civil service and the State Audit Bureau reveals no such requirement. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees or public officials.

References:

Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

Law No. 4 of 2005 establishing and regulating the State Audit Bureau. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2891>

YES: A YES score is earned if senior members of the civil service are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any senior member of the civil service is not required to disclose assets.

46b. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

YES | NO

Comments:

Art. 78 (3) of Law. 1 (2001) forbids civil servants from gaining personally from contracts, work, outsourcing or tenders related to their position or department.

References:

Article 18(3) of Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

YES: A YES score is earned if there are requirements for civil servants to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

NO: A NO score exists if no such requirements exist in regulation or law.

46c. In law, there are restrictions for civil servants entering the private sector after leaving the government.

YES | **NO**

Comments:

A review of the Law regulating the civil service reveals no such restrictions. It should be noted that Qatari citizens only make up roughly 13 percent of Qatar's total population of approximately 1,800,000. As a result, Qatari people who are in power wear several different hats." A Qatari may hold a government position while also sitting on the board of directors or serving as CEO of a private or semi private company. The financial and natural resource sectors are at the foundation of Qatari society, thus preventing any significant restrictions on the ability to enter into the private sector.

References:

Law No. 1 of 2001 regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

YES: A YES score is earned if there are regulations restricting civil servants' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

46d. In law, there are regulations governing gifts and hospitality offered to civil servants.

YES | NO

Comments:

Article 78(1) of Law No. 1 (2001) stipulates that civil servants are forbidden from directly or indirectly accepting gifts, tips, grants or any other such items.

References:

Article 78(1) of Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

YES: A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants.

NO: A NO score is earned if there are no such guidelines or regulations.

46e. In law, there are requirements for the independent auditing of the asset disclosure forms of senior members of the civil service.

YES | **NO**

Comments:

A review of the law regulating the civil service and the State Audit Bureau reveals no such requirement. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees or public officials.

References:

Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

Law No. 4 of 2005 establishing and regulating the State Audit Bureau. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2891>

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of civil service asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of civil service asset disclosures or if such requirements exist but allow for self-auditing.

46f. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

100 | 75 | 50 | 25 | **0**

Comments:

There are no such regulations.

References:

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no cases or few cases of civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Civil servants routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

46g. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | 25 | 0

Comments:

According to the U.S. State Department, in 2008-2009, local newspapers reported on the dismissal of a number of senior officials in various ministries who were found to be using their offices for personal gain. Although the newspaper articles offered no details, the dismissals indicate that while regulations may not be entirely effective, the prosecution mechanisms are.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

100: The regulations governing gifts and hospitality to civil servants are regularly enforced. Civil servants never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

46h. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | 25 | 0

References:

As is customary with all of our assessments, our lead researcher combined original interviews and analyses of reports (media/policy/academic) to generate the numerical scores and narrative comments that comprise the Qatar scorecard. They were then reviewed via a double-blind peer review process. However, despite the best efforts of our researcher as well as the Global Integrity staff in Washington who provided additional desk research support, data was not readily available for this particular indicator.

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(For more complete details on our approach, see the methodology white paper at: <http://report.wordpress-158395-729720.cloudwaysapps.com/methodology/whitepaper.cfm>.)

100: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

75:

50: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most civil servants though exceptions exist. In certain sectors, civil servants are known to routinely participate in policy decisions where their personal interests are affected.

25:

0: Most civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

46i. In practice, civil service asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Civil service asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Civil service asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Civil service asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

47. Can citizens access the asset disclosure records of senior civil servants?

0

47a. In law, citizens can access the asset disclosure records of senior civil servants.

YES | **NO**

Comments:

A review of the law regulating the civil service and the State Audit Bureau revealed no such requirement. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees or public officials.

References:

Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

The State Audit Bureau was created by Law No. 5 of 1975 and redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999.

YES: A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

NO: A NO score is earned if senior civil servants do not file an asset disclosure. A NO score is earned if senior civil servants file an asset disclosure, but it is not available to the public.

47b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

47c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of government employees or public officials.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: The asset disclosure records of senior civil servants are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of senior civil servants contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of senior civil servants are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

IV-2. Whistle-blowing Measures

48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

25

48a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | **NO**

Comments:

A review of the Human Resource Management and Civil Service Law revealed no such protection.

References:

Human Resource Management Act No. 8 of 2009. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?LawID=3278&country=3>

Law No. 1 of 2001 regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

YES: A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for public-sector whistleblowers.

48b. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | **50** | 25 | 0

References:

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100: Public sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Public sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Public sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

48c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | **NO**

Comments:

A review of the law Combating Fraud in Commercial Transactions revealed no such protection.

Arts. 319-322 of the Commercial Companies Law set out a procedure for private sector shareholders (owning 20 percent or more of a company's shares) to report abuse to the Minister of Economy and Commerce.

Arts 323-329 stipulate the appropriate punishments for private sector shareholders found guilty of abuse. A review of the law, however, revealed no regulations to protect private sector whistle blowers (shareholders or employees).

Article 29.4 of Section VIII on Stakeholder's Rights of the Corporate Governance Code for Companies Listed in Markets Regulated by the Qatar Financial Markets Authority states that The Board shall adopt a mechanism enabling company employees to report to the Board suspicious behavior, where behavior is unethical, illegal, or detrimental to the Company. The Board shall ensure that the employee addressing the Board shall be afforded confidentiality and protected from any harm or negative reaction by other employees or the employee's superior." However, this Code does not serve as a law, nor has it been published in the official Gazette, which means it has not yet been implemented. Instead, the Code only requires that companies disclose the extent to which they abide by the Code's provisions and to offer an explanation where certain provisions are overlooked. The provisions, therefore, are not binding.

It should be noted that in 2009 an anti-corruption Law was drafted that addresses whistle blowing and whistle blowers' protection. However, this law has not yet been published.

References:

Law No. 2 of 1999 Combating Fraud in Commercial Transactions.

Articles 319-329 of Law No. 5 of 2002 regulating Commercial Companies. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2594>

Article 29.4 of the Corporate Governance Code for Companies Listed in Markets Regulated by the Qatar Financial Markets Authority. Issued by the Board of Directors of the Authority on January 27, 2009.

YES: A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for private-sector whistleblowers.

48d. In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | **50** | 25 | 0

References:

As is customary with all of our assessments, our lead researcher combined original interviews and analyses of reports (media/policy/academic) to generate the numerical scores and narrative comments that comprise the Qatar scorecard. They were then reviewed via a double-blind peer review process. However, despite the best efforts of our researcher as well as the Global Integrity staff in Washington who provided additional desk research support, data was not readily available for this particular indicator.

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100: Private sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Private sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

50

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The National Human Rights Committee has a department dedicated specifically to receiving and responding to citizens' complaints and reports. Although Qatar's National Human Rights Committee has a full-time staff, it was expressed to me that this staff is somewhat under-trained and at times unprofessional, which hinders the Committee's mandate.

It should be noted that there exists very little information regarding the National Committee for Integrity and Transparency, which was established in 2007 to combat corruption in Qatar. As of this report, it has no website or contact details online and it is still unclear whether or not the law establishing this Committee has been implemented.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: The agency/entity has staff sufficient to fulfill its basic mandate.

75:

50: The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

25:

0: The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

50b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

The National Human Rights Committee has a department dedicated specifically to receiving and responding to citizens' complaints and reports. The committee receives regular funding from the government.

It should be noted that there exists very little information regarding the National Committee for Integrity and Transparency, which was established in 2007 to combat corruption in Qatar. As of this report, it has no website or contact details online and it is still unclear whether or not the law establishing this Committee has been implemented.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

50c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

100 | 75 | 50 | **25** | 0

Comments:

The National Committee for Human Rights has a department dedicated specifically to receiving and responding to citizens' complaints and reports. Although the Committee responds to general complaints within a reasonable time, it avoids reporting or acting on specific corruption issues in Qatar.

The Public Prosecutor has a Judicial Inspection Committee that receives and investigates corruption complaints against employees within this department. The interviewee explained to me that responses can be slow and their effectiveness may at times be determined by the personal connections and influence of the party in question.

It should be noted that there exists very little information regarding the National Committee for Integrity and Transparency, which was established in 2007 to combat corruption in Qatar. As of this report, it has no website or contact details online and it is still unclear whether or not the law establishing this Committee has been implemented.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

50d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

The National Committee for Human Rights has a department dedicated specifically to receiving and responding to citizens' complaints and reports. Although the committee responds to general complaints within a reasonable time, it avoids reporting or acting on specific corruption issues in Qatar.

The Public Prosecutor has a Judicial Inspection Committee that receives and investigates corruption complaints against employees within this department. The interviewee explained to me that responses can be slow and their effectiveness may at times be determined by the personal connections and influence of the party in question.

It should be noted that there exists very little information regarding the National Committee for Integrity and Transparency, which was established in 2007 to combat corruption in Qatar. As of this report, it has no website or contact details online and it is still unclear whether or not the law establishing this Committee has been implemented.

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Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 at the National Human Rights Committee.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: When irregularities are discovered, the agency/entity is aggressive in investigating the government or in cooperating with other agencies' investigations.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

100

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

YES | NO

Comments:

The National Human Rights Committee, established by Decree Law No. 38 in 2002, acts as Qatar's Ombudsman and has a department dedicated specifically to citizen complaints and reports. However, this Committee avoids reporting or acting upon corruption issues.

The government launched The National Strategy for Integrity and Transparency (2008-2012), which included the creation of a National Committee for Integrity and Transparency. This committee is mandated with receiving and acting upon corruption complaints. However, it should be noted that there exists very little information regarding this committee. As of this report, it has no website or contact details online, and it is still unclear whether or not the law establishing this committee has been implemented.

The Judicial Inspection Committee within the Public Prosecutor Department receives and investigates complaints against employees within this department. Art. 43 of Law 10 (2002) exempts the attorney general from such investigations.

References:

Decree Law No. 84 of 2007 establishing the National Committee for Integrity and Transparency. Available at: <http://www.barasy.com/news-view-1618.html>

Decree Law No. 38 in 2002 establishing the National Human Rights Committee. Available at: <http://www.nhrc-qa.org/en/files/downloads/Constitution%20of%20NHRC.pdf>

Articles 41-43 of Law No. 10 of 2002 regulating the Public Prosecutor establishes a Judicial Inspection Committee. Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=3271>

YES: A YES score is earned if there is a mechanism, or multiple mechanisms for multiple national government agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption.

NO: A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists.

58
IV-3. Procurement

51. Is the public procurement process effective?

40

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

YES | NO

Comments:

Article 17 states that Central Tenders Committee members cannot participate in the procurement decision making process should they have any personal interest or stake in the tender. Article 28 stipulates that tenderers cannot be members of the Central Tenders Committee.

References:

Article 17 and 28 of Law 26 of 2005 regulating Tenders and Auctions (The Procurement Law). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for public procurement officials. A YES score is earned if such regulations cover all civil servants, including procurement officials.

NO: A NO score is earned if no such rules exist.

51b. In law, there is mandatory professional training for public procurement officials.

YES | NO

Comments:

Articles 53-61 of the Human Resource Management Act requires all government agencies to provide their employees with training and development opportunities. However, no specific training requirements or public procurement officials could be found in either the Procurement or Civil Service Law.

It should be noted that according to the National Committee for Transparency and Integrity's mandate, this committee provides guidance in the development of training and education programs for government employees to detect and combat corruption. However, there exists very little information regarding the National Committee and, as of this report, it has no website or contact details online and it is unclear whether or not its mandate is being implemented.

References:

Articles 53-61 of the Human Resource Management Act No. 8 of 2009. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?LawID=3278&country=3>

Law 26 of 2005 regulating Tenders and Auctions (Procurement Law). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

YES: A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

NO: A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

51c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

100 | 75 | 50 | 25 | 0

Comments:

According to UNDP-POGAR, foreign companies have complained about a lack of transparency in the procurement process. Moreover, it has been noted that important government contracts have required Qatari intermediaries with good connections/access.

References:

UNDP-POGAR: Qatar

<http://www.undp-pogar.org/countries/theme.aspx?t=13&cid=15>

100: Regulations regarding conflicts of interest for procurement officials are aggressively enforced.

75:

50: Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.

25:

0: Conflict-of-interest regulations do not exist, or are consistently ineffective.

51d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

YES | **NO**

Comments:

After reviewing the law regulating the Civil Service and the State Audit Bureau, no such requirement could be found. Public officials are not subject to financial disclosure laws and the State Audit Bureau is not mandated to audit the assets of these officials.

Article 12 of the Procurement Law stipulates that the Head of State (the Emir Sheikh Hamad bin Khalifa al-Thani) determines the salary of all members of the Central Tenders Committee (CTC) through an Executive Order, or an Emiri Decree. The Decree is issued after the Emir has heard the recommendations from the Ministry of Finance, under whose jurisdiction the CTC falls. However, Article 78(1) of Law No. 1 (2001) regulating the Civil Service forbids any civil servant from accepting gifts, tips, grants, etc. either directly or indirectly.

References:

Article 12 of Law 26 of 2005 regulating Tenders and Auctions. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

Article 78(1) of Law No. 1 (2001) regulating the Civil Service. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2623>

Law No. 5 of 1975, redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999 creating and regulating the State Audit Bureau.

YES: A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials, such as an inspector general, or ombudsman.

NO: A NO score is earned if no such mandate exists.

51e. In law, major procurements require competitive bidding.

YES | NO

Comments:

All procurements worth over 50 million Qatari Riyal (US\$13.8 million) require the approval of the Head of State (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani).

Article 2 stipulates that tenders may be general, limited or local. Only general tenders and local tenders are subject to the principles of publicity as regards procedure, equality and free competition.”

Article 4 concerning Limited Tenders stipulates that this group is “confined to firms whose names are recorded in lists prepared by the government body involved in the tender after inquiring into and verifying their good reputation and superiority in financial, productive and technical aspects,” and may include “tenders whose submission to the Principle of absolute competition can be bypassed due to their particular nature or the circumstances under which they are concluded.”

Articles 6 and 7 permit tenders to bypass the public and competitive procurement process under specific circumstances; e.g., should there be an “urgency in the need for the tender” or if there is a direct agreement established between the Central Tenders Committee and the company in light of the latter’s rare products, works or services.

References:

Article 2, 4, 6, 7 & 51 of Law 26 of 2005 regulating Tenders and Auctions. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

YES: A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.

NO: A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

51f. In law, strict formal requirements limit the extent of sole sourcing.

YES | NO

Comments:

Article 45 of the Procurement Law requires the Central Tenders Committee (CTC), once its members have reviewed all applications for the tender, to choose the least expensive bid that meets all of the relevant criteria.

Article 46 of this same law stipulates that, in cases where the cost of two bids are equally low and equally meet the relevant criteria, the CTC must split the tender between the two bidders.

However, Article 47 states that exceptions may be made where the chosen bid is not the least expensive, although this requires the approval of the Minister of Finance.

Article 50 allows the CTC to cancel and re-advertise any procurement that attracts only a sole bid or for which only a sole bidder meets the relevant criteria. Exceptions may be made where the CTC accepts the application of a sole bidder only in cases where time doesn’t allow for the procurement to be re-advertised.

References:

Articles 45-47 and 50 of Law 26 of 2005 regulating Tenders and Auctions (The Procurement Law). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

YES: A YES score is earned if sole sourcing is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.

NO: A NO score is earned if there are no prohibitions on sole sourcing. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

51g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

YES | **NO**

Comments:

Article 14 of the Central Tenders Committee's (CTC) General Tenders Conditions states that The Tenders Committee reserves the right to exclude any bid without assigning any reason for doing so."

It should be noted that, although there is no formal procurement "blacklist," each government body involved in a procurement creates a "whitelist" upon verifying the "good reputation and superiority in financial, productive and technical aspects" of different companies. According to Article 53 of the Procurement Law, a company may be removed from this "whitelist" if, after being accepted for a tender, it cancels its procurement contract prematurely. This company can appeal to the Minister of Finance to instigate an official review into the CTC's decision to remove it from the "whitelist." However, this does not apply to unsuccessful bidders.

References:

Article 14 of the Central Tenders Committee (CTC) General Tenders Conditions. Available at: <http://www.ctc.gov.qa/Elow-7.aspx>

Article 53 of Law 26 of 2005 regulating Tenders and Auctions (The Procurement Law). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

YES: A YES score is earned if there is a formal appeal process for unsuccessful bidders.

NO: A NO score is earned if no such process exists.

51h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

YES | **NO**

Comments:

A review of the Procurement Law revealed no such stipulation. It should be noted that Article 14 of the Central Tenders Committee's (CTC) General Tenders Conditions states that The Tenders Committee reserves the right to exclude any bid without assigning any reason for doing so."

References:

Law 26 of 2005 regulating Tenders and Auctions (The Procurement Law). Available at: <http://www.gcc->

Article 14 of the Central Tenders Committee (CTC) General Tenders Conditions. Available at: <http://www.ctc.gov.qa/Elow-7.aspx>

YES: A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

NO: A NO score is earned if no such process exists.

51i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

YES | **NO**

Comments:

Article 57 allows for the Central Tenders Committee (CTC) to cancel any bidder's contract if the bidding company is found guilty of corruption. The punishment, however, is restricted to a fine or withholding the company's insurance deposit. The law does not prevent the guilty company from participating in future procurements or from doing business with the government.

It should be noted that, by Law (Article 53), there does not exist a formal procurement blacklist". Rather, each government body involved in a procurement creates a "whitelist" after verifying different companies' "good reputation and superiority in financial, productive and technical aspects." A company can only be removed from this "whitelist" if, after being accepted for a tender, it cancels its procurement contract either intentionally or unintentionally.

References:

Article 53 & 57 of Law 26 of 2005 regulating Tenders and Auctions (The Procurement Law). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

YES: A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

NO: A NO score is earned if no such process exists.

51j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

100 | 75 | **50** | 25 | 0

Comments:

According to the Central Tenders Committee (CTC), companies guilty of procurement violations are prohibited from future bids. However, this information is not transparent and there is reason to believe that exceptions may be made.

It should be noted that in both law and practice there does not exist a formal procurement blacklist." Rather, each government body involved in a procurement creates a "whitelist" after verifying different companies' "good reputation and superiority in financial, productive and technical aspects." A company can only be removed from this "whitelist" if, after being accepted for a tender, it cancels its procurement contract either intentionally or unintentionally.

The law does allow the CTC to cancel any bidder's contract if the bidding company is found guilty of corruption, but does not require that a guilty company be banned from participating in future procurements or from doing business with the government.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

52. Can citizens access the public procurement process?

67

52a. In law, citizens can access public procurement regulations.

YES | NO

Comments:

Citizens can access the rules and regulations of the procurement process as set out in The Procurement Law online at <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>.

Also, before tenders are publicly advertised, the Central Tenders Committee (CTC) must prepare a document that includes information about the terms of the specific tender in order for it to be made available to the public upon request and payment of a fee determined by the CTC.

References:

Article 27 of Law 26 of 2005 regulating Tenders and Auctions (The Procurement Law). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

YES: A YES score is earned if procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

NO: A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

52b. In law, the government is required to publicly announce the results of procurement decisions.

YES | NO

Comments:

After reviewing the Procurement Law, no such requirement could be found. It should be noted that Article 14 of the CTC's General Tenders Conditions states that the Tenders Committee reserves the right to exclude any bid without assigning any reason for doing so."

It must also be noted that Qatar's public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. "Public funds," therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditure or procurement decisions.

References:

Law 26 of 2005 regulating Tenders and Auctions (The Procurement Law). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>

Article 14 of the Central Tenders Committee (CTC) General Tenders Conditions. Available at: <http://www.ctc.gov.qa/Elow-7.aspx>

YES: A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process.

52c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Citizens can access the rules and regulations of the procurement process as set out in The Procurement Law online at <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>. However, this law is available only in Arabic. The Central Tenders Committee (CTC) General Tenders Conditions are available online in English and Arabic at: <http://www.ctc.gov.qa/Elow-7.aspx>

Also, before tenders are publicly advertised, the (CTC) must prepare a document that includes information about the terms of the specific tender in order for it to be made available to the public upon request and payment of a fee determined by the CTC.

References:

The Procurement Law is available online at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>.

The Central Tenders Committee (CTC) General Tenders Conditions are available online at: <http://www.ctc.gov.qa/Elow-7.aspx>

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

52d. In practice, citizens can access public procurement regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Citizens can access the rules and regulations of the procurement process as set out in The Procurement Law online at <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>. However, this law is available only in Arabic. The Central Tenders Committee (CTC) General Tenders Conditions are available online in English and Arabic at: <http://www.ctc.gov.qa/Elow-7.aspx>

Before tenders are publicly advertised, the Central Tenders Committee (CTC) must prepare a document that includes information about the terms of the specific tender in order for it to be made available to the public upon request and payment of a fee determined by the CTC. The law allows the Central Tenders Committee (CTC) to establish a fee that it deems suitable for this information. There is no set cost, and fees can change according to a decision made by the CTC.

References:

The Procurement Law is available online at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2613>.

The Central Tenders Committee (CTC) General Tenders Conditions are available online at: <http://www.ctc.gov.qa/Elow-7.aspx>

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

According to the United Nations Development Programme (UNDP) report, Foreign companies have complained about a lack of transparency. Important government contracts require Qatari intermediaries with good access.”

References:

United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). Country Governance Report: Qatar. Available at: <http://www.undp-pogar.org/countries/theme.aspx?t=2&cid=15#sub4>. Accessed on March 10, 2010.

100: There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising major public procurements or the process is superficial and ineffective.

52f. In practice, citizens can access the results of major public procurement bids.

100 | 75 | **50** | 25 | 0

Comments:

Although the Central Tenders Committee (CTC) is not required by law to make procurement bid results available to citizens, in reality, at times, the name of the successful bidding company is announced. However, announcements do not disclose the CTC's rationale or the final bidding price of the successful company.

It must be noted that Qatar's public funds are supported primarily by oil and natural gas revenues, as Qatari citizens do not pay personal or corporate tax. Public funds," therefore, takes on a different meaning in the Qatari context, as government officials are not held accountable to the people with respect to expenditure or procurement decisions.

References:

Interview with Dr. Hassan al-Sayed, Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 and May 6, 2010 at Qatar University.

100: Records of public procurement results are publicly available through a formal process.

75:

50: Records of public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

25:

0: This information is not available to the public through an official process.

53. Is the privatization process effective?

0

53a. In law, all businesses are eligible to compete for privatized state assets.

YES | **NO**

Comments:

No privatizations occurred in Qatar during the study period, and no law exists that regulates all privatizations in the country. Instead, the regulations of each privatization are defined by a specific Emiri Decree (an Executive Order) or bill. The last privatization occurred in 1998, when the state-owned Qatar Telecommunications Company was converted into a public shareholding company (or, Qatari Joint Stock Company) through an initial public offering (IPO). The process was completed in 2000. By law, all Qataris and non-Qataris were able to purchase Q-Tel shares. Although all businesses were eligible to purchase shares, Article 8 states that the Q-Tel's assets would remain under the ownership of the company itself and does not allow for competition for these assets.

The Qatari government has not adopted a rigorous privatization plan. Privatizations that were launched in the past focused primarily on promoting diversification (less reliance on oil) and improving infrastructure and education and health services. There is little incentive for the state to liquidate its assets or float its state-owned enterprises (SOEs) through an IPO. This is especially true for state enterprises within the oil and gas sector (e.g., Qatar Petroleum), the revenues of which account for the majority of Qatar's gross domestic product (GDP) and are the main source of its public funds.

Qatar does not have a significant public deficit, and it boasts the second largest GDP per capita in the world (over US\$120,000). SOEs are not experiencing a loss or even significant mismanagement. As a result, the state does not have to rely on private loan schemes and can still supply adequate social services to its citizens. Also, the majority of citizens are employed in SOEs or the civil service. As the main employer of its citizens, the government is reluctant to embark on large-scale privatization initiatives.

References:

Law No. 21 of 1998 regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company). Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4503>

YES: A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.

NO: A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

53b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

YES | **NO**

Comments:

A review of the Law regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company) revealed no such regulations.

No privatizations occurred in Qatar during the study period and there does not exist a law regulating all privatizations in the country. Instead, the regulations of each privatization are defined by a specific Emiri Decree (an Executive Order) or bill. The last privatization occurred in 1998, when the state-owned Qatar Telecommunications Company was converted into a public shareholding company (or, Qatari Joint Stock Company) through an initial public offering (IPO). The process was completed in 2000.

The Qatari government has not adopted a rigorous privatization plan. Privatizations that were launched in the past focused primarily on promoting diversification (less reliance on oil) and improving infrastructure and education and health services. There is little incentive for the state to liquidate its assets or float its state-owned enterprises (SOEs) through an IPO. This is especially true for state enterprises within the oil and gas sector (e.g., Qatar Petroleum), the revenues of which account for the majority of Qatar's gross domestic product (GDP) and are the main source of its public funds.

Qatar does not have a significant public deficit, and it boasts the second largest GDP per capita in the world (over US\$120,000). SOEs are not experiencing a loss or even significant mismanagement. As a result, the state does not have to rely on private loan schemes and can still supply adequate social services to its citizens. Also, the majority of citizens are employed in SOEs or the civil service. As the main employer of its citizens, the government is reluctant to embark on large-scale privatization initiatives.

References:

Law No. 21 of 1998 regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company). Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4503>

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for privatization officials. A YES score is earned if such regulations cover all civil servants, including privatization officials.

NO: A NO score is earned if there are no such formal regulations.

53c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

100 | 75 | 50 | 25 | 0

Comments:

No privatizations occurred in Qatar during the study period and there does not exist a law regulating all privatizations in the country. Instead, the regulations of each privatization are defined by a specific Emiri Decree (an Executive Order) or bill. The last privatization occurred in 1998, when the state-owned Qatar Telecommunications Company was converted into a public shareholding company (or, Qatari Joint Stock Company) through an initial public offering (IPO). The process was completed in 2000. The law regulating this privatization did not include any stipulations concerning public officials' conflicts of interest.

The Qatari government has not adopted a rigorous privatization plan. Privatizations that were launched in the past focused primarily on promoting diversification (less reliance on oil) and improving infrastructure and education and health services. There is little incentive for the state to liquidate its assets or float its state-owned enterprises (SOEs) through an IPO. This is especially true for state enterprises within the oil and gas sector (e.g., Qatar Petroleum), the revenues of which account for the majority of Qatar's gross domestic product (GDP) and are the main source of its public funds.

Qatar does not have a significant public deficit, it boasts the second largest GDP per capita in the world (over US\$120,000). SOEs are not experiencing a loss or even significant mismanagement. As a result, the state does not have to rely on private loan schemes and can still supply adequate social services to its citizens. Also, the majority of citizens are employed in SOEs or the civil service. As the main employer of its citizens, the government is reluctant to embark on large-scale privatization initiatives.

References:

Interview with Legal Specialist and Practitioner in Qatar. Interview date and location: May 3, 2010 in a public location.

100: Regulations regarding conflicts of interest for privatization officials are aggressively enforced.

75:

50: Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from the regulations.

25:

0: Conflict of interest regulations do not exist, or are consistently ineffective.

54. Can citizens access the terms and conditions of privatization bids?

50

54a. In law, citizens can access privatization regulations.

YES | **NO**

Comments:

After reviewing the Law regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company), no such stipulation could be found.

No privatizations occurred in Qatar during the study period and there does not exist a law regulating all privatizations in the country. Instead, the regulations of each privatization are defined by a specific Emiri Decree (an Executive Order) or bill. The last privatization occurred in 1998, when the state-owned Qatar Telecommunications Company was converted into a public shareholding company (or, a Qatari Joint Stock Company) through an initial public offering (IPO). The process was completed in 2000.

The Qatari government has not adopted a rigorous privatization plan. Privatizations that were launched in the past focused primarily on promoting diversification (less reliance on oil) and improving infrastructure and education and health services. There is little incentive for the state to liquidate its assets or float its state-owned enterprises (SOEs) through an IPO. This is especially true for state enterprises within the oil and gas sector (e.g., Qatar Petroleum), the revenues of which account for the majority of Qatar's gross domestic product (GDP) and are the main source of its public funds.

Qatar does not have a significant public deficit, and it boasts the second largest GDP per capita in the world (over US\$120,000). SOEs are not experiencing a loss or even significant mismanagement. As a result, the state does not have to rely on private loan schemes and can still supply adequate social services to its citizens. Also, the majority of citizens are employed in SOEs or the civil service. As the main employer of its citizens, the government is reluctant to embark on large-scale privatization initiatives.

References:

Law No. 21 of 1998 regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company). Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4503>

YES: A YES score is earned if privatization rules (defined here as the rules governing the competitive privatization process) are, by law, open to the public. Even if privatization is infrequent or rare, the most recent privatization should be used as the basis for scoring this indicator.

NO: A NO score is earned if privatization rules are officially secret for any reason or if there are no privatization rules.

54b. In practice, privatizations are effectively advertised.

References:

As is customary with all of our assessments, our lead researcher combined original interviews and analyses of reports (media/policy/academic) to generate the numerical scores and narrative comments that comprise the Qatar scorecard. They were then reviewed via a double-blind peer review process. However, despite the best efforts of our researcher as well as the Global Integrity staff in Washington who provided additional desk research support, data was not readily available for this particular indicator.

If you are able to assist us by providing data/information backed by credible sources to support this indicator, we would very much welcome your input. Please send any information you have to: info@globalintegrity.org. In your message, please include the following: 1) a suggested numerical score, 2) additional narrative comments to contextualize the score and provide further details about the nuances of the issue, and 3) reference(s) such as website links to relevant reports to support the score. We would also appreciate it if you could identify your name and institutional affiliation. If you prefer to remain publicly anonymous, please indicate that in your message to us as well. Thanks!

(For more complete details on our approach, see the methodology white paper at: <http://report.wordpress-158395-729720.cloudwaysapps.com/methodology/whitepaper.cfm>.)

100: There is a formal process of advertising privatizations. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some privatizations may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising privatizations or the process is superficial and ineffective.

54c. In law, the government is required to publicly announce the results of privatization decisions.

YES | **NO**

Comments:

After reviewing the Law regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a shareholding company (or, Qatari Joint Stock Company), no such requirement could be found.

No privatizations occurred in Qatar during the study period and there does not exist a law regulating all privatizations in the country. Instead, the regulations of each privatization are defined by a specific Emiri Decree (an Executive Order) or bill. The last privatization occurred in 1998, when the state-owned Qatar Telecommunications Company was converted into a public shareholding company (or, a Qatari Joint Stock Company) through an initial public offering (IPO). The process was completed in 2000.

The Qatari government has not adopted a rigorous privatization plan. Privatizations that were launched in the past focused primarily on promoting diversification (less reliance on oil) and improving infrastructure and education and health services. There is little incentive for the state to liquidate its assets or float its state-owned enterprises (SOEs) through an IPO. This is especially true for state enterprises within the oil and gas sector (eg: Qatar Petroleum), the revenues of which account for the majority of Qatar's gross domestic product (GDP) and are the main source of its public funds.

Qatar does not have a significant public deficit, and it boasts the second largest GDP per capita in the world (over US\$120,000). SOEs are not experiencing a loss or even significant mismanagement. As a result, the state does not have to rely on private loan

schemes and can still supply adequate social services to its citizens. Also, the majority of citizens are employed in SOEs or the civil service. As the main employer of its citizens, the government is reluctant to embark on large-scale privatization initiatives.

References:

Law No. 21 of 1998 regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company). Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4503>

YES: A YES score is earned if the government is required to publicly post or announce the results of the privatization process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the privatization process.

54d. In practice, citizens can access privatization regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Although by Law the government is not obliged to make privatization regulations accessible to the public, in practice these regulations are available online by accessing Law No. 21 of 1998 regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company) at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4503>

No privatizations occurred in Qatar during the study period and there does not exist a law regulating all privatizations in the country. Instead, the regulations of each privatization are defined by a specific Emiri Decree (an Executive Order) or bill. The last privatization occurred in 1998, when the state-owned Qatar Telecommunications Company was converted into a public shareholding company (or, a Qatari Joint Stock Company) through an initial public offering (IPO). The process was completed in 2000.

The Qatari government has not adopted a rigorous privatization plan. Privatizations that were launched in the past focused primarily on promoting diversification (less reliance on oil) and improving infrastructure and education and health services. There is little incentive for the state to liquidate its assets or float its state-owned enterprises (SOEs) through an IPO. This is especially true for state enterprises within the oil and gas sector (e.g., Qatar Petroleum), the revenues of which account for the majority of Qatar's gross domestic product (GDP) and are the main source of its public funds.

Qatar does not have a significant public deficit, and it boasts the second largest GDP per capita in the world (over US\$120,000). SOEs are not experiencing a loss or even significant mismanagement. As a result, the state does not have to rely on private loan schemes and can still supply adequate social services to its citizens. Also, the majority of citizens are employed in SOEs or the civil service. As the main employer of its citizens, the government is reluctant to embark on large-scale privatization initiatives.

References:

The website of the Ministry of Justice (<http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4503>) contains Law No. 21 of 1998 regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company).

100: Records (defined here as the rules governing the competitive privatization process) are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

54e. In practice, citizens can access privatization regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Although by Law the government is not obliged to make privatization regulations accessible to the public, in practice these regulations are available for free online by accessing Law No. 21 of 1998 regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company) at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4503>

No privatizations occurred in Qatar during the study period and there does not exist a law regulating all privatizations in the country. Instead, the regulations of each privatization are defined by a specific Emiri Decree (an Executive Order) or bill. The last privatization occurred in 1998, when the state-owned Qatar Telecommunications Company was converted into a public shareholding company (or, a Qatari Joint Stock Company) through an initial public offering (IPO). The process was completed in 2000.

The Qatari government has not adopted a rigorous privatization plan. Privatizations that were launched in the past focused primarily on promoting diversification (less reliance on oil) and improving infrastructure and education and health services. There is little incentive for the state to liquidate its assets or float its state-owned enterprises (SOEs) through an IPO. This is especially true for state enterprises within the oil and gas sector (eg: Qatar Petroleum), the revenues of which account for the majority of Qatar's gross domestic product (GDP) and are the main source of its public funds.

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References:

The website of the Ministry of Justice (<http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4503>) contains Law No. 21 of 1998 regulating the conversion of Qatar Telecommunications Company (Q-Tel) into a public shareholding company (or, Qatari Joint Stock Company).

100: Records (defined here as the rules governing the competitive privatization process) are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

56. Is the national ombudsman effective?

61

56a. In law, the ombudsman is protected from political interference.

YES | NO

Comments:

According to the Qatar National Human Rights Committee (NHRC)'s application for accreditation as a National Institution to the International Coordinating Committee of National Institutions (ICC), there are no provisions whereby the Government may instruct the Commission" and methods preventing conflicts of interest include its commitment to internationally accepted standards of impartiality and objectivity" and prohibiting "individuals who might have a conflict of interest in writing reports or making recommendations and decisions."

Art. 1 of Decree Law 38, 2002 states that Qatar's NHRC "will be a legal entity and have an independent budget." Under Article 9 of the same law, the Committee shall have a secretariat and also have the power to appoint its own staff.

Law No. 25 of 2006 and Article 3 of Law number (7) of 2008 amending Article 3 of Art. 3 of Law No. 38 (2002), stipulate that the NHRC "is to be formed with at least seven members representing the civil society to be selected from among human rights activists, and a representative from the following bodies — Ministry of Foreign Affairs, Ministry of Interior, Ministry of Civil Service Affairs and Housing, Ministry of Justice, and the Supreme Council for Family Affairs." This was designed in accordance with the definition of a National Institution as defined by the Paris Principles, which calls for the institution to be formed in partnership with the government. The new law indicates that government representatives participate in the committee's work and attend its meetings without a right to vote. However, nominated ministerial representatives must still be appointed by the head of state by an Emiri Decision.

References:

Application for Accreditation of the National Human Rights Committee of Qatar to the International Coordinating Committee of National Human Rights Institutions (March 2010). Available at: [http://www.nhri.net/2009/SCA%20Mar09%20-%20Qatar%20\(ReAccred\).pdf](http://www.nhri.net/2009/SCA%20Mar09%20-%20Qatar%20(ReAccred).pdf).

Article 1 of Law No. 38 (2002) establishing the Qatar's National Human Rights Committee (NHRC). Available at: <http://www.nhrc-qa.org/en/files/downloads/Constitution%20of%20NHRC.pdf>

Law No. 25 of 2006 and Article 3 of Law No. 7 of 2008 amending Law No. 28 of 2002.

YES: A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

56b. In practice, the ombudsman is protected from political interference.

Comments:

Although Article 1 of Law No. 38 (2002) establishing Qatar's National Human Rights Committee (NHRC) stipulates that the Committee is a legal entity with an independent budget, in practice the government provides the it with most of its funding. Also, the government appoints the committee's members (5 governmental and 7 civil society representatives).

It was explained to me by an NHRC representative that, although the government encourages speaking out against rights violations, there is a high level of self-censorship within the committee. As with the media and civil society in Qatar, there exists an undefined red line" that very few people will cross or even challenge (i.e., reporting on corruption or inefficiencies).

However, the representative also explained that the Committee's members are not subject to direct interference by the government. There is a somewhat high level of day-to-day freedom within the NHRC, and the committee's activities are rarely challenged by the government. This was reconfirmed in the NHRC's recent application for accreditation as a National Institution to the International Coordinating Committee of National Institutions (ICC), where the NHRC indicated that its members from civil society (7 out of the total 12 members) have complete independence and are not subject to unjustified termination or held accountable for any activities related to their human rights duties.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

Application for Accreditation of the National Human Rights Committee of Qatar to the International Coordinating Committee of National Human Rights Institutions (March 2010). Available at: [http://www.nhri.net/2009/SCA%20Mar09%20-%20Qatar%20\(ReAccred\).pdf](http://www.nhri.net/2009/SCA%20Mar09%20-%20Qatar%20(ReAccred).pdf). Accessed on: April 25, 2010

100: This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

56c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

Comments:

Article 5 of Law No. 38 of 2002 establishing Qatar's National Human Rights Committee (NHRC) stipulates that the 12-member Committee will appoint the chairperson. However, there are no regulations for his/her dismissal. According to the NHRC, committee members and the chairperson are not removed without justification. However, Qatar is an absolute monarchy and the

Emir's decision to appoint or remove officials goes uncontested. The Head of State (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) approves and dismisses high-level officials through an executive order called an Emiri Decree, which usually provide justification based on prior investigation.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

Application for Accreditation of the National Human Rights Committee of Qatar to the International Coordinating Committee of National Human Rights Institutions (March 2010). Available at: [http://www.nhri.net/2009/SCA%20Mar09%20-%20Qatar%20\(ReAccred\).pdf](http://www.nhri.net/2009/SCA%20Mar09%20-%20Qatar%20(ReAccred).pdf). Accessed on: April 25, 2010

100: The director of the ombudsman (or directors of multiple agencies) serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the ombudsman (or directors of multiple agencies) serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

56d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

100 | 75 | **50** | 25 | 0

Comments:

Although Qatar's National Human Rights Committee has a full-time staff, it was expressed to me that this staff is somewhat under-trained and at times unprofessional, which hinders the Committee's mandate.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

75:

50: The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The ombudsman agency (or agencies) has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

56e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

Comments:

As a national institution, Qatar's Human Rights Committee is made up of seven civil society members, and five representative of the following bodies: Ministry of Foreign Affairs, Ministry of Interior, Ministry of Civil Service Affairs and Housing, Ministry of Justice, and the Supreme Council for Family Affairs.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

Application for Accreditation of the National Human Rights Committee of Qatar to the International Coordinating Committee of National Human Rights Institutions (March 2010). Available at: [http://www.nhri.net/2009/SCA%20Mar09%20-%20Qatar%20\(ReAccred\).pdf](http://www.nhri.net/2009/SCA%20Mar09%20-%20Qatar%20(ReAccred).pdf). Accessed on: April 25, 2010

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

56f. In practice, the ombudsman agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

Qatar's National Human Rights Committee is funded by the government.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 at the National Human Rights Committee office.

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

56g. In practice, the ombudsman agency (or agencies) makes publicly available reports.

100 | 75 | **50** | 25 | 0

Comments:

All of the reports issued by Qatar's Human Rights Committee are available to the public, either in printed format or on their website. However, due to a relatively under-trained and unprofessional staff, reports are often delayed. For example, as of May 2010, the Committee's 2009 report was still not available to the public due to long delays in translation and organization.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 at the National Human Rights Committee office.

100: The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

56h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

100 | **75** | 50 | 25 | 0

Comments:

Upon receiving complaints, the Qatar's National Human Rights Committee will either independently initiate or cooperate in investigations. It was expressed to me that at times, due to internal and external obstacles, the committee may be limited in its effectiveness.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 at the National Human Rights Committee office.

100: The agency aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The agency is fair in its application of this power.

75:

50: The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

25:

0: The agency rarely investigates on its own or cooperates in other agencies' investigations, or the agency is partisan in its application of this power.

56i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

The National Human Rights Committee is not empowered to impose penalties on offenders. However, the committee monitors and reports offenses and cooperates with and makes requests to the government to change or enact legislation.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 at the National Human Rights Committee office.

100: When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The agency enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency does not effectively penalize offenders. The agency may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

56j. In practice, the government acts on the findings of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

Comments:

It was expressed to me by a representative from the National Human Rights Committee that the Committee's reports do not lead to policy or legislative reform, although they at times have led to practical changes.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 at the National Human Rights Committee office.

100: Ombudsman's reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, ombudsman's reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Ombudsman's reports are often ignored, or given superficial attention. Ombudsman's reports do not lead to policy changes.

56k. In practice, the ombudsman agency (or agencies) acts on citizen complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 at the National Human Rights Committee office.

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

57. Can citizens access the reports of the ombudsman?

58

57a. In law, citizens can access reports of the ombudsman(s).

YES | NO

Comments:

A review the law found no specific stipulation that guarantees the availability of reports. However, in practice citizens can access these reports.

References:

Law 38 of 2002 Establishing the National Human Rights Committee. Available at: <http://www.nhrc-ga.org/en/files/downloads/Constitution%20of%20NHRC.pdf>

YES: A YES score is earned if all ombudsman reports are publicly available.

NO: A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.

57b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The National Human Rights Committee's completed reports are available online or in print form without delay. However, it was expressed to me that due to internal setbacks, the latest 2009 report is experiencing delays. At the time of this study it was still unavailable to the public.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the National Human Rights Committee.

100: Reports are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

57c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

There is no cost for accessing ombudsman reports.

References:

Interview with a Representative from the National Human Rights Committee. Interview date and location: April 26, 2010 and the

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Reports costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

100

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

YES

NO

Comments:

Art. 2 of Decree Law No. 38 of 2002 provides Qatar's National Human Rights Committee with a broad mandate to promote and protect human rights by granting it advisory, investigative, monitoring and promotional powers. Although it is empowered to investigate violations of human rights and freedoms, if any, and suggest suitable means to deal with such violations and avoid their occurrence" and to "monitor records and reports by international organizations and NGOs on the human rights situation in the state, and coordinates with concerned bodies to address them," the law does not elaborate on how the committee will be involved in the reporting process and does not specify the Committee's ability to examine and report on judicial misconduct or legislation that may be in violation of human rights.

Also, Resolution No. 26 of 2005 established a Human Rights Department within the Ministry of Interior, which is charged with gathering complaints that are presented to this ministry and with "suggesting replies to reports of organisations and international commissions of human rights, and carrying out commitments highlighted in international agreements" among other awareness-raising tasks.

It does not, however, initiate its own investigations on behalf of citizens, nor does it seek out abuses of power. Instead, it serves as a complaint department for Human Rights violations, including government and police mistreatment.

References:

Art. 2 of Decree Law No. 38 of 2002 establishing Qatar's National Human Rights Committee (upheld in amendments made within Law No. 25 (2006). Available at: <http://www.nhrc-qa.org/en/files/downloads/Constitution%20of%20NHRC.pdf>

Resolution No. 26 of 2005 establishing the Interior Ministry's Department of Human Rights

YES: A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

NO: A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

V-2. Supreme Audit Institution

59. Is the supreme audit institution effective?

50

59a. In law, the supreme audit institution is protected from political interference.

YES | **NO**

Comments:

Although Law No. 12 1999 stipulates that the State Audit Bureau is an independent entity, it also states that the bureau reports directly to the head of state and has a legal status and budget subsidiary to the Emiri Diwan (the Executive office of the Head of State). The Bureau's annual draft budget must be submitted to the Emir or any other regularly authorized official for ratification.

References:

Law No. 12 of 1999 amending Law No. 4 of 1995, which redefined the State Audit Bureau established by Law No. 5 of 1975.

YES: A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

59b. In practice, the head of the audit agency is protected from removal without relevant justification.

100 | 75 | **50** | 25 | 0

Comments:

The head of state (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) approves and dismisses the head of the Supreme Audit Bureau through an Executive Order called an Emiri Decree. Decrees that appoint and dismiss high-level officials usually provide justification based on prior investigation.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the agency can be removed at the will of political leadership.

59c. In practice, the audit agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

59d. In practice, audit agency appointments support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

Although professional criteria is considered when appointing members of the Supreme Audit Bureau (SAB), the interviewees explained that personal relationships and connections have been known to play a key role in these decisions. By law, there are no professional criteria or requirements for choosing the head of the SAB.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location

100: Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

59e. In practice, the audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

59f. In practice, the audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

Comments:

According to Supreme Audit Bureau President Salah bin Ghanim al-Ali al-Maadeid, the Bureau's reports are submitted on an annual basis to Qatar's head of state, the Emir Sheikh Hamad bin Khalifa al-Thani. Although the reports are timely and substantial, they are not available to the public.

References:

The Gulf Times, "Qatar Takes Steps to Fight Graft" (June 2, 2008) by Noimot Olayiwola. Available at: <http://www.gulf->

times.com/site/topics/article.asp?cu_no=2&item_no=222035&version=1&template_id=36&parent_id=16. Accessed on April 2, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with a Qatari academic and intellectual. Interview date and location: March 25, 2010 in a public location.

100: The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

25:

0: The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

59g. In practice, the government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

59h. In practice, the audit agency is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

Comments:

In an interview with Qatar's English daily The Gulf Times, the Supreme Audit Bureau President Salah bin Ghanim al-Ali al-

Maadeid stated, "The Bureau is focused on ensuring accountability to and credibility of the State rather than acting as a body which investigates and audits through fault-finding."

References:

The Gulf Times, "Qatar Takes Steps to Fight Graft" (June 2, 2008) by Noimot Olayiwola. Available at: http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=222035&version=1&template_id=36&parent_id=16. Accessed on April 2, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

75:

50: The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

25:

0: The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

60. Can citizens access reports of the supreme audit institution?

0

60a. In law, citizens can access reports of the audit agency.

YES | **NO**

Comments:

The State Audit Bureau (SAB) is required to make its reports available to the body that is being audited. However, there is no stipulation within the law requiring these reports be made accessible to citizens.

References:

Law No. 4 of 2005 establishing and regulating the State Audit Bureau. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2891>

YES: A YES score is earned if all supreme auditor reports are available to the general public.

NO: A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

60b. In practice, citizens can access audit reports within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Citizens cannot access these reports.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University.
Interview date and location: March 24, 2010 at Qatar University.

100: Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

60c. In practice, citizens can access the audit reports at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Citizens cannot access these reports.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University.
Interview date and location: March 24, 2010 at Qatar University.

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

YES | NO

References:

The State Audit Bureau was created by Law No. 5 of 1975 and redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999.

YES: A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

NO: A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

50
V-3. Taxes and Customs

62. Is the tax collection agency effective?

100

62a. In practice, the tax collection agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:

Interview with practitioner and professor of Commercial and Corporate Law at Qatar University. Interview date and location: May 5, 2010 in a public location.

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

62b. In practice, the tax agency receives regular funding.

100 | 75 | 50 | 25 | 0

References:

Interview with practitioner and professor of Commercial and Corporate Law at Qatar University. Interview date and location: May 5, 2010 in a public location.

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

65. Is the customs and excise agency effective?

88

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

According to the Customs and Ports General Authority of Qatar website, the authority is divided into several departments and the staff undergoes annual customs, ports, administrative, accounting, computer and English-language training sessions.

References:

The Customs and Ports General Authority of Qatar website: http://www.customs.gov.qa/eng_cust/training/trainingplan/index.jsp

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

65b. In practice, the customs and excise agency receives regular funding.

100 | **75** | 50 | 25 | 0

References:

No information could be found.

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

61. In law, is there a national tax collection agency?

100

61. In law, is there a national tax collection agency?

YES | NO

Comments:

The 2009 Income Tax Law refers to a Department or administrative unity” within the Ministry of Economy and Finance. In practice, this department is called the Income Tax Management Department.

References:

Law No. 21 of 2009 issuing the Income Tax Law

YES: A YES score is earned if there is a national agency formally mandated to collect taxes.

NO: A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.

63. In practice, are tax laws enforced uniformly and without discrimination?

75

63. In practice, are tax laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

Comments:

As of August 2009, the tax regime in Qatar was as follows:

- For individual citizens, there is no income tax or other deductions (e.g., insurance) deducted from salaries;
- Tax is levied on all businesses, except for those owned by Gulf Co-operation Council (GCC) nationals

The new tax law will likely benefit foreign companies since it'll lower their taxes with a new fixed rate.

References:

http://www.thegovmonitor.com/world_news/middle_east_and_africa/qatar%E2%80%99s-new-tax-regime-may-benefit-larger-foreign-firms-1852.html

<http://www.clydeco.com/knowledge/articles/a-new-tax-regime-for-qatar.cfm>

100: Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

75:

50: Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

25:

0: Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

64. In law, is there a national customs and excise agency?

100

64. In law, is there a national customs and excise agency?

YES | NO

Comments:

According to their website, the Customs & Ports General Authority of Qatar is a public authority governed by its incorporation Law No. 17/2001. It implements the Uniform GCC Customs Law passed in Qatar under No 40/2004, and its (Uniform) bylaws passed by Cabinet Resolution No 21/2004.

References:

Law No. 17 of 2001 establishing the Customs & Ports General Authority of Qatar.

Cabinet Resolution No. 21 of 2004 setting out the bylaws of the Customs & Ports General Authority of Qatar.

Law No. 40 of 2002 (The Customs Law). Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=4314>

YES: A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.

NO: A NO score is earned if that function is spread over several agencies, or does not exist.

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

50

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

References:

As is customary with all of our assessments, our lead researcher combined original interviews and analyses of reports (media/policy/academic) to generate the numerical scores and narrative comments that comprise the Qatar scorecard. They were then reviewed via a double-blind peer review process. However, despite the best efforts of our researcher as well as the Global Integrity staff in Washington who provided additional desk research support, data was not readily available for this particular indicator.

If you are able to assist us by providing data/information backed by credible sources to support this indicator, we would very much welcome your input. Please send any information you have to: info@globalintegrity.org. In your message, please include the following: 1) a suggested numerical score, 2) additional narrative comments to contextualize the score and provide further details about the nuances of the issue, and 3) reference(s) such as website links to relevant reports to support the score. We would also appreciate it if you could identify your name and institutional affiliation. If you prefer to remain publicly anonymous, please indicate that in your message to us as well. Thanks!

(For more complete details on our approach, see the methodology white paper at: <http://report.wordpress-158395-729720.cloudwaysapps.com/methodology/whitepaper.cfm>.)

100: Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.

75:

50: Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.

25:

0: Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.

V-4. State-Owned Enterprises

68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

60

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

YES | **NO**

Comments:

Although the law stipulates that the State Bureau is an independent legal entity, it also states that this entity is directly answerable to the office of the Emir (the Head of State of Qatar Sheikh Hamad bin Khalifa al-Thani). The Bureau's annual draft budget must be submitted to the Emir or any other regularly authorized official for ratification and its personnel affairs must be ratified by the Emir-appointed Council of Ministers.

References:

Law No. 5 of 1975 establishing the State Audit Bureau, redefined by Law No. 4 of 1995 and amended by Law No. 12 of 1999.

YES: A YES score is earned only if the agency, series of agencies, or equivalent mechanism has some formal operational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency, series of agencies, or equivalent mechanism is a subordinate part of any government ministry or agency.

68b. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The agency, series of agencies, or equivalent mechanism has staff sufficient to fulfill its basic mandate.

75:

50: The agency, series of agencies, or equivalent mechanism has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency, series of agencies, or equivalent mechanism has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

68c. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies receives regular funding.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The agency, series of agencies, or equivalent mechanism has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency, series of agencies, or equivalent mechanism has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

68d. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

In an interview with Qatar's English daily The Gulf Times, the Supreme Audit Bureau President Salah bin Ghanim al-Ali al-

Maadeid stated, "The Bureau is focused on ensuring accountability to and credibility of the State rather than acting as a body which investigates and audits through fault-finding."

References:

The Gulf Times, "Qatar Takes Steps to Fight Graft" (June 2, 2008) by Noimot Olayiwola. Available at: http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=222035&version=1&template_id=36&parent_id=16. Accessed on April 2, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: When irregularities are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in investigating and/or in cooperating with other investigative bodies.

75:

50: The agency, series of agencies, or equivalent mechanism starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency, series of agencies, or equivalent mechanism does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency, series of agencies, or equivalent mechanism may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

68e. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: When rules violations are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

75:

50: The agency, series of agencies, or equivalent mechanism enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency, series of agencies, or equivalent mechanism does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency, series of agencies, or equivalent mechanism may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency, series of agencies, or equivalent mechanism may be partisan in its application of power.

69. Can citizens access the financial records of state-owned companies?

20

69a. In law, citizens can access the financial records of state-owned companies.

YES | **NO**

Comments:

The State Audit Bureau is not required to make financial records accessible.

References:

The State Audit Bureau was created by Law No. 5 of 1975 and redefined by Law No. 4 of 1995, amended by Law No. 12 of 1999.

YES: A YES score is earned if the financial information of all state-owned companies is required by law to be public. State-owned companies are defined as companies owned in whole or in part by the government.

NO: A NO score is earned if any category of state-owned company is exempt from this rule, or no such rules exist.

69b. In practice, the financial records of state-owned companies are regularly updated.

100 | 75 | 50 | **25** | 0

Comments:

The State Audit Bureau (SAB) is mandated to review and report on the financial records of state-owned enterprises. According to SAB President Salah bin Ghanim al-Ali al-Maadeid, the bureau's reports are submitted on an annual basis to Qatar's head of state, the Emir Sheikh Hamad bin Khalifa al-Thani. Although the reports are timely and substantial, they are not available to the public.

References:

The Gulf Times, "Qatar Takes Steps to Fight Graft" (June 2, 2008) by Noimot Olayiwola. Available at: http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=222035&version=1&template_id=36&parent_id=16. Accessed on April 2, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar

100: State-owned companies always publicly disclose financial data, which is generally accurate and up to date.

75:

50: State-owned companies disclose financial data, but it is flawed. Some companies may misstate financial data, file the information behind schedule, or not publicly disclose certain data.

25:

0: Financial data is not publicly available, or is consistently superficial or otherwise of no value.

69c. In practice, the financial records of state-owned companies are audited according to international accounting standards.

100 | 75 | 50 | 25 | 0

Comments:

According to an independent audit report, Qatar Telecom's financial statement was auditing according to international auditing standards. This may not be reflective of other state-owned companies, but at least seems to hold true for Qatar Telecom.

References:

Qatar Telecom Independent Auditor's Report (as of December 31, 2009):

http://www.adx.ae/english/news/pages/qtel%20full%20fs%202009%20english_3-7-2010%2010_06_43%20pm.pdf

100: Financial records of all state-owned companies are regularly audited by a trained third party auditor using accepted international standards.

75:

50: Financial records of state-owned companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

25:

0: State-owned companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

69d. In practice, citizens can access the financial records of state-owned companies within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The State Audit Bureau, which has jurisdiction over state-owned enterprises, does not make these records accessible.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

69e. In practice, citizens can access the financial records of state-owned companies at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The State Audit Bureau, which has jurisdiction over state-owned enterprises, does not make these records accessible.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

100

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

YES | NO

Comments:

The State Audit Bureau oversees the accounts and monitors the expenditures of all ministries, government agencies, public corporations and companies, at least 51percent of which are state owned.

References:

Law No. 5 of 1975 establishing the State Audit Bureau, redefined by Law No. 4 of 1995 and amended by Law No. 12 of 1999.

YES: A YES score is earned if there is an agency, series of agencies, or equivalent mechanism tasked with overseeing the conduct and performance of state-owned companies on behalf of the public. A YES score can be earned if several government agencies or ministries oversee different state-owned enterprises. State-owned companies are defined as companies owned in whole or in part by the government.

NO: A NO score is earned if this function does not exist, or if some state-owned companies are free from government oversight.

60
V-5. Business Licensing and Regulation

70. Are business licenses available to all citizens?

100

70a. In law, anyone may apply for a business license.

YES | NO

Comments:

Article 3 of this Law requires all businesses, without exception, to apply for a business license.

Article 2 of Qatar's Foreign Investment Law permits foreigner nationals to invest wholly in the following sectors only: agriculture, industry, health, education, tourism, development and exploitation of natural resources, energy or mining provided that such projects match with Development plan of the State (Qatar) and due preference shall be given to projects that would achieve the optimal utilization of domestic raw materials, export industries, or project that would present a new product or in which modern technology is used."

Foreigners are prohibited from participating in banking, insurance, commercial agency or real estate trading activities, according to Article 3. For all other commercial activities, foreigners must partner with a Qatari national and may own no more than 49 percent of the business, thus allowing for Qatari nationals to control the commercial sector.

References:

Article 3 of the Commercial Registration Act No. 25 of 2005. Available at:<http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2609>

Article 1-3 of Law No. 13 of 2000 regulating Foreign Investment. Available at:http://www.qu.edu.qa/law/q_legislations/Lawno.13year2000-OnInvestment.pdf

YES: A YES score is earned if no particular group or category of citizens is excluded from applying for a business license, when required. A YES score is also earned if basic business licenses are not required.

NO: A NO score is earned if any group of citizens are categorically excluded from applying for a business license, when required

70b. In law, a complaint mechanism exists if a business license request is denied.

YES | NO

Comments:

If a business license is denied, Article 4 of this law allows for applicants to appeal in front of a specialized court within 60 days of being informed of the rejection.

References:

Article 4 of the Commercial Registration Act No. 25 of 2005. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2609>

YES: A YES score is earned if there is a formal process for appealing a rejected license.

NO: A NO score is earned if no such mechanism exists.

70c. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

The Heritage Foundation, 2010 Index on Economic Freedom-Qatar. Available at: <http://www.heritage.org/Index/Country/Qatar#business-freedom>. Accessed on April 20, 2010.

The World Bank Group, Doing Business in Qatar (2010). Available at: <http://www.doingbusiness.org/ExploreEconomies/?economyid=157#StartingBusiness>. Accessed on March 25, 2010.

100: Licenses are not required, or licenses can be obtained within roughly one week.

75:

50: Licensing is required and takes around one month. Some groups may be delayed up to a three months

25:

0: Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

70d. In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

References:

The World Bank Group, Doing Business in Qatar (2010). Available at: <http://www.doingbusiness.org/ExploreEconomies/?economyid=157#StartingBusiness>. Accessed on March 25, 2010.

100: Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

71. Are there transparent business regulatory requirements for basic health, environmental, and safety standards?

100

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

YES | NO

Comments:

Articles 99-107 of Qatar's Labour Law pertain to Safety, Vocational Health and Social Care in the workplace. The articles include regulations for ensuring worker's safety to which all employers and employees are bound and stipulate that the employer, or his/her representative should warn each worker of the dangers of the job at the beginning of the work contract. The worker should be told of the ways to avoid risks. Detailed health and safety instructions should be posted in a clearly seen areas. The law also requires employers to look after the health of employees, conducting medical tests for work-related illnesses. The Law is available online either in Arabic or English

References:

Articles 99-107 of Law No. 14 of 2004 (The Labour Law). Available at: <http://www.gcclegal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2627>

YES: A YES score is earned if basic regulatory requirements for meeting public health standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

71b. In law, basic business regulatory requirements for meeting public environmental standards are transparent and publicly available.

YES | NO

Comments:

Article 6, Law no. 30 of 2002, states: All administrative and private bodies, are bound to inscribe the clause of environment protection and pollution counteraction in all local, international agreements and contracts, which their execution cause injurious effects on environment, and to include in them, clauses of penalties, undertaking of pay expenses to remove the Environmental damages and their compensations."

References:

Article 6, Law no. 30 of 2002

<http://www.qatarembassy.net/law%20of%20environment%20protection.asp>

YES: A YES score is earned if basic regulatory requirements for meeting public environmental standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

71c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

YES | NO

Comments:

Articles 99-107 of Qatar's Labor Law pertain to Safety, Vocational Health and Social Care in the workplace. The articles include regulations for ensuring worker's safety to which all employers and employees are bound. The law is available online either in Arabic or English.

References:

Articles 99-107 of Law No. 14 of 2004 (The Labor Law). Available at: [http://www.gcc-](http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2627)

[legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2627](http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2627) or at www.qatarembassy.net/Qatar_Labour_Law.asp

*Please Review

YES: A YES score is earned if basic regulatory requirements for meeting public safety standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

72. Does government effectively enforce basic health, environmental, and safety standards on businesses?

72a. In practice, business inspections by government officials to ensure public health standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

It is the combined responsibility of the Ministries of Health and Energy and Industry and the Labor Department to enforce government regulations regarding worker safety and health. Although regulations exist, the U.S. Department of State has reported that enforcement is uneven due to insufficient training and lack of personnel.

Many of Qatar's labor camps, which house thousands of unskilled single male migrant laborers, are reported to have sub-standard conditions. Accounts by diplomatic representatives and local newspapers that visited labor camps during the study period report that they suffer from cramped, dirty, and hazardous conditions, often without running water, electricity, or adequate food" (U.S. State Department report).

The labor inspection department has only conducted a limited number of inspections of the camps and has issued warnings to camp authorities to remedy violations. Where warnings are not adhered to, the Labor Department reportedly referred the matter to the public prosecutor for action.

References:

Al-Sharq Newspaper, "Basic Health, Human Rights and Living Standards Don't Exist in Labour Housing" (February 17, 2010 by Jassim Salman).

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

100: Business inspections by the government to ensure that public health standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public health standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public health standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72b. In practice, business inspections by government officials to ensure public environmental standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Business inspections by the government to ensure that public environmental standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public environmental standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public environmental standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72c. In practice, business inspections by government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | **25** | 0

Comments:

It is the combined responsibility of the Ministries of Health and Energy and Industry and the Labor Department to enforce government regulations regarding worker safety and health. Although regulations exist, the U.S. Department of State has reported that enforcement is uneven due to insufficient training and lack of personnel.

Many of Qatar's labor camps, which house thousands of unskilled single male migrant laborers, are reported to have sub-standard conditions. Accounts by diplomatic representatives and local newspapers that visited labor camps during the study period report that they suffer from cramped, dirty, and hazardous conditions, often without running water, electricity, or adequate food" (U.S. State Department report).

The labor inspection department has only conducted a limited number of inspections of the camps and has issued warnings to camp authorities to remedy violations. Where warnings are not adhered to, the Labor Department reportedly referred the matter to the public prosecutor for action.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

100: Business inspections by the government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public safety standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

VI-1. ⁸⁰Anti-Corruption Law

73. Is there legislation criminalizing corruption?

100

73a. In law, attempted corruption is illegal.

YES | NO

References:

Articles 140-147 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

Article 22 of the Constitution.

YES: A YES score is earned if corruption laws include attempted acts.

NO: A NO score is earned if this is not illegal.

73b. In law, extortion is illegal.

YES | NO

References:

Articles 140-147 of the Penal Code (Law No. 11 of 2004); Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

YES: A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

NO: A NO score is earned if this is not illegal.

73c. In law, offering a bribe (i.e. active corruption) is illegal.

YES | NO

References:

Articles 140-147 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

YES: A YES score is earned if offering a bribe is illegal.

NO: A NO score is earned if this is not illegal.

73d. In law, receiving a bribe (i.e. passive corruption) is illegal.

YES | NO

References:

Articles 140-147 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

YES: A YES score is earned if receiving a bribe is illegal.

NO: A NO score is earned if this is not illegal.

73e. In law, bribing a foreign official is illegal.

YES | NO

References:

Articles 140-147 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

YES: A YES score is earned if bribing a foreign official is illegal.

NO: A NO score is earned if this is not illegal.

73f. In law, using public resources for private gain is illegal.

YES | NO

References:

Articles 148-158 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

Article 11 of Law 21 of 2004 concerning the work of Qatari Ministers. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2835>

Articles 55 and 128 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if using public resources for private gain is illegal.

NO: A NO score is earned if this is not illegal.

73g. In law, using confidential state information for private gain is illegal.

YES | NO

References:

Articles 109-113 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

YES: A YES score is earned if using confidential state information for private gain is illegal.

NO: A NO score is earned if this is not illegal.

73h. In law, money laundering is illegal.

YES | NO

References:

The Anti-Money Laundering Law No. 28 of 2002, amended by Decree Law No.21 of 2003. Available at: <http://www.qfiu.gov.qa/legislation/decreeelaw.php>

YES: A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

NO: A NO score is earned if this is not illegal.

73i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

YES | NO

References:

Article 46 of the Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

YES: A YES score is earned if organized crime is illegal.

NO: A NO score is earned if this is not illegal.

VI-2. Anti-Corruption Agency

75. Is the anti-corruption agency effective?

56

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

YES | NO

Comments:

The law establishing the National Committee for Integrity and Transparency (NCIT) positions the committee under the leadership of the Heir Apparent to Qatar. It is chaired by the president of the State Audit Bureau, who reports directly to the head of state (The Emir of Qatar Sheikh Hamad bin Khalifa al-Thani). The NCIT is made up of representatives from Qatar Petroleum, the Qatar Central Bank, the Attorney General's office, the Ministry of Interior, Ministry of Economy and Commerce and Ministry of Foreign Affairs.

The Judicial Inspection Committee is a subordinate of the Public Prosecution Department, although this department is independent by law.

References:

Emiri Decree Law No. 84 of 2007 establishing the National Committee for Integrity and Transparency. Available at: <http://www.barasy.com/news-view-1618.html>

Articles 41-43 of Law No. 10 of 2002 regulating the Public Prosecutor. Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=3271>

YES: A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

75b. In practice, the anti-corruption agency (or agencies) is protected from political interference.

100 | 75 | **50** | 25 | 0

Comments:

According to the interviewee, the Judicial Inspection Committee within the Public Prosecution Department is fairly protected from political interference, although at times the committee's independence is limited by Wasta," meaning the personal/familial connections and influence of the person involved in the case under investigation.

The law establishing the National Committee for Integrity and Transparency (NCIT) positions the committee under the leadership of the Heir Apparent to Qatar. It is chaired by the president of the State Audit Bureau, who reports directly to the Head of State (The Emir of Qatar Sheikh Hamad bin Khalifa al-Thani). The NCIT is made up of representatives from Qatar Petroleum, the Qatar Central Bank, the Attorney General's office, the Ministry of Interior, Ministry of Economy and Commerce and Ministry of Foreign Affairs.

References:

The Gulf Times, "Qatar Takes Steps to Fight Graft" (June 2, 2008) by Noimot Olayiwola. Available at: http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=222035&version=1&template_id=36&parent_id=16. Accessed on April 2, 2010.

Interview with Dr. Basher Zaghloul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

75c. In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.

100 | 75 | **50** | 25 | 0

Comments:

Qatar is an absolute monarchy and the Emir's decision to appoint or remove officials goes uncontested. The Head of State (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) approves and dismisses high-level officials through an executive order called an Emiri Decree, which usually provide a justification based on a prior investigation. However, there have no been reports of unjustified dismissal during the study period.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director(s) can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director(s) can be removed at the will of political leadership.

75d. In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.

100 | 75 | **50** | 25 | 0

Comments:

Arts. 41-43 of the Law regulating the Public Prosecutor establishes a Judicial Inspection Committee to investigate the work of the Public Prosecutor's office and to address corruption within this office. Also, the National Committee for Integrity and Transparency was formed in 2007 to combat corruption in Qatar.

High-level appointments are made by the Head of State (the Emir of Qatar, Sheikh Hamad bin Khalifa al-Thani), whose decisions go uncontested. The interviewee explained to me that family ties and personal relationships play a role in many government appointments. Regarding the Judicial Inspection Committee specifically, however, the large majority of appointments are based on professional criteria and all members of the Public Prosecutor's Office must complete one year of courses at the Centre for Legal Studies within the Ministry of Justice.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

75e. In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The agency (or agencies) has staff sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency (or agencies) has no staff, or a limited staff, that is clearly unqualified to fulfill its mandate.

75f. In practice, the anti-corruption agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: The agency's funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

75g. In practice, the anti-corruption agency (or agencies) makes regular public reports.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghloul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

75h. In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghloul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement authorities to perform such functions).

75:

50: The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

25:

0: The agency (or agencies) lacks significant powers which limit its effectiveness.

75i. In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.

100 | 75 | **50** | 25 | 0

Comments:

The interviewee explained that agency employees are at times reluctant to initiate investigations and can be slow to act. The efficiency of an investigation may also be determined by the personal connections and influence of the investigated party in question.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

75:

50: The agency (or agencies) starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency (or agencies) may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency (or agencies) does not effectively investigate or does not cooperate with other investigative agencies. The agency (or agencies) may start investigations but not complete them, or may fail to detect offenders. The agency (or agencies) may be partisan in its application of power.

76. Can citizens access the anti-corruption agency?

50

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The interviewee explained that agency employees are at times slow to act and their effectiveness can be determined by the personal connections and influence of the parties in question.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

76b. In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

100 | 75 | 50 | 25 | 0

Comments:

Qatari whistle blowers rarely face harsh punishment for disclosing corruption. However, there exists an undefined red line" over which people in the country know not to cross (i.e., reporting on corruption when it pertains to certain high-level officials or on inefficiencies). Those who attempt to push the boundary by speaking out against corruption are often asked by the government to stop. It was expressed to me that in the recent past, editors in chief of local newspapers have been dismissed for attempting to publish local stories of corruption.

It must be noted that foreign nationals make up roughly 75 to 80 percent of Qatar's total population. All foreigners working in Qatar are bound by the sponsor system, which legally restricts workers' freedom of movement and places them under the control of their Qatari employers/sponsors. In practice, this status also restricts foreigners' freedom of speech and discourages them from speaking out against corruption or abuse. Although cases of foreigners being harshly punished for reporting abuse is rare, the threat of expulsion for Qatar is far more pressing.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Ahmed Abdul Malik, Qatari Media Expert, Lecturer at Qatar University, and former Editor-in-Chief of Gulf Times and Al-Sharq Newspapers in Qatar. Interview date and location: April 28, 2010 in a public location.

100: Whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers, or may be due to a culture that encourages disclosure and

accountability.

75:

50: Whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

YES | NO

Comments:

Arts. 41-43 of the Law regulating the Public Prosecutor establishes a Judicial Inspection Committee to investigate the work of the Public Prosecutor's office and to address corruption within this office. Article 41 exempts the Attorney General from these investigations.

The government has launched The National Strategy for Integrity and Transparency (2008-2012), part of which was the formation of the National Committee for Integrity and Transparency. This committee is mandated with receiving and taking action against public corruption complaints. It should be noted, however, that there exists very little information regarding the National Committee for Integrity and Transparency, which was established in 2007 to combat corruption in Qatar. As of this report, the Committee has no website or contact details online and it is unclear whether or not the law is being implemented.

References:

Articles 41-43 of Law No. 10 of 2002 regulating the Public Prosecutor. Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=3271>

Emiri Decree Law No. 84 of 2007 establishing the National Committee for Integrity and Transparency. Available at: <http://www.barasy.com/news-view-1618.html>

YES: A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.

NO: A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

77. Is there an appeals mechanism for challenging criminal judgments?

100

77a. In law, there is a general right of appeal.

YES | NO

Comments:

Law No. 10 of 2003 establishes a three-tiered Judicial System: the courts of first instance, appeals and cassation. Citizens have the right to appeal decisions made in the courts of first instance, which include the courts of civil, criminal and commercial justice, by having their cases heard in the court of appeals. Citizens may appeal the verdicts decided in the Appellate Courts by having their cases heard in the Court of Cassation.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

NO: A NO score is earned if there is no such process.

77b. In practice, appeals are resolved within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

In law and practice, citizens have seven days to appeal their original verdict, after which the case goes to the Appellate Courts.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghloul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

25:

0: Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

77c. In practice, citizens can use the appeals mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Qatar has a three-tiered Judicial System: the courts of first instance, appeals and cassation. According to the U.S. State Department's Human Rights Country Report of Qatar, fees for appealing to the Court of Cassation (or, Supreme Court) are as follows: The appellant must deposit 20,000 riyals (approximately US\$5,500) for the appeal in a case decided by the court of appeals and 5,000 riyals (US\$1,375) in a case decided by the court of first instance. An appeal to the court of appeals costs 1,000 riyals (US\$364). Litigants must deposit 10,000 riyals (US\$2,750) for an appeal to the Constitutional Court. Deposits may be seized, in whole or in part, should the court decide to reject the appeal."

This fee, while not restricting Qatari citizens (who enjoy the second highest per capita income in the world and whose GDP per capita is US\$121,700), highly restricts the right of foreign nationals to appeal. It is crucial to note that Qatari citizens only make up roughly 13 percent of Qatar's total population, which is approximately 1,800,000 and foreign nationals earn a salary far less than that of Qataris. For example, single male migrant workers from East Asia, who make up the bulk of Qatar's foreign labor population, earn approximately 7,200 riyals (under US\$2,000) per year.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Dr. Basher Zaghloul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees are not a barrier to appeals.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees present somewhat of a barrier to pursuing appeal.

25:

0: The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments. Attorney fees greatly discourage the use of the appeals process.

78. In practice, do judgments in the criminal system follow written law?

75

78. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

Comments:

The Courts of First Instance, Appeal and Cassation hear cases and apply the law accordance with civil code jurisdiction practices, as well as Sharia interpretations. There is an oversight mechanism by which the Supreme Court magistrates review judicial decisions made in the lower courts. If a decision is seen as not following the written law, in practice the decision is often made null and void and the defendant may have his/her trial heard in another court by another judge.

However, the judiciary is not impartial and cases tend to favor citizens. This is crucial to note, as Qatari citizens only make up roughly 13 percent of Qatar's total population of approximately 1.8 million.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with Dr. Salah Zaineddin, Associate Professor of Commercial Law at the College of Law in Qatar University and Law Practitioner. Interview Date and location: April 8 at Qatar University.

100: Judgments in the criminal system are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

75:

50: Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

25:

0: Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.

79. In practice, are judicial decisions enforced by the state?

100

79. In practice, are judicial decisions enforced by the state?

100 | 75 | 50 | 25 | 0

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

Interview with Dr. Salah Zaineddin, Associate Professor of Commercial Law at the College of Law in Qatar University and Law Practitioner. Interview Date and location: April 8 at Qatar University.

100: Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.

75:

50: Judicial decisions are generally enforced by the state, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.

25:

0: Judicial decisions are often ignored. The state lacks the will or capacity to consistently enforce these decisions.

80. Is the judiciary able to act independently?

63

80a. In law, the independence of the judiciary is guaranteed.

YES | NO

References:

Articles 2 and 33 of Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

Articles 129-131 and 134 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

Law No. 6 of 1999 for The Supreme Constitutional Court.

YES: A YES score is earned if there are formal rules establishing that the judiciary is independent from political interference by the executive and legislative branches. Independence includes financial issues (drafting, allocation, and managing the budget of the courts).

NO: A NO score is earned if there are no formal rules establishing an independent judiciary.

80b. In practice, national-level judges are protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

In a statement published in Qatar's English daily The Peninsula, the Qatari attorney general stated, "The judiciary enjoys complete freedom in terms of functioning and financial powers. The Emir has never interfered with the judiciary. The Constitution gives him the authority to grant pardon to a convict only after the court has issued its sentence."

The attorney general's statements are supported by the fact that during the study period there were no reports of political interference in the judiciary and the head of state (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani) did not remove any judges. However, it remains that judges in Qatar hold their positions at the discretion of the Emir. According to BTI (p. 8), the independence of individual judges "remains questionable, as the Emir appoints all judges via decrees based on recommendations from the Supreme Judiciary Council, and their three-year terms can be renewed without limitation."

Also, as with many high-ranking positions in Qatar, it has been expressed to me by the interviewees that judicial appointments have been known to be influenced by Wasta," which means personal connections and relationships.

It is crucial to note that Qatari citizens only make up roughly 13 percent of Qatar's total population of approximately 1,800,000. Perhaps as a result, the approximately 75 percent of Qatar's judiciary is composed of foreign nationals under contract. All foreigners working in Qatar are bound by the sponsor system, which legally restricts workers' freedom of movement and places them under the control of their Qatari employers/sponsors. In practice, this status also restricts foreigner judges' independence to fully exercise their functions, as the sponsorship system allows for work and residence permits to be revoked without justification. Perhaps as a result, the U.S. Department of State reported that judgments tend to favor citizens over non-citizens.

References:

Bertelsmann Stiftung, BTI 2010-Qatar Country Report. Gütersloh: Bertelsmann Stiftung, 2009. Page 8. Available at: <http://www.bertelsmann-transformation-index.de/>

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

The Peninsula Online, "No One Above the Law," Says Top Official" (June 6, 2009). Available at: http://www.thepeninsulaqatar.com/Display_news.asp?section=local_news&month=november2009&file=local_news2009110671616.xml. Accessed on April 29, 2010.

Al-Karama, Universal Periodic Review (UPR). Qatar (September 1, 2009). Page 3.

100: National-level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

75:

50: National-level judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some judges may be demoted or relocated in retaliation for unfavorable decisions.

25:

0: National-level judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

80c. In law, there is a transparent and objective system for distributing cases to national-level judges.

YES

NO

Comments:

No law establishing a procedure for selecting national-level judges could be found. It should be noted, however, that the judicial

system in Qatar is not divided into local- and national-level courts. The lack of a national-level judicial selection procedure is not necessarily a sign of corruption, but rather a reflection of the city-state” nature of the country and its capital city, Doha, where over 90 percent of the population resides.

References:

Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

YES: A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The executive branch does not control this process.

NO: A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate. A NO score is also earned if the executive branch controls this process.

80d. In law, national-level judges are protected from removal without relevant justification.

YES | NO

Comments:

Although the law stipulates that judges may not be arbitrarily removed from their positions, in reality judges in Qatar hold their positions at the discretion of the head of state (the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani). According to BTI (p. 8), the independence of individual judges remains questionable, as the Emir appoints all judges via decrees based on recommendations from the Supreme Judiciary Council, and their three-year terms can be renewed without limitation.” Also, as with many high-ranking positions in Qatar, it has been expressed to me by the interviewees that judicial appointments have been known to be influenced by “Wasta,” which means personal connections and relationships.

It must also be noted that the majority of Qatar’s judiciary is composed of foreign nationals under contract. All foreigners working in Qatar are bound by the sponsor system, which legally restricts workers’ freedom of movement and places them under the control of their Qatari employers/sponsors. In practice, this status also restricts foreigner judges’ independence to fully exercise their functions, as the sponsorship system allows for work and residence permits to be revoked without justification.

References:

Judicial Law No. 10 of 2003 regulating the Judicial System. Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2596>

Article 134 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

NO: A NO score is earned if justices can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

81. Are judges safe when adjudicating corruption cases?

100

81a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

YES | NO

Comments:

It is crucial to note that Qatari citizens only make up roughly roughly 13 percent of Qatar's total population, which is approximately 1,800,000. Perhaps as a result, the majority of Qatar's judiciary is composed of foreign nationals under contract.

All foreigners working in Qatar are bound by the sponsor system, which legally restricts workers' freedom of movement and places them under the control of their Qatari employers/sponsors. In practice, this status also restricts foreigner judges' independence to fully exercise their functions, as the sponsorship system allows for work and residence permits to be revoked without justification. Although there were no cases of judges being physically harmed or killed, the fear of deportation is often manifested by self-censorship.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

YES: A YES score is earned if there were no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases of assault to a judge related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

81b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

YES | NO

Comments:

It is crucial to note that Qatari citizens only make up roughly roughly 13 percent of Qatar's total population, which is approximately 1,800,000. Perhaps as a result, the majority of Qatar's judiciary is composed of foreign nationals under contract.

All foreigners working in Qatar are bound by the sponsor system, which legally restricts workers' freedom of movement and places them under the control of their Qatari employers/sponsors. In practice, this status also restricts foreigner judges' independence to fully exercise their functions, as the sponsorship system allows for work and residence permits to be revoked without justification. Although there were no cases of judges being physically harmed or killed, the fear of deportation is often manifested by self-censorship.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

YES: A YES score is earned if there were no documented cases of judges being killed related to their involvement in a corruption case during the study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases where a judge was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

82. Do citizens have equal access to the justice system?

86

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100 | 75 | 50 | 25 | 0

Comments:

There have been no reports of bias in cases pertaining to citizens. However, the U.S. State Department. Bureau of Democracy, Human Rights and Labor has reported that judgments tend to favor citizens over non-citizens. The U.S. Department of State also stated that in the past year there were no reports that a non-citizen won a judicial decision in a case involving an alleged civil grievance.”

It is crucial to note that Qatari citizens only make up roughly 13 percent of Qatar's total population, which is approximately 1,800,000. Perhaps as a result, approximately 75 percent of Qatar's judiciary is composed of foreign nationals under contract.

All foreigners working in Qatar are bound by the sponsor system, which legally restricts workers' freedom of movement and places them under the control of their Qatari employers/sponsors. In practice, this status also restricts foreigner judges' independence to fully exercise their functions, as the sponsorship system allows for work and residence permits to be revoked without justification.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

100: Judicial decisions are not affected by racial or ethnic bias.

75:

50: Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

25:

0: Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

82b. In practice, women have full access to the judicial system.

100 | 75 | 50 | 25 | 0

Comments:

Legal reforms in 2003 eliminated separate Shari'a (Islamic Law) courts within Qatar's judicial system, although Shari'a still governs family cases heard by the civil courts.

Women were denied equal status during certain civil proceedings under Shari'a Law. According to the 2010 Freedom House report on Women's Rights in Qatar (pg.401): The new courts still apply Shari'a principles when dealing with family and probate issues between Muslim couples. In at least some instances within family law a woman's testimony or worth as a witness is unequal to that of a man's."

One example is Article 36 of Family Law No. 22 (2006), which stipulates that "two men must witness a marital contract and may testify to its validity before a court of law while women are excluded from acting as witnesses in such cases."

Articles 93 – 95 of the same law recognizes either two men or one man and two women as valid witnesses for determining the identity of a child's father. It should be noted that both the Penal Code (Law No. 11 of 2004) or the Code of Criminal Procedure (No, 23 of 2004) treat men and women equally.

The U.S. State Department's country report on human rights in Qatar reported that Qatari women face discrimination in acquiring Qatari citizenship for their non-Qatari husband or children. Also, interpretations of the Shari'a have been known to disadvantage women in certain cases involving child custody and inheritance, especially when the woman in question is non-Muslim or non-Qatari.

During the study period, the Court of Cassation ruled against a non-Qatari woman's plea for custody over her son after her Qatari husband passed away. The Court granted custody to the child's Qatari grandmother despite having been raised by his two parents outside Qatar and being unfamiliar with Qatari culture and language. The report also highlighted that the legal system's leniency for men found guilty of committing a so-called "honor" crime against a woman for "perceived immodesty or deviant behavior." However, there have not been reports of honor crimes for the past two years.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor-2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Freedom House – 2010 Women's Rights in the Middle East and North Africa", eds. Sanja Kelly and Julia Breslin. "Qatar", by Julia Breslin and Toby Jones. Available at: <http://www.freedomhouse.org/template.cfm?page=384&key=21&parent=2&report=56>

100: Women enjoy full and equal status in the eyes of the courts. There are no exceptions or practices in which women are treated differently by the judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

75:

50: Women generally have use of the judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

25:

0: Women generally have less access to the courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

82c. In law, the state provides legal counsel for defendants in criminal cases who cannot afford it.

YES | NO

References:

Article 39 of the Constitution. Available at: http://qatarmission.ch/constitution_of_qatar.html

YES: A YES score is earned if the government is required by law to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

NO: A NO score is earned if there is no legal requirement for the government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

82d. In practice, the state provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | 75 | 50 | 25 | 0

Comments:

It must be noted that Qatari citizens who enjoy the second highest per capita income in the world, with a GDP per capita of \$121,700. In rare cases where Qatari citizens do not have access to such high salaries and cannot afford legal counsel, the government provides legal counsel.

References:

U.S. State Department Bureau of Democracy, Human Rights, and Labor – 2009 Qatar Country Report on Human Rights Practices. Published on March 11, 2010. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136078.htm>. Accessed on April 25, 2010.

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: State-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

75:

50: State-provided legal aid is available, but flawed. Legal aid may be unavailable to some impoverished defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

25:

0: State-provided legal aid is unavailable to most impoverished defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

82e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

100 | 75 | 50 | 25 | 0

Comments:

It must be noted that Qatari citizens enjoy the second highest per capita income in the world, with a GDP per capita income of \$121,700.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. Attorney fees do not represent a major cost to citizens.

75:

50: In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

25:

0: The cost of engaging the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

82f. In practice, a typical small retail business can afford to bring a legal suit.

100 | 75 | 50 | 25 | 0

Comments:

It must be noted that Qatari citizens the second highest per capita income in the world, with a GDP per capita income of \$121,700.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. Attorneys fees do not represent a major cost to small businesses.

75:

50: In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

25:

0: The cost of engaging the legal system prevents small businesses from filing suits. Attorney fees are high enough to discourage most small businesses from bringing a case.

82g. In practice, all citizens have access to a court of law, regardless of geographic location.

100 | 75 | 50 | 25 | 0

Comments:

Ninety-six percent of Qataris live in urban areas and over 90 percent of Qataris live in the capital city Doha. Qatar being a very small country with largely uninhabitable rural areas, the other 4 percent can easily access courts of law within the cities.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

75:

50: Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

25:

0: Courts are unavailable to some regions without significant travel on the part of citizens.

VI-4. Law Enforcement

83. Is the law enforcement agency (i.e. the police) effective?

50

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

100 | 75 | 50 | 25 | 0

Comments:

The interviewee expressed to me that professional criteria is not always sufficient and appointments have been known to be made with consideration for personal trust-based relationships and connections. In the past year, however, the government has begun implementing training courses within the law enforcement agencies to prevent corruption and torture.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

83b. In practice, the law enforcement agency (or agencies) has a budget sufficient to carry out its mandate.

100 | 75 | 50 | 25 | 0

Comments:

The interviewee expressed to me that obstacles to the law enforcement's mandate are due more to lack of personal motivation and will to learn about the laws and to enforce them rather than a lack of funding.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

25:

0: The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency's ability to fulfill its mandate.

83c. In practice, the law enforcement agency is protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

According to the interviewee, Wasta," which means personal and familial connections, have been known to interfere with the investigative and enforcement work of law enforcement agencies. While special circumstances are at times applied to cases involving citizens from well-connected or privileged familial tribes, the government is not known to use direct threats or harassment. Also, it should be noted that, in the past year, the government has begun implementing training courses within the law enforcement agencies to prevent corruption.

References:

Interview with Majed Al-Ansari, Assistant Researcher at the Social and Economic Survey Research Institute at Qatar University. Interview date and location: March 24, 2010 at Qatar University.

100: The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

75:

50: The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

84. Can law enforcement officials be held accountable for their actions?

79

84a. In law, there is an independent mechanism for citizens to complain about police action.

YES | NO

Comments:

The Department of Human Rights within the Ministry of Interior serves as a complaint department for all human rights violations, including complaints against police mistreatment.

The National Human Rights Committee, established by Decree Law No. 38 in 2002, acts as Qatar's Ombudsman and has a department dedicated specifically to citizen complaints and reports. However this committee avoids reporting or acting upon corruption-related complaints.

The government launched The National Strategy for Integrity and Transparency (2008-2012), which included the creation of a National Committee for Integrity and Transparency. This committee is mandated with receiving and acting upon corruption complaints of any form. However, it should be noted that there exists very little information regarding this committee. As of this report, it has no website or contact details online and it is still unclear whether or not the law establishing the committee have been implemented.

References:

Decree Law No. 84 of 2007 establishing the National Committee for Integrity and Transparency. Available at: <http://www.barasy.com/news-view-1618.html>

Resolution No. 26 of 2005 establishing a Department of Human Rights within the Ministry of Interior.

Decree Law No. 38 in 2002 establishing the National Human Rights Committee. Available at: <http://www.nhrc-qa.org/en/files/downloads/Constitution%20of%20NHRC.pdf>

YES: A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions. A YES score is earned if a broader mechanism such as the national ombudsman, human rights commission, or anti-corruption agency has jurisdiction over the police.

NO: A NO score is earned if there is no such mechanism

84b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints within a reasonable time period.

100 | 75 | 50 | **25** | 0

Comments:

According to the interviewee, Wasta," which means personal and familial connections, have been known to influence the responsiveness of law enforcement agencies. It should be noted, however, that in the past year the government has begun implementing training courses within the law enforcement agencies to prevent corruption.

References:

Interview with Dr. Hassan al-Sayed. Professor of Constitutional and Administrative Law and former Dean of the Law College of Qatar University. Interview Date and location: March 29, 2010 at Qatar University.

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

84c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

YES | NO

Comments:

The Judicial Inspection Committee within the Public Prosecutor Department receives and investigates complaints against department employees and law enforcement officials and may prosecute offenders. Art. 43 of Law 10 (2002) exempts the attorney general from such investigations.

The government established the National Human Rights Committee in 2002 and the National Committee for Integrity and Transparency in 2007. However, they do not have the power to prosecute offenders.

References:

Articles 41-43 of Law No. 10 of 2002 regulating the Public Prosecutor establishes a Judicial Inspection Committee. Available at: <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=3&LawTreeSectionID=3271>

YES: A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. This agency/entity may be internal to the police department (provided it has a degree of independence, such as an internal affairs unit) or part of a broader national mechanism such as the national ombudsman, human rights commission, or anti-corruption agency.

NO: A NO score is earned if no such agency/entity exists.

84d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

100 | 75 | **50** | 25 | 0

Comments:

According to the interviewee, "Wasta," which means personal and familial connections, have been known to interfere with the investigative and enforcement work of law enforcement agencies. It should be noted, however, that in the past year the government has begun implementing training courses within the law enforcement agencies to prevent corruption.

Also, the government created the National Committee for Integrity and Transparency in 2007. However, there exists very little information regarding this committee and, as of this report, it has no website or contact details online and it is unclear whether or not the law establishing the committee has been implemented.

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials or in cooperating with other investigative agencies.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

84e. In law, law enforcement officials are not immune from criminal proceedings.

YES | NO

Comments:

Law enforcement officials are bound by the Penal Code.

References:

Qatari Penal Code (Law No. 11 of 2004). Available at: <http://www.gcc-legal.org/MojPortalPublic/BrowseLawOption.aspx?country=3&LawID=2597>

YES: A YES score is earned if law enforcement officers are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

NO: A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

84f. In practice, law enforcement officials are not immune from criminal proceedings.

100 | 75 | 50 | 25 | 0

References:

Interview with Dr. Basher Zaghoul, Assistant Professor of Criminal Law at the College of Law in Qatar University and Law Practitioner. Interview date and location: April 12, 2010 at Qatar University.

100: Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

75:

50: Law enforcement is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

25:

0: Law enforcement enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.