

## Qatar

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The law does not provide women with the same rights as men to enter into marriage (Family Law, art. 26-30). Marriage is regulated by a guardianship system by which the guardian of a woman shall conclude her marriage with her consent (Family Law, art. 28). The matrimonial guardian can be the father, the son, the brother, the paternal half-brother, the uncle or paternal uncle (art. 26).

There is no legal provision regarding forced marriage. Informal or de-facto unions are not regulated by law.

#### b) Child marriage

The legal age of marriage for women is 16 years old and the legal age of marriage for men is 18 years old (Family Law, art. 17). Marriage before the legal age can be authorised with the approval of a guardian, the parents and a judge on the conditions that both future spouses understand and consent to the marriage (Family Law, art. 17).

Child marriage is considered void under the law (Family Law, art. 11, 17 & 52). There are no public measures to generate social support for the enforcement of laws on the minimum age of marriage and there are no legal sanctions for those facilitating a marriage of an individual who is under the minimum age of marriage.

It appears that marriage below the legal age is not frequent (Ministry of Development Planning and Statistics, 2014). Nonetheless, the Committee on the Rights of the Child (2017) has called Qatar to raise the legal age of marriage for girls at 18 years old and to implement measures regarding early marriage, such as awareness-raising activities with the media, traditional and religious leaders and families.

#### c) Household responsibilities

The law does not provide women with the same rights as men to be recognised as the head of household (Family Law, art. 56-58). The law requires a married woman to obey her husband (Family Law, art. 58). If the wife is considered disobedient, she will be disentitled to marital support (Family Law, art. 69). There are several grounds on which a wife is considered disobedient, notably if she refuses to surrender herself to the husband or to move to the marital home without legitimate reason, if she leaves her marital home without legitimate reason, if she prevents the husband from entering into the marital home without legitimate reason, if she refuses to travel with her husband when moving to another dwelling with legitimate excuse, if she travels without his permission, or if she works outside the home without the permission of her husband unless he is abusing his right in preventing her from working (Family Law, art. 69).

The rights of the spouses towards each other are detailed in the Family Law. As such, the law establishes the mutual rights of spouses, which are freedom of sexual union in accordance with Sharia, protection of the chastity of each by the other, lawful cohabitation, good company, mutual respect, kindness, intimacy and conservation of the family's welfare, caring for, nurturing and good raising of the children to ensure their best development, mutual respect by each of the parents and relatives to the other (Family Law, art. 56).

The rights of the wife are to receive a dowry, to receive legal support or maintenance, that her husband grants her permission to exchange amicable visits with her parents and relatives, that her husband does not intervene in her private property, that he refrains from hurting her physically or morally and equal treatment to the other wives in the case of polygamy (Family Law, art. 57).

The rights of the husband are that his wife takes care of him and obeys him, that she looks after her and his property well, look after the household and regulate the affairs of the household, that his wife takes care of his children and breastfeeds (Family Law, art. 58).

The law does not provide women with the same rights as men to be the legal guardians of their children during marriage as the father is considered the legal guardian (Family Law, art. 75). Additionally, women and men do not have the same rights and responsibilities with regard to their children during marriage (Family Law, art. 56, 57, 58).

The law does not provide married women with the same rights as married men to choose where to live (Family Law, art. 65). The husband is expected to prepare a house for his wife (Family Law, art. 65). Unmarried women are not provided with the same rights as unmarried men to choose where to live, as the father is expected to support his children who have no property until the daughter marries and the son reaches the age when he can earn a living (Family Law, art. 75).

The CEDAW Committee (2014) stresses the existence of deep-rooted patriarchal attitudes and traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society, which reinforce the status of women as wives and mothers. Reports suggest that the model of distribution of roles and responsibilities through legal provisions within the Family Law reinforces and provides a justification for masculine superiority and the submission of women and is at the source of multiple discriminatory practices, such as unilateral divorce, women's lack of choice and consent in marriage or women's decision-making power in family and society (Musawah for Equality in the Muslim Family, 2014). This model is furthermore considered incompatible with the social and economic realities whereby many men cannot maintain financially their families and women contribute to the family life through work and unpaid labour (Musawah for Equality in the Muslim Family, 2014). Additionally, the legal postulate which affirms a complementarity of rights and obligations stipulating that in return for maintenance from the husband the wife must obey him is discriminatory in practice as working married women do not acquire complementary rights and privileges while if she is considered disobedient she can be deprived of maintenance (Musawah for Equality in the Muslim Family, 2014).

#### d) Divorce

The law does not provide women with the same rights as men to initiate divorce and women do not have the same requirements as men to finalise a divorce or annulment (Family Law, art. 101-188). Divorce or separation can be effected: by the decision of the husband, by mutual consent between the spouses and is called redemptive divorce, or by judicial decree (Family Law, art. 101). Husbands can pronounce divorce without any reason (Family Law, art. 109). Divorce in such a case may take effect by express pronouncement of divorce or writing or by metonymy if the husband intended divorce (art. 107). A wife must seek a judicial decree if she wishes to divorce and the reason must be based on one of the legitimate reasons as detailed by the Family Law: for instance, on the ground of a defect or chronic illness (art. 123), if her dowry has not been settled (only when the marriage has not been consummated) (art. 128), if the husband is not spending enough on her when he has the means (art. 137), if the husband is absent, missing or imprisoned (art. 143-145), etc. Women upon divorce or widowhood must go through a waiting period (called *Iddat*) before she can remarry which cannot exceed one year (Family Law, art. 156 & 162).

The law does not provide women with the same rights as men to be the legal guardians of their children after divorce and the law does not provide women with the same rights and responsibilities as men with regards to their children after divorce. As such, the female custodian is not the guardian, and the guardian must supervise the good upbringing of the child (Family Law, art. 171). If the custodian is a woman, she must not be married (Family Law, art. 168). The custody of children by a woman shall end when boys turn 13 years old and when girls turn 15 years old, then the children would go with their guardian (Family Law, art. 173). The Court may decide that custody shall continue until the boys turn 15 years old and until girls marry (Family Law, art. 173). If the child is mentally ill, female custodianship continues (Family Law, art. 173). The guardian may retain the passport of the child (Family Law, art. 176). If the custodian is a man, he must have a female relative at home fit to perform the duties of custodian (Family Law, art. 168).

Amnesty International (2014) reports that as men are the legal guardians of children following divorce, women who have the custody must request permission from their ex-husbands to have the passports of her children to take them out of Qatar, even for holidays, or they must request permission for the enrolment in schools or any other legal matter. Furthermore, divorced women reportedly face discrimination and social stigma in accessing social services such as housing or employment (US Department of State, 2016).

### e) Inheritance

The law does not provide daughters with the same rights as sons to inherit land and non-land assets (Family Law, art. 256). A daughter inherits half of the share of a son (Family Law, art. 256). The law does not provide female surviving spouses with the same rights as male surviving spouses to inherit land and non-land assets (Family Law, art. 253 & 254). The husband's share shall be one half of the estate of his wife if there is no child heir and one quarter of the estate of his wife if there is a child heir (Family Law, art. 253). The wife's share shall be one quarter of the estate if there is no child and one eighth of the estate if there is a child (Family Law, art. 254). In case of polygamy, the wives shall divide one eighth of the estate equally between themselves (Family Law, art. 254). The law provides women with the same rights as men to make a will (Family Law, art. 214).

## 2. Restricted Physical integrity

### a) Violence against women

There is no law addressing violence against women, including specific provisions for investigation, prosecution and punishment of the perpetrator and protection and support services for victims. There is no national action plan or policy addressing violence against women. Qatar has established specialised police units for cases of gender-based violence (ESCWA, 2016).

The CEDAW Committee (2014) highlights the prevalence of violence against women, in particular domestic and sexual violence. There is additionally a lack of awareness and training on violence against women amongst judges, prosecutors, police officers and health professionals (CEDAW, 2014). Victims of violence seldom report to the authorities (CEDAW, 2014). A research undertaken in 2009 asserts that victims keep silent for several reasons including feelings of shame, to avoid punishment and scandal, fear or love for the abuser (Al-Ghanim, 2009). The research suggests that the culture of silence surrounding violence against women is closely linked to the family honour value system in Qatar in which women are expected to uphold family honour (Al-Ghanim, 2009). Social attitudes tend to consider violence against women to bring shame and dishonour to the family (Al-Ghanim, 2009).

### b) Domestic violence

The legal framework does not criminalise domestic violence and the legislation does not include protective measures covering physical, sexual, psychological and economic abuse from partners, former partners and within the family. The law does not include specific provisions for the prevention of domestic violence and services assisting victims.

The Qatar Foundation for the Protection of Women and Children runs shelters and provides assistance to victims of domestic violence (Amnesty International, 2014). The Foundation also provides training for police officers on domestic violence (Amnesty International, 2014).

The CEDAW Committee (2014) asserts that victims do not report domestic violence to the authorities for fear of losing custody of their children. The law does not protect women with regards to custody of their children in cases of domestic violence and women have to go through regular custody processes through divorce (Independent Group of Concerned Citizens, 2013). Women and girls abused

by a family member rarely report domestic violence and they may fear to lose rights if they do so, for instance the right to travel as a woman under 25 years old needs her male guardian's approval to travel or the right to work as employers request a letter of consent from a woman's male guardian (Independent Group of Concerned Citizens, 2013). Underreporting of domestic violence is also associated with cultural taboos, fear of stigmatization and the fear that it would bring shame to the family (Independent Group of Concerned Citizens, 2013).

Additionally, domestic violence is tolerated amongst some communities as a form of accepted discipline towards a wife (Independent Group of Concerned Citizens, 2013). Research on domestic violence asserts that domestic violence is closely linked to the legal and social acceptance of male authority over women (Musawah for Equality in the Muslim Family, 2014).

It appears that relevant actors lack training in domestic violence, notably local authorities and social workers (Independent Group of Concerned Citizens, 2013). There is reportedly a practice from police officers to encourage women victims of domestic violence to settle rather than filing criminal charges (Independent Group of Concerned Citizens, 2013).

### c) Rape

Rape is considered a criminal offense and is punishable of the capital punishment or life imprisonment (Penal Code, art. 279). The sentence is the capital punishment if the perpetrator is the ascendant of the victim, the guardian, someone supposed to look after the victim, a person who has authority over the victim or a servant (Penal Code, art. 279). The law is based on lack of consent and does not require proof of physical force, resistance, or penetration (Penal Code, art. 279). The legal definition of rape does not include marital rape, nonetheless a wife may file a complaint (Penal Code, art. 279). Increased penalties for aggravated forms of rape are included namely when the victim is under 16 years old or when she is of diminished capacity in which case the sentence is the capital punishment (Penal Code, art. 280). The law does not provide for awareness-raising, training or services to victims in case of rape and sexual violence.

The Penal Code criminalises consensual sexual relations outside of marriage, termed 'illicit relations' (art. 281). It appears that this is one of the main reason women are imprisoned usually with their children as pregnancy is often used as evidence (Amnesty International, 2014). Amnesty International (2014) reports that the criminalisation of consensual sexual relations between adults is considered a violation of the right to privacy. This provision also deters women from reporting rape and sexual violence as they may fear to be charged under the 'illicit relations' provision (Amnesty International, 2014). The criminalisation of consensual sexual relations impacts women disproportionately (Amnesty International, 2014). Victims are reportedly reluctant to report rape or sexual violence also for fear of social stigma and retaliation (US Department of State, 2016).

### d) Sexual harassment

The Penal Code includes a provision on sexual harassment towards women (art. 291). Sexual harassment is punishable of imprisonment for a maximum of one year and/or a fine (Penal Code, art. 291). The definition of sexual harassment does not cover specifically the workplace, educational establishments, sporting establishments, public places or cyber harassment.

Sexual harassment in shopping centres is reportedly prevalent (Al-Ghanim, 2009). Furthermore, migrant domestic workers are often the victims of sexual harassment in their workplace (US Department of State). They have limited options to bring to justice perpetrators of sexual harassment as they are bound to their employer through the sponsorship system, by which they cannot register a complaint nor change their employer (CEDAW, 2014).

#### **e) Female genital mutilation**

There is no law criminalising female genital mutilation and it appears that female genital mutilation is not a practice of concern in Qatar (UNICEF, 2013).

#### **f) Abortion**

Abortion on request is not legal and a woman who seeks an abortion for herself is punishable of imprisonment of up to three years (Penal Code, art. 317). Whoever practices an abortion is punishable of imprisonment of up to seven years (Penal Code, art. 316). If the person practising the abortion is a doctor, a surgeon, a pharmacist, a midwife or any worker from the health sector, the sentence shall be up to ten years (Penal Code, art. 316). Doctors in government hospitals may practice an abortion to save a woman's life (Law on the Practice of the Profession of Medicine and Dental Medicine and Surgery, art. 17). If the pregnancy is less than four months, a doctor may perform an abortion to preserve the health of the woman or in case foetal unviability, in which case both parents must consent (Law on the Practice of the Profession of Medicine and Dental Medicine and Surgery, art. 17). Three doctors must agree on the performance of a legal abortion (Law on the Practice of the Profession of Medicine and Dental Medicine and Surgery, art. 17).

#### **More**

The CEDAW Committee (2014) highlights the prevalence and extent of trafficking of women and girls for sexual exploitation and forced labour. In particular, women domestic workers are vulnerable to trafficking and the sponsorship system limits their options in case of abuse as they cannot change employers or file a complaint (CEDAW, 2014). Female migrant workers reportedly face physical and sexual abuse as well as inhuman treatment (CEDAW, 2014). Consensual sexual relations outside marriage are criminalised in Qatar as 'illicit relations' (Penal Code, art. 281). Female migrant workers fear reporting cases of rape and sexual abuse and being charged instead with 'illicit relations' (Amnesty International, 2014). Furthermore, Amnesty International (2014) asserts that the recruitment of domestic workers amounts to human trafficking for forced labour. Domestic workers are often lied to on the terms and conditions of their work before arriving in Qatar either by recruitment agencies or by their employers (Amnesty International, 2014).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

Regarding land, property and other non-land assets, the law provides married women with the same rights as married men to own, use, make decisions and use as collateral (Family Law, art. 57 & Law on the Real Estate Registration System, art. 3 & Civil Code, art. 837-840). Regarding land, property and

other non-land assets, the law provides unmarried women with the same rights as unmarried men to own, use, make decisions and use as collateral (Constitution, art. 26, 27 & Law on the Real Estate Registration, art. 3 & Civil Code, art. 837-840). Regarding land, property and other non-land assets, the law provides women and men with the same rights after separation or divorce to own, use, make decisions and use as collateral (Family Law, art. 46 & 57).

Regarding marital property, the original owner has the legal right to administer and by the Family Law, the husband is bound to provide the matrimonial home so he has the legal right to administer the marital property (Family Law, art. 46). A married woman may administer her private property (Family Law, art. 57).

Furthermore, with regards to land, property and other non-land assets, the law discriminates against women in terms of inheritance, as daughters are entitled to half of the sons' share (Family Law, art. 256). Female surviving spouses are entitled to one quarter of the estate or one eighth of the estate if there are children while male surviving spouses are entitled to one half of the estate and one quarter if there are children (Family Law, art. 253 & 254).

There are no public measures in place to protect women's land rights or property and non-land asset rights.

#### **b) Secure access to formal financial resources**

No restrictions could be located in the legal framework regarding the right of married women to open a bank account at a formal institution. It appears that married women are not required to obtain the signature and authority of their husband/guardian to open a bank account at a formal financial institution (Family Law, art. 57). No restrictions could be located in the legal framework with regards to women's rights to obtain credit (Family Law, art. 57 & Civil Code, art. 1068).

#### **c) Workplace rights**

Qatar has ratified ILO Convention No. 111 on Discrimination (Employment and Occupation).

The law does not mandate non-discrimination on the basis of sex in employment and does not specifically cover job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions, training, assignments and termination.

The law mandates equal remuneration for work of equal value as it stipulates that a working woman shall be paid a wage equivalent to the wage payable to a man if she performs the same work (Labour Law, art. 93). No restrictions were located with regards to women's rights to work the same night hours as men.

A maternity leave of seven weeks is available, with full wages to the employer's liability (Labour Law, art. 96). The law does not mandate paternity leave or parental leave. Women's employment security is protected when they are on maternity leave (Labour Law, art. 98).

It appears that the law does not require women to have permission from their husband or legal guardian to register a business (Commercial Companies Law, art. 22 & 69).

However, there are discriminatory provisions included in the Labour Law, notably article 94 which prohibits women from entering professions deemed dangerous and arduous or detrimental to their health or morals. Additionally, married women require consent from their husband to choose a profession, occupation of work, as a wife shall be considered disobedient so as to be disentitled to marital support if she works outside the home without the permission of the husband (Family Law, art. 69).

The Qatar National Vision for 2030 includes an objective to enhance women's capacities and empower them to participate fully in the political and economic spheres, especially in decision-making roles (Ministry of Development Planning and Statistics, n. d.).

The CEDAW Committee (2014) reports on discrimination faced by women in employment and the social stigma attached to working women as well as the gender wage gap and women's low representation in decision-making positions. Estimations suggest that a man earns 25 to 50% more than a woman with equal status and qualification (Independent Group of Concerned Citizens, 2013). Additionally, discriminatory practices, such as women presenting a letter of consent from a male guardian to obtain employment or women applying to positions in sectors deemed appropriate to women, persist (CEDAW, 2014).

Reports assert that there was an increase in women's participation in the workforce in Qatar compared to other countries in the Arab region (ESCWA, 2016). However, this increase may be explained by a large share of female migrants (ESCWA, 2016). It appears that the public sector represents a large share of employment for women (ESCWA, 2016). However, women do not hold decision-making positions as they are mostly employed as administrative staff, teachers and nurses (ESCWA, 2016). Reports suggest that the public sector offers good conditions for women, with stable wages and flexible hours to balance their work with their familial responsibilities (ESCWA, 2016).

Domestic workers are not protected by the Labour Law (Amnesty International, 2014). Female domestic workers are often paid late or not paid, are asked to work excessive hours with no days off and are provided with inadequate living space (Amnesty International, 2014). Additionally, Amnesty International (2014) reports on the restrictions on freedom of movement and communication, humiliating treatment and forced labour suffered by domestic workers in Qatar.

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

The law provides unmarried women with the same rights as unmarried men to acquire, change and retain their nationality (Law on the Acquisition of Qatari Nationality, art. 2, 7 & 11). Yet, the Law on the Acquisition of Qatari Nationality includes some discriminatory provisions regarding the right of married women to acquire, change or retain their nationality (art. 5 & 8). Foreign women who marry Qatari men may acquire Qatari nationality, however Qatari women who marry a foreign man cannot confer nationality to their spouse (Law on the Acquisition of Qatari Nationality, art. 5 & 8). Additionally, Qatari women cannot confer nationality to their children as any person born in Qatar or



in a foreign country to a Qatari father are deemed Qatari nationals (Law on the Acquisition of Qatari Nationality, art. 1).

Reports show that the discriminatory legal provisions which prohibit women from conferring nationality to their children or spouse puts children at risk of becoming stateless (Tilburg University & Women's Refugee Commission, 2013). The Qatari Government has pledged to ensure that children of Qatari women would receive equal treatment as children of Qatari men with regards to education, health and employment (Tilburg University & Women's Refugee Commission, 2013). However, civil society organisations stress that these measures are not enough to ensure equality (Tilburg University & Women's Refugee Commission, 2013).

The law does not provide women with the same rights as men to register the birth of their children, as per article 3 of the Law on Foundation of Births and Death Records, the following persons shall be authorised to report births in that order: the father, male relatives then female relatives, persons residing with the mother in the same house, male first, then female.

The Constitution does not recognise multiple or intersectional discrimination. Nonetheless, the Constitution stipulates that people are equal before the law and that there shall be no discrimination on the grounds of sex, race, language or religion (art. 35).

Furthermore, the law does not provide women with the same rights as men to apply for identity cards, as per the identity card application procedures, male Qatari citizens over the age of 18 may apply for identity cards for their dependents such as their sons and unmarried daughters, brothers and unmarried sisters, grandchildren except for married females (children of sons only) and children of brothers (Qatar Government, n. d.). Additionally, women are not provided with the same rights as men to apply for passports, as per the passport application procedure, male Qatari citizens over the age of 18 can apply for passports for their dependents, including sons and unmarried daughters and sisters, grandchildren except for married females (children of sons only) and nephews and nieces except for married females (children of brothers only) (Qatar Government, n. d.). Women are not provided with the same rights as men to acquire passports and other travel documents for their minor children (Qatar Government, n. d.).

The law does not provide married women with the same rights as married men to travel outside the country as per the Family Law, the wife shall be considered disobedient if she refuses to travel with her husband or if she travels without his permission (art. 69). The law does not provide unmarried women with the same rights as unmarried men to travel outside the country, as per the exit permits procedures men over 18 years old do not require the permission from their guardian to travel while unmarried women under the age of 25 years old cannot travel without the permission of their guardian (Ministry of Interior, n. d.).

## **b) Voting**

The law provides women with the same rights men to vote (Constitution, art. 42). It appears that there are no measures to ensure that women understand the right to vote and how to exercise it.

### **c) Political voice**

The law provides women with the same rights as men to hold public and political office, including within the legislature, the executive and the judiciary (Constitution, art. 42, 117 & 130). There are no legal quotas nor special measures to promote women's political participation at the national and local level.

The CEDAW Committee (2014) notes the low representation of women in ministerial positions and decision-making positions in the Government, as well as in the foreign service, the judiciary and the legal profession notably due to deep-rooted patriarchal attitudes and cultural traditions. Gender stereotypes pertaining to women's and men's roles and responsibilities within society, more particularly that women belong in the household, influence women's participation in politics (Independent Group of Concerned Citizens, 2013). Politics is a highly male-dominated sphere in Qatar and women candidates struggle to find support within the political sphere and within communities (Independent Group of Concerned Citizens, 2013).

### **d) Access to justice**

The law provides married/unmarried women with the same capacity as married/unmarried men to be sued and to sue (Constitution, art. 35). A married/unmarried woman's testimony carries the same evidentiary weight in court as a married/unmarried man's in civil and criminal courts (Law on Civil and Commercial Procedure, art. 263 & Criminal Procedure Code, art. 87, 88). However, a married/unmarried woman's testimony does not carry the same evidentiary weight in court as a married/unmarried man's testimony in family court and tribunal (Family Law, art. 36 & 93). As such, article 36 of the Family Law stipulates that there shall be two Muslim male witnesses in every marriage contract and article 93 of the Family Law stipulates that parentage may be proved by the testimony of two men or a man and two women.

The specialized bodies tasked with monitoring gender equality are the Supreme Council for Family Affairs and the National Human Rights Committee (CEDAW, 2012). The National Human Rights Committee has the power to receive and resolve complaints on human rights violations (CEDAW, 2012). The Supreme Council for Family Affairs has the power to monitor compliance of national laws and policies with international human rights standards and to conduct education and public awareness on gender equality and women's human rights (CEDAW, 2012).

There are strict rules in Qatar regarding civil society organisations and NGOs which are prohibited from becoming involved in political issues (Freedom House, 2010). The CEDAW Committee (2014) notes that this constitutes a barrier to the development of women's organisations.

The traditional legal practice by which the testimony of one man is worth that of two women persists at court (Emery, 2013). It is additionally common for women to be represented by a male relative at court (Emery, 2013). Reports suggest that female witnesses may be prohibited completely from giving a testimony at court (US Department of State, 2016). Social attitudes towards women judges tend to convey stereotypical beliefs such as women deemed too emotional or inconsistent to be involved in the legal professions (Freedom House, 2010).

### *More*

Migrant workers represent a high share of the population in Qatar (ESCWA, 2016). The CEDAW Committee (2014) stresses the multiple discrimination, notably based on nationality and sex, faced by migrant domestic workers and the prevalence of prejudices and negative stereotypical attitudes towards them. Reports show additionally that domestic migrant workers face difficulties in accessing justice in cases of violence (CEDAW, 2014). Migrant domestic workers are reportedly the victims of forced labour, physical and sexual abuse, inhuman or degrading treatment, restrictions on freedom of movement and communication, confiscation of passports and unpaid wages (CEDAW, 2014). Furthermore, reports show that their situation is made worse by the “sponsorship system” in place which does not allow them to file a complaint or change employer without the permission of their sponsor (CEDAW, 2014). If a domestic worker flees from her employer, she can be charged with ‘absconding’ and her sponsor would hand over her passport to the Ministry of Interior (Amnesty International, 2014).

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