

(Translated from Arabic)

**Ministry of Foreign Affairs
Secretary General's Office**

14 November 2019

Mr. Ahmed Shaheed

Special Rapporteur on freedom of religion or belief

Mr. Fernand de Varennes

Special Rapporteur on minority issues

Dear sirs,

With reference to your letter dated 16 August 2019 regarding concerning allegations you have received of discriminatory treatment of the Baha'i minority in Qatar, the State of Qatar would like to provide you with the following information.

1. The legal framework in accordance with the legislation in force in Qatar and in line with international standards.

Qatari laws provide many legal safeguards for religious minorities, without discrimination, as is clear from the following:

- Article 50 of the Constitution recognizes the right to freedom of thought, conscience and religion in the following terms: "Freedom of worship is guaranteed to all by law, subject to the need to protect public order and public morals".
- Article 35 of the Constitution prohibits discrimination on the basis of religion.
- Article 18 of the Constitution states that Qatari society is based on the pillars of justice, charity, freedom, equality and morality.
- Article 19 of the Constitution provides that the State safeguards the pillars of society and ensures security, stability and equal opportunities for citizens.
- Article 34 stipulates that citizens are equal in terms of public rights and duties.
- Article 256 of the Qatari Criminal Code of 2004, as amended by Act No. 8 of 2010, criminalizes acts related to the denigration of the revealed religions, the insulting of the supreme being and the prophets and the destruction, vandalization or desecration of religious buildings. This article stipulates that a term of up to 7 years' imprisonment shall be imposed on anyone who commits one of the following acts: insulting one of the revealed religions that are protected under the Islamic sharia; destroying, vandalizing or desecrating the religious buildings, or any of their contents, of one of the revealed religions protected under the Islamic sharia.
- In addition, article 263 of the Criminal Code provides that a term of up to 1 year's imprisonment and/or a fine of up to 1,000 riyals shall be imposed on any person who produces, makes, sells, offers for sale, circulates, acquires, possesses or advertises products, goods, printed matter or cassettes containing images, slogans, words, symbols, signs or any other content that denigrates Islam or the revealed religions protected under the Islamic sharia. The same penalty shall be applied to anyone who distributes computer discs, programs or tapes containing material that defames Islam or the divinely revealed religions protected under the Islamic sharia.
- Qatari legislation does not discriminate between Islam and the other religions that are protected under the sharia, namely Christianity and Judaism. It makes it an offence to: defame Islam, Christianity and Judaism; insult a prophet; subject a place of Christian or Jewish worship to any kind of attack; or to defame Christianity or Judaism. It makes no distinction between Islam and the other revealed religions that are afforded protection in Islam.

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- Article 159 (bis) stipulates that any public servant or other person acting in an official capacity who uses torture or incites or agrees to the use of torture or is silent in the face of torture shall be sentenced to a term of up to 5 years' imprisonment. Torture is held to be any act resulting in severe physical or mental pain or suffering inflicted on purpose by one person against another to obtain information or a confession from that person or another person or to punish him or another person for an act he committed or is suspected of committing or to frighten or force him or another person or when such pain or torment is inflicted for a reason based on any type of discrimination.
- Under Act No. 11 of 2018 regulating political asylum, the categories that have the right to seek asylum under the law, in accordance with the decision of the Council of Ministers, include people who belong to political parties, religious communities or ethnic minorities and are vulnerable to prosecution or oppression as a result. Also included are writers and researchers who express their opinions in newspapers, magazines or blogs and are subject to persecution and threats as a result.
- A number of laws have recently been enacted to enhance the rights of workers and residents in Qatar. These include:
 - Act No. 1 of 2017, amending some provisions of Act No. 21 of 2015, regulating the entry and exit of migrant workers; Act No. 13 of 2017, amending certain provisions of the Labour Code, promulgated by Act No. 14 of 2004, and Act No. 15 of 2017 on domestic workers. The laws on the employment and recruitment of domestic workers do not include any provisions that are discriminatory on the basis of religion or race. This is reflected in the fact that the majority of these workers do not practise Islam (the religion shared by all Qataris) and do not speak Arabic (the official language of the country).
- The following articles of the Civil Code (Act No. 22) of 2004 regulate marriage, divorce and inheritance for all citizens without discrimination:
 - Article 10 stipulates that Qatari law is the authoritative source when it comes to defining the nature of a relationship in cases where conflicting laws are at issue and it is necessary to determine which law is applicable.
 - Article 11 states that a person's civil status and legal capacity shall be governed by the law of the State of which he or she is a national. However, in the case of financial transactions conducted and effective in Qatar, if one of the two parties is a foreign national who does not have legal capacity and such incapacity is due to a reason that is neither apparent nor easily identifiable by the other party, this reason shall not affect his or her capacity.
 - Article 13 provides that the substantive conditions for the validity of marriage, such as capacity, consent and the absence of legal impediments, shall be governed by the law of the country of nationality of each spouse at the time of the marriage. If one of the spouses is a Qatari national at the time of the conclusion of the marriage, only Qatari law shall apply, with the exception of the requirements concerning legal capacity.
 - Article 14 states that the formalities of marriage, such as documentation and religious ceremonies, shall be governed by the law of the country in which the marriage is concluded or the national law of either spouse or the law of their common domicile.
 - Article 15 stipulates that proof of marriage shall be governing by the law governing the formalities of the marriage.
 - Article 17 states that divorce and separation shall be governed by the law of the country of which both spouses are nationals at the time of the divorce or the application for divorce or separation. If the spouses do not share the same nationality, the law of the country of which the husband was a national at the time of the marriage shall apply.
 - Article 18 states that the provisions of the preceding articles on marriage shall apply to engagement.

2. Information concerning the facts of the case

- The allegations that some minorities are subjected to discriminatory treatment and measures, such as deportation and blacklisting, are unfounded. Such measures are taken based on clear and explicit legal provisions regulating the entry, exit and residency of migrant workers whenever the conditions and reasons for doing so are established. In other words, whenever the presence of the migrant worker, regardless of his or her nationality or religious identity, is harmful to public security or public health, public morals or the national economy. Therefore, the inclusion of a name on the blacklist is based only on these considerations.
- The State of Qatar has not taken any action against people because of their beliefs or religion, as freedom of belief and religion are guaranteed and followers of all religions are allowed to practise their religious rites. However, this must be done in accordance with the laws in force in the country and must not contradict general State policy and guidance and not violate public security and social cohesion.
- The followers of religions, beliefs and sects are free to worship and practise their rituals in accordance with the frameworks established by law. If such activities threaten security and stability, action is taken in the public interest to the extent that the laws and regulations in force in the State have been violated.
- With regard to the Baha'i cemetery, the State has already granted the Baha'i community a dedicated piece of land for this purpose and the new site is currently being developed. With regard to the current status of the Baha'i cemetery, pictures are attached. The site is located in the Al Thumama area [REDACTED].

Let me assure you that we are mindful of our obligations under international human rights conventions and standards and work to implement them with the required transparency, as we believe that human rights issues represent the cornerstone of the comprehensive reform policy being undertaken by the State of Qatar and a strategic choice for the country. We reaffirm our complete readiness to discuss this or any other case that falls within the framework of our shared concern to promote and respect human rights.

Please accept the assurances of my highest consideration.

Al-Hamadi
Secretary General
