

QATAR¹

OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES

(Updated as at 20 December 2022)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p>Equality of spouses in marriage</p> <p><i>Is there a Constitutional provision on equality and are there exceptions? Are there specific laws that recognise marriage as a partnership of equals i.e. are family laws and/or other laws relating to marriage and family relations codified or uncodified? If codified, what are the titles of all the applicable laws? If codified, do these laws apply to all citizens irrespective of religion? If not, do these laws apply to all Muslims or are there different codified laws for different sects within Islam? If uncodified, or if codified laws do</i></p>	<p>Article 34 of the Constitution states that “citizens shall be equal in terms of public rights and duties” and Article 35 of the Constitution states that “all persons are equal before the Law and there shall be no discrimination whatsoever on grounds of gender, race, language or religion”.²</p> <p>Article 21 of the Constitution states that “the family is the basis of the society. A Qatari family is founded on religion, ethics, and patriotism. The law shall regulate adequate means to protect the family, support its</p>		<p>Qatar has reservations to Articles 2(a), 9(2), 15(1), 15(4), 16(1)(a), 16(1)(c), 16(1)(f) and 29(2) of CEDAW.⁸</p> <p>The Qatari government cited the apparent inconsistencies between the provisions of CEDAW; it has reservations to the Constitution and Islamic law,</p>		<p>According to the 2016 UNDP Human Development Report, Qatar ranked 33 on the UNDP Human Development Index (HDI) and 43 on the UNDP Gender Inequality Index (GII).¹²</p> <p>Since 2016, Qatar’s HDI value has improved by 1% but its HDI rank has not changed since 2014. Similarly, its GII rank has been upgraded to 43 in 2019.¹³</p> <p>According to Qatar’s 2012 Multiple Cluster Indicator</p>


¹ This table was originally formulated as part of a 2016-2017 Musawah project to map Muslim Family Laws globally led by Zainah Anwar and coordinated by Lead Researcher Sharmila Sharma, with substantive support from Salma Waheedi and students at the International Human Rights Clinic, Harvard Law School. For this Qatar country table, we would also like to thank Kierra Jones and Cassandra Rasmussen from Harvard Law School, and Mashael M. Al-Sulaiti for their inputs in its preparation. This table was last updated in 20 December 2022 as part of the Campaign for Justice in Muslim Family Laws, we would like to Dr Dana Olwan, Maryam Khalid and Hatim Rachdi for the recent update.

² Article 34 & 35 of Qatar’s Constitution (2004), <https://www.almeezan.qa/LawPage.aspx?id=2284&language=en>

⁸ United Nations Treaty Collection Website, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-8&chapter=4&clang=en

¹² UNDP, “Human Development Report 2016”, Table 5, pp. 214-217. https://hdr.undp.org/sites/default/files/HDR2016_EN_Overview_Web.pdf

¹³ UNDP, “Human Development Report 2020”, Table 5, pp. 361-364. <https://hdr.undp.org/system/files/documents/hdr2020pdf.pdf>

<p><i>not sufficiently address a particular issue, how is the issue addressed e.g. what Muslim school of law is applicable? Do these laws explicitly state gender-stereotypical roles between husbands and wives e.g. the husband is the head of the household or the wife is the primary caregiver?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 54-55 GR29</p>	<p>structure, strengthen its ties, and protect maternity, childhood, and old age”.³ The Qatari Family Law (QFL) is the main codified law that governs matters relating to marriage and family relations of the Muslim majority population in Qatar.⁴ In the absence of codified law that sufficiently addresses a particular matter of personal status of Muslims, according to Articles 3 and 4 of the QFL, the rules of Hanbali jurisprudence (<i>fiqh</i>) apply.⁵</p> <p>Unless they request for the QFL to apply to them, marriage and family relations of Muslims of other schools of thoughts apart from Hanbali as well as marriage and family relations of Qatar’s non-Muslim minority communities are governed by their own laws as per Article 4 of the QFL.⁶</p> <p>Despite the equality guarantee</p>		<p>Qatari law (family and citizenship) as well as established practices as the main reason for the reservations.⁹</p> <p>The Government of Qatar explained in its 2012 report to the CEDAW Committee that:¹⁰</p> <ul style="list-style-type: none"> • The QFL is a product of extensive discussions among Islamic scholars, legal experts and people who work on family and women’s issues in Qatar and the Arab 	<p>Survey, about 5% of households in Qatar are headed by women.¹⁴</p> <p>According to the Shadow Report submitted by the independent group of concerned citizens to CEDAW in 2013, the civil society members raised concerns about the flexibility accorded to judges in the QFL to interpret the law. Interviews with lawyers and other specialists working on family issues indicate that “this ‘room for interpretation’ has allowed for subjectivity and personal bias in the Qatari courtrooms. In a patriarchal state such as Qatar where women’s rights are less clearly defined and where most judges are male, this room for subjectivity can be especially dangerous,</p>
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³ Article 21 of Qatar’s Constitution (2004), <https://www.almeezan.qa/LawPage.aspx?id=2284&language=en>

⁴ Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

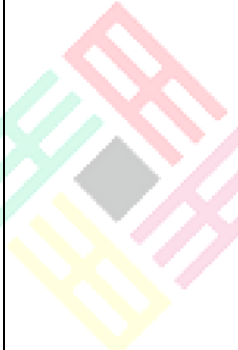
⁵ Articles 3, 4 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁶ Article 4 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁹ United Nations Treaty Collection Website, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-8&chapter=4&clang=en

¹⁰ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), paras. 414-417, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

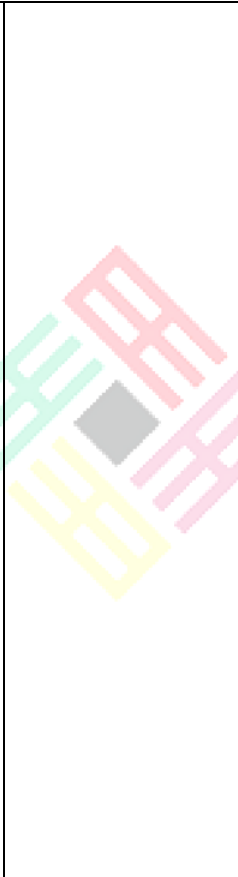
¹⁴ Qatari Ministry of Development Planning & Statistics et. al, “Qatar Multiple indicator Cluster Survey 2012”, Table HH.3, p. 38, https://mics-surveys-prod.s3.amazonaws.com/MICS4/Middle%20East%20and%20North%20Africa/Qatar/2012/Final/Qatar%202012%20MICS_English.pdf

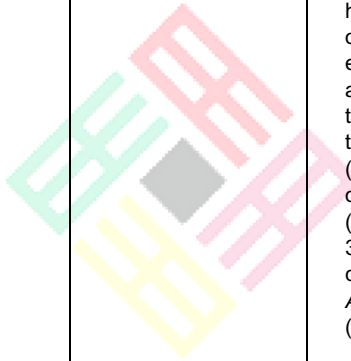
	<p>of Article 35 of the Constitution, the QFL provides for a marital framework based on reciprocity between the two spouses, whereby in return for maintenance and protection from her husband, a wife is expected to obey him. Thus:⁷</p> <ul style="list-style-type: none"> • Article 9 of the QFL defines marriage as a “legitimate contract between a man and woman on the basis of sustainability, and its aim is cohabitation and securing chastity”; • Article 11 states that “the following two preconditions shall be prerequisite in a marriage contract: 1) Both parties shall satisfy such conditions required of them. 2) Offer and acceptance from both parties”. • Article 56 describes marriage as a lawful cohabitation that gives freedom of sexual union in accordance with Sharia in 		<p>world;</p> <ul style="list-style-type: none"> • The QFL offers some flexibility in its application. While the law states that the prevailing view of the Hanbali <i>fiqh</i> should be followed to resolve matters not covered in the QFL, a court has discretion to follow other Sunni schools of thoughts or the general rules of Islamic jurisprudence to achieve a satisfactory outcome so long as the court provides reasons for its 	<p>potentially leading to discriminatory judgments on the part of the presiding judge”.¹⁵</p>
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⁷ Articles 9, 11, 56, 57, 58, 61, 69 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>
¹⁵ Independent Group of Concerned Citizens, “Qatar Shadow Report”, *Submission to the CEDAW Committee for the 57th Session*, 2013, pp. 13-14, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NGO_QAT_16177_E.pdf

	<p>which spouses exercise their mutual rights good company, respect, kindness and intimacy and conserve family's welfare (including with the parents and relatives of the spouses) by ensuring the best possible development of the children;</p> <ul style="list-style-type: none"> • Article 57 provides that rights of the wife against her husband are; (i) dowry (<i>mahr</i>) as well as permanent financial maintenance (<i>nafaqa</i>); and (ii) permission from her husband to visit her parents and relatives. The husband is also not entitled to intervene in his wife's private property, refrained from hurting her physically or morally and to treat other wives equally in the case of polygamy. • Article 58 provides that the rights of the husband as against his wife are: (i) the care and obedience of his 		<p>decision; and</p> <ul style="list-style-type: none"> • Non-Muslims are governed by their own special provisions. • The established family model in Qatar is one based on a lawful marriage between a man and a woman. Any other model is considered illegitimate or unlawful and is not governed by the Family Act. <p>The Qatari government also explained in the 2012 and 2018 CEDAW reports that:¹¹</p>		
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¹¹ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), paras. 426-427, 454, <https://www.refworld.org/publisher.CEDAW.STATEPARTIESREP.QAT.52dd18bf4.0.html>

	<p>wife; (ii) his wife's duty to be responsible for regulating the affairs of the household, look after her and his property and their children; and breastfeed them, unless there is a legal disability.</p> <ul style="list-style-type: none"> • Article 61 reiterates the husband's duty to provide his wife with adequate financial maintenance; • Article 69 states that a "disobedient" wife risks losing her financial maintenance. A wife is deemed "disobedient" if she: <ul style="list-style-type: none"> “(i) refuses to surrender herself to her husband without legitimate reason; (ii) refuses to move to the marital home without legitimate reason; (ii) leaves the marital home without legitimate reasons; (iv) refuses to travel with her husband when moving to another dwelling without legitimate excuse; (v) travels without the permission of her husband; (vi) works outside the home without the permission of 		<ul style="list-style-type: none"> • According to <i>Shari'ah</i>, husbands are responsible for protecting and maintaining the family; • The role of the man in the family is not that of a supervisor but rather a responsibility that must be borne by one of the marriage partners. This is in line with the following verses in the Quran: (i) 'And they (women) have rights similar to those (of men) over them in kindness, and men are a degree above them. God is Mighty, Wise' 		
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	<p>her husband, unless he is abusing his right in preventing her from working.”</p>		<p>(Koran, verse 208 of the chapter entitled <i>Al-Baqrah</i> (The Cow); and (ii) ‘Men are custodians of women, because God hath made the one of them to excel the other, and because they spend of their property (for the support of women)’ (Koran, verse 34 of the chapter entitled <i>Al-Nisa’</i> (Women);</p> <ul style="list-style-type: none"> • The custodianship arrangement does not imply that men can rule over women or dictate to them, nor does it mean that a 		
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			<p>wife or a woman can be denied her family role. A relationship based on respect, which is what the <i>Shari'ah</i> seeks to foster, must be based on balanced and equal rights and obligations and on consultation in married life;</p> <ul style="list-style-type: none"> • Some men mistakenly believe that custodianship means that they have the right to rule over their wives and to decide what kind of work their wives can and cannot do or what occupation 		
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			<p>they may pursue. This is to misunderstand what custodianship means and is a misconception that the authorities responsible for dealing with Islamic and family affairs are attempting to rectify;</p> <p><i>Shari'ah</i> and Qatari laws afford women equitable treatment in marriage and in family relations. However, there is a lack of awareness among women of their legal rights, particularly with regard to personal status matters. This leaves them vulnerable to discrimination and poses a challenge</p>		
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			to the efforts made at the governmental and non-governmental levels to achieve gender equality.		
<p>Minimum and equal legal age for marriage</p> <p><i>Is there a minimum age of marriage? Are there exceptions to the minimum age (e.g. min. age at 18, with exceptions to 16)? Is there an absolute minimum age without exceptions? Is there equality in the minimum age of marriage? Does the minimum age of marriage match the age of majority? Is there a minimum age verification process before the marriage is concluded?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(2) Paras. 36-39 GR21</p>	<p>The minimum legal age for marriage is 16 for females and 18 for males as per Article 17 of the QFL. However, Article 17 also provides that girls and boys over 16 and 18 respectively may marry after: (i) the approval of their guardians; (ii) verification of the consent from both parties to the marriage contract; and (iii) the permission of a competent Judge.¹⁶</p> <p>The minimum legal age for marriage is below the legal age of civil majority. Under Article 189 of the QFL, the legal age of civil majority is 18 for both females and males.¹⁷</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee explained that:¹⁸</p> <ul style="list-style-type: none"> Pursuant to the QFL, the minimum age for marriage is 16 for girls and 18 for boys. The law allows girls below 16 to marry with her guardian's consent, with the proven consent of both parties and 		<p>According to UNICEF's State of the World's Children 2016 report, 4% of women aged 20- 24 in Qatar were first married by 18 which has increased to 4.2 in 2021. However, no woman has been married before age 15 since 2016.¹⁹</p> <p>According to UN World Marriage Data 2015, the average of first marriage among Qatari females was 25.8 and 27.6 among Qatari men in 2004.²⁰</p> <p>According to a civil society report of 2013, issues of concern with regard to child marriages include:²¹</p>

¹⁶ Article 17 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?ID=2558&language=en>

¹⁷ Article 189 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?ID=2558&language=en>

¹⁸ Qatar State party report, U.N. Doc. CEDAW/C/QAT/1 (2012), paras. 422-423, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁹ UNICEF, "The State of the World's Children 2016", Table 9, pp. 150-153, <https://www.un-ilibrary.org/content/books/9789210582568/read>

²⁰ United Nations Population Division, "World Marriage Data 2015", <https://esa.un.org/ffps/Index.html#/maritalStatusData>

²¹ Independent Group of Concerned Citizens, "Qatar Shadow Report", *Submission to the CEDAW Committee for the 57th Session*, 2013, p. 13, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NGO_QAT_16177_E.pdf

			<p>with permission from a competent judge.</p> <p><u>Contradiction between CEDAW report and law</u></p> <ul style="list-style-type: none"> • Prior to the issuance of the QFL, there was no minimum age for marriage; <p>Education is one of the main factors that explains why early marriage in Qatar is a rare occurrence. As marriage prevents girls in particular from continuing their general education, families prefer to defer a marriage until their daughters have gained at least a</p>	<ul style="list-style-type: none"> • The difference in the minimum legal age for marriage between girls and boys; • Authorisation of a marriage below the minimum legal age for marriage is very dependent on each judge and their individual interpretation of what is “proper”; ○ The procedure for a minor to consent or object to a marriage is unclear.
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			secondary school certificate.		
<p>Women's consent to marriage</p> <p><i>Is a marriage valid without the woman's consent? Is the practice of forcing women to marry against their will (ijbar) prohibited? Is there a standard marriage contract? If so, what are its broad provisions and is there anything particular in the contract that ought to be highlighted on the basis that it advances women's rights or otherwise? Is it mandatory to register a marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(b) Paras. 15-16 GR21 Paras. 25-26, 33-34 GR29</p>	<p>Regardless of their age, both prospective brides and grooms must consent to the marriage. Consequently, <i>ijbar</i> marriages are prohibited.</p> <p>Consent is understood legally as the approval of the parties to get married (16 years old for girls and 18 for boys), de facto providing power to the judge in case of lack of guardian approval. Article 30 of QFL states "The judge shall act as a guardian to all those without guardians. The Judge may not marry himself to a woman under his guardianship."²²</p> <p>Child marriages are rare in Qatar. However de facto, "in accordance with social norms, male relatives generally represented female relatives in court, although women have the legal right to attend court proceedings and represent themselves."²³</p>		<p>The Government of Qatar reiterated in its 2012 report to the CEDAW Committee that for a marriage to be valid it is essential that the woman consents to the marriage.³¹</p>	<p>There is no mandatory standardised marriage contract, However, there is an authenticated sample marriage contract issued by the Supreme Council of Judiciary which indicates the contract date, name of registrar, names, nationalities, ID No. of wife and husband, place of issue, dates of birth of couple, and dowry.³²</p>	

²² Article 30 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

²³ 2021 Country Reports on Human Rights Practices: Qatar: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/qatar>

³¹ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 418, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

³² Information obtained from Qatari advocate

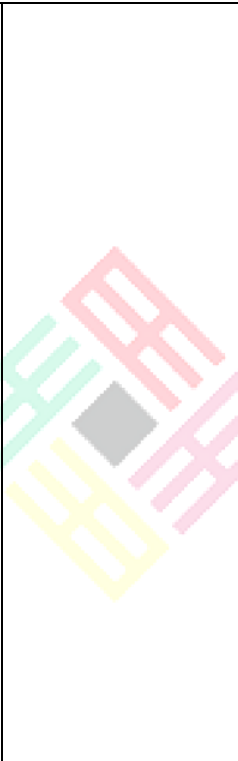
	<p>According to Humanium, an International child sponsorship NGO, this differentiation in age of consent to marriage between sexes “shows that the principle of non-discrimination the sexes of is not respected. One of the major risks of these unions is domestic violence towards young girls.”²⁴</p> <p>Article 12 of the QFL provides that a valid marriage contract must fulfil these conditions: (i) The parties must be competent and be free from any legal disabilities that would inhibit them from entering into a marriage contract; (ii) A valid offer and acceptance; (iii) Appropriate guardian; and (iv) Appropriate witnesses.²⁵</p> <p>Article 13 provides that for an offer and acceptance to be valid, it must be made with “consent in verbal pronouncements, idiomatically or customarily, indicating their understanding of the meaning</p>			<p>The website of the Qatari e-Government contains some information on the procedure for registration of marriages.³³</p>	
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²⁴ Humanium Website:

www.humanium.org/en/qatar/#:~:text=Child%20Marriage&text=The%20minimum%20age%20of%20marriage,domestic%20violence%20towards%20young%20girls

²⁵ Article 12 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

³³ Qatar e-Government Website, <http://portal.www.gov.qa/wps/portal/topics/Religion+and+Community/Marriage+and+Family>

	<p>of marriage.”²⁶</p> <p>“In case of the inability to speak, the law requires that the parties express the understanding of the meanings in writing or any form of acceptable communication.”²⁷</p> <p>Article 28 provides that a woman’s marital guardian (<i>wali</i>) may only conclude her marriage with her consent.²⁸</p> <p>The mandatory registration (notarisation) of marriages is provided for in Article 10 of the QFL which requires a marriage to be officially documented. However, non-registration of a marriage does not necessarily invalidate the marriage. Article 10 also provides that a marriage may be proven by other evidence as may be decided by a judge.²⁹</p> <p>“No specific law sets a minimum age for consensual sex. The law prohibits sex outside of marriage. In the criminal law, the penalty for</p>				
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²⁶ Article 13 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>
²⁷ Article 13 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>
²⁸ Article 28 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>
²⁹ Article 10 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

	sexual relations with a person younger than 16 is life imprisonment. If the individual is the nonspousal relative, guardian, caretaker, or servant of the victim, the penalty is death; there were no reports this sentence was ever implemented. No specific law prohibits child pornography because all pornography is prohibited, but the law specifically criminalizes the commercial sexual exploitation of children. ³⁰				
<p>Women's capacity to enter into marriage</p> <p><i>Is consent of a marital guardian (wali) required? If so, can a woman choose her own wali? Can a woman go before a court or other competent authority to seek permission to marry if her wali refuses to consent to her marriage? Can a woman negotiate her marital rights prior to marriage and can these rights be changed during marriage? If so, who can change these rights</i></p>	<p>Regardless of her age, a prospective bride requires the consent of a marital guardian (wali) to enter into marriage. The guardian must be Muslim and must be the prospective bride's father followed by the agnate grandfather, son, full brother, paternal half-brother, full uncle and then paternal uncle.³⁴</p> <p>If the guardian opposes the marriage, the prospective bride may seek the authorisation of a</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee:³⁸</p> <ul style="list-style-type: none"> Confirmed that the law prohibits a woman from concluding her own marriage contract. She needs the consent of her 	<p>Conditions that may be stipulated in the marriage contract include:³⁹</p> <ul style="list-style-type: none"> The wife must be allowed to continue to study or work; The husband 	<p>According to information on the ground, it is not common for a woman to bring a case to court to obtain permission to marry if her guardian objects to her marriage for fear of family or societal backlash.⁴⁰</p>

³⁰ 2021 Country Reports on Human Rights Practices: Qatar: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/qatar>

³⁴ Article 26 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

³⁸ Qatar State party report, U.N. Doc. CEDAW/C/QAT/1 (2012), paras. 419-421, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

³⁹ Qatar State party report, U.N. Doc. CEDAW/C/QAT/1 (2012), paras. 421, 425, 438, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁴⁰ Information obtained from Qatari advocate, April 2017

<p>and under what circumstances e.g. mutual consent?</p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(a), 16(1)(b) Paras. 15-16 GR21 Para. 34 GR29</p>	<p>judge to get married. The judge may authorise the marriage after considering the suitability of the marriage and determining that the marriage is in the interest of the couple.³⁵</p> <p>According to Sheen Services: "The groom initially discusses all matters, including dowry with the bride's father [...] The bride is asked if she agreed to the marriage (in the absence of the prospective groom) and the same question is put to the groom too."³⁶ No provisions are in place for the bride's verbal agreement in the absence of the guardian in court.</p> <p>Pursuant to Article 53 of the QFL, both spouses may stipulate any condition in their marriage contract so long as the conditions: (i) are not inconsistent with the essence of marriage; and (ii) do not contradict <i>Shari'ah</i> or Qatari law. An aggrieved spouse may file for divorce for breach of a condition in the marriage</p>		<p>marital guardian, who may be her father, agnatic grandfather, son, and other male relatives as specified by the law;</p> <ul style="list-style-type: none"> Assured that women are protected from arbitrary denial by a guardian of her right to marry as she may seek the assistance of a judge to authorise her marriage; <p>Parties to a marriage may include special conditions in the marriage contract. Thus, a woman may stipulate in a marriage contract</p>	<p>cannot take another wife without the permission of the wife;</p> <ul style="list-style-type: none"> The wife will not be required to accompany her husband on his travels; The husband and wife agree to jointly own assets acquired during the marriage; The wife is delegated the right to divorce (<i>isma</i>). 	
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³⁵ Articles 27, 29 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

³⁶ Sheen Services website: <https://www.sheenservices.com/news/marriage-guide-in-qatar-marriage-laws-and-expat-marriages-in-qatar/#:~:text=The%20bride%20is%20asked%20if,the%20presence%20of%20two%20witnesses.>

	contract. ³⁷		that she must be allowed to continue to study or work, that her husband cannot take another wife, or that she will not be required to accompany her husband on his travels.		
<p>Polygamous marriages</p> <p><i>Does the law prohibit polygamy or impose strict conditions on such practice? Is the permission of the court required for a polygamous marriage? Is the permission of an existing wife required for a polygamous marriage? Is it necessary to inform an existing wife of the polygamous marriage? Are temporary marriages such as traveler's marriages (misyar) recognised? Is it necessary to register a polygamous marriage? Can a woman stipulate in the marriage contract that her intended husband cannot enter into a polygamous marriage?</i></p>	<p>Polygamy is allowed. A Muslim man may marry up to four wives at one time without much restrictions.</p> <p>Article 14 requires a marriage registration officer to ensure that the new wife is aware of the husband's financial capabilities before registering the marriage, only in the case of financial inability. "In the case of marrying a second wife and, if the husband's status reveals his financial inability, the marriage attestator/notary shall ensure that the new wife has knowledge thereof."⁴¹ If the husband and wife agree to proceed despite the husband's</p>			<p>A woman may stipulate in the marriage contract that her husband may not take another wife. If the husband breaches this term of the marriage contract, the woman may seek judicial divorce.⁵³</p>	<p>According to Qatar's 2012 Multiple Cluster Indicator Survey, about 4% of marriages in Qatar are polygamous.⁵⁴</p> <p>According to information on the ground, it is not common practice for a woman to stipulate in the marriage contract that her husband may not take another wife because <i>Shari'ah</i> allows a man to have up to four wives at one time. This shall not prevent the wife to request divorce if she incurred damages arising out of such polygamous</p>

³⁷ Article 53 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁴¹ Article 14 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁵³ Article 53 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>;

⁵⁴ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 421, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<p><u>Applicable CEDAW Provision</u> Para. 14 GR21 Para. 34 GR29</p>	<p>financial inability, the officer may not refuse to register the marriage. Otherwise, the husband is under no obligation to inform the wife in advance of his decision to remarry.</p> <p>Article 14 also provides that in all cases, existing wives must be informed of the marriage after its conclusion.⁴²</p> <p>Article 25(2) prohibits a man from marrying more than four wives at one time.⁴³</p> <p>Article 57(6) requires that a husband treat multiple wives fairly.⁴⁴</p> <p>Qatari women are concerned about polygamy. They “increasingly seek assurances that the husbands will not enter into polygamous marriages”⁴⁵</p> <p>Islamweb, an online portal attached to the Ministry of Endowments and Islamic Affairs</p>				<p>marriage.⁵⁵</p>
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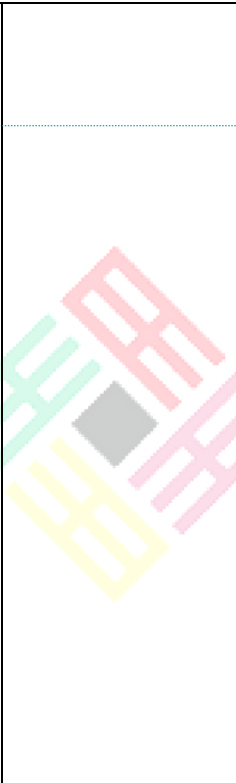
⁴² Article 14 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁴³ Article 25(2) of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁴⁴ Article 57(6) of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁴⁵ The Politics of Family Cohesion in the Gulf: Islamic authority, new media, and the logic of the modern rentier state (Caeiro, 2018) <https://doi.org/10.4000/cv.3762>

⁵⁵ Information obtained from Qatari advocate, April 2017

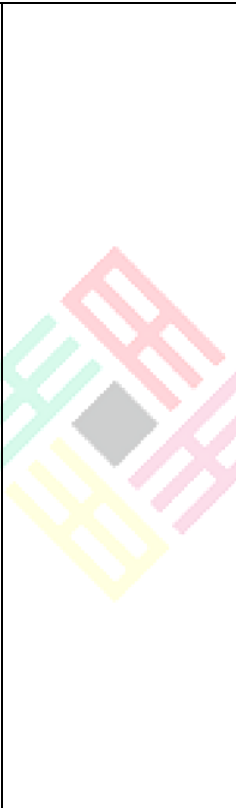
<p>(<i>Wizārat al-Awqāf wa-l-Shu'ūn al-Islāmiyya</i>) in Doha and effectively Qatar's only authorized fatwa body defends polygamy. "The permissibility of polygamy is staunchly defended at Islamweb. While defending the "wisdom" of polygamy, Shaykh 'Abd Allāh bin Zayd Āl Mahmūd, the late chairman of Qatar's Sharia Courts, deemed monogamy preferable"⁴⁶</p> <p>The muftis currently working in the Ministry "do not require that the first wife be informed prior to the marriage (2017) and categorically reject the idea that polygamy necessarily involves injustice towards one of the spouses (2011)."⁴⁷</p> <p>One Mufti advised a hesitant woman "to perform the prayer of <i>istikhāra</i> (consultation) and to seek her unsupportive father's approval for a polygamous union (2006)"⁴⁸</p> <p>While Islamweb's fatwas are not binding on the population, nor are they enforced by a</p>				
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⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Ibid

	<p>religious police Polygamy is racialized as a Mufti “discourages a male Asian expatriate from contracting a polygamous marriage with a Filipino Christian woman”⁴⁹</p> <p>Article 66 provides that the wife shall have no right to accommodate her children from another husband in her marital home, Unless: (i) they have no custodian other than herself or they would be disadvantaged by parting with her; and (ii) the husband has agreed to that expressly or impliedly. However, Article 66 provides that the husband shall have the right to accommodate his parents and his children from other women with his wife in the marital home if he is responsible for their support, provided that she may not be disadvantaged.⁵⁰</p> <p>Article 67 prohibits a husband from housing a new wife in the home of an existing wife, except with her consent. ” She may revoke such consent whenever she feels to be</p>				
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⁴⁹ Ibid

⁵⁰ Article 66 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>


	<p>disadvantaged.⁵¹</p> <p>The law is silent on the prohibition or otherwise of temporary marriages. Article 9 of the QFL provides that marriage is made “on the basis of sustainability”. Article 49 provides that a marriage may be proper or improper. An improper marriage will be invalid and void. Article 50 provides that a proper marriage is one that meets all the preconditions and conditions of a valid marriage contract without any legal impediments. Article 51 provides that an invalid marriage is a marriage that fails to fulfil one of the preconditions or conditions of a valid marriage contract.⁵²</p>				
<p>Divorce rights</p> <p><i>Is there equal right to divorce between women and men? Can the husband divorce without reason and without having to go to court? What are the main forms of divorce? Can all forms of</i></p>	<p>The QFL provides for three different mechanisms for divorce: (i) unilateral repudiation by the husband (<i>talāq</i>); (ii) judicial divorce; and (iii) compensated divorce (<i>khul'</i>).⁵⁶</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee:⁶⁷</p> <ul style="list-style-type: none"> • Confirmed that divorces are 		

⁵¹ Articles 67 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁵² Article 9, 49-51 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁵⁶ Article 101 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

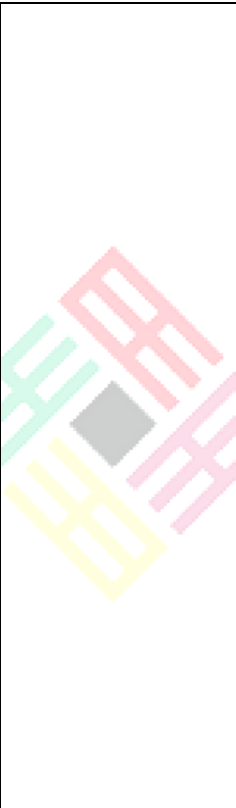
⁶⁷ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 438, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<p><i>divorce be sought only through the courts? Are the grounds for divorce the same for the husband and wife? Is unilateral divorce by repudiation (talāq) prohibited? If unilateral divorce is not prohibited, what is the procedure i.e. is the presence of the spouse to be divorced required, are witnesses required, does the spouse seeking divorce need to go to court, is the divorced spouse informed of the divorce? Is the unilateral right to divorce delegated to the wife? If so, is it by law or through the marriage contract? Is it mandatory to register a divorce?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 34, 39-40 GR29</p>	<p>A husband may unilaterally repudiate a marriage, which may be which may be effectuated: (i) verbally or in writing; (ii) with or without reason; (iii) with or without the presence of the wife; and (iv) inside or outside the court room. If the husband wishes to pronounce the repudiation before a judge, the judge will attempt to reconcile the parties before the husband makes the pronouncement. If the husband pronounces the repudiation outside the court, the repudiation may be proved by evidence or admission and it must be communicated to the wife.⁵⁷</p> <p>A husband may delegate his unilateral right to divorce to his wife (<i>isma</i>) through a stipulation in the marriage contract,⁵⁸ thus permitting her to pronounce <i>talāq</i> upon herself (<i>talāq-i-tafwid</i>).⁵⁹</p> <p>Valid grounds for seeking a judicial divorce by a wife include a husband's: (i) non-payment of</p>		<p>essentially initiated by men but a husband may authorise his wife through a written condition in the marriage contract to ask him for divorce;</p> <p>The wife may also seek: (i) a <i>khul'</i> divorce, which may be effected orally or through the payment of compensation by the wife. If the couple cannot reach an agreement, they may see redress in court; or (ii) judicial divorce based on the various grounds</p>		
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⁵⁷ Articles 106-117 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

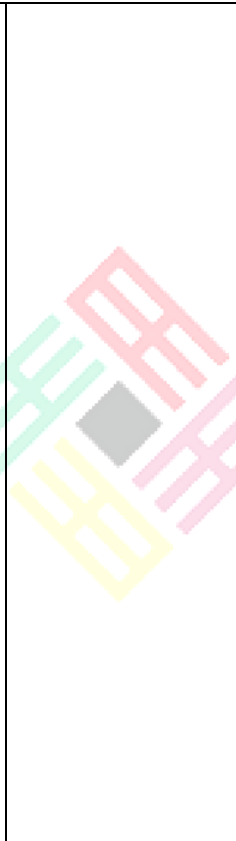
⁵⁸ Article 109 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁵⁹ Article 113 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

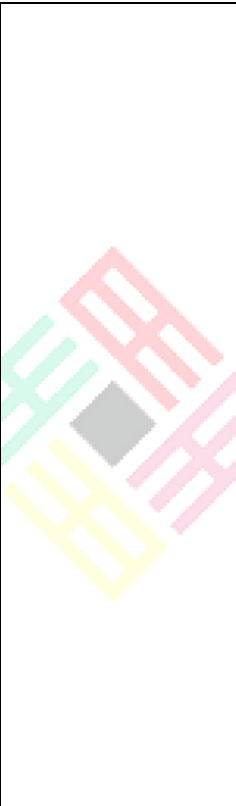
	<p>the dower (<i>mahr</i>) prior to consummation of the marriage; (ii) failure to provide maintenance; (iii) incurable or severe physical or mental illness; (iv) prolonged absence without reasonable excuse or disappearance; (v) imprisonment of more than two years (wife may seek divorce after one year); (vi) failure to copulate with his wife for more than four months (<i>ila</i>); (vii) act of comparing his wife with another woman with whom he is forbidden to marry (<i>zihar</i>); (viii) accusation under oath of adultery by wife (<i>lian</i>); (vii) failure to convert to Islam should he be non-Muslim.⁶⁰ In addition, a wife may seek divorce on the basis of detriment which makes it impossible for her to continue with marital life.⁶¹</p> <p>In the case of a divorce petition based on detriment, if the claim of harm is proven and reconciliation between the spouses is impossible, the judge will grant a divorce and decide on the amount of</p>		<p>stipulated in the QFL.</p>		
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⁶⁰ Article 123-128, 137-143-155 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁶¹ Article 129 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

	<p>compensation due to the wife. If the claim of detriment is not proven and the wife insists on her claim, the judge must appoint two arbitrators (one from the husband's family and one from the wife's family) who will attempt to reconcile the couple. If reconciliation is impossible, the arbitrators will submit a report to the judge on their attempts to reconcile the couple and their opinion on the extent to which each of the spouses contributed to the breakdown in the marriage. The judge will then review the report and either appoint two new arbitrators to start the reconciliation afresh or a third arbitrator to assist the existing two or proceed to make the appropriate ruling. Generally, if the source of the dispute is:⁶²</p> <ul style="list-style-type: none"> • The husband, shared or cannot be determined, the judge will grant a divorce without property to be given by one party to another; • The wife, the judge will grant a divorce with the appropriate value of 				
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⁶² Article 129-134 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

	<p>property to be given by the wife to the husband as determined by the judge.</p> <p>A wife may seek redemptive divorce (<i>khul'</i>), whereby the wife is granted a divorce in exchange for a mutually-agreed compensation to be paid to the husband. Generally, a <i>khul'</i> divorce requires the consent of both parties and is not subject to a court ruling. However, if both parties are unable to reach a mutual agreement, a wife may bring a court case where the court will attempt to reconcile the couple by appointing two arbitrators to conduct the reconciliation within six months. If reconciliation is impossible, the Court must grant the divorce on condition that the wife: (i) returns her <i>mahr</i>; and (ii) renounces all her financial rights.⁶³</p> <p>Article 120 of the QFL prohibits the waiver of child custody or any of the rights of the children as part of the <i>khul</i> compensation.⁶⁴</p>				
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⁶³ Article 118-122 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁶⁴ Article 120 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

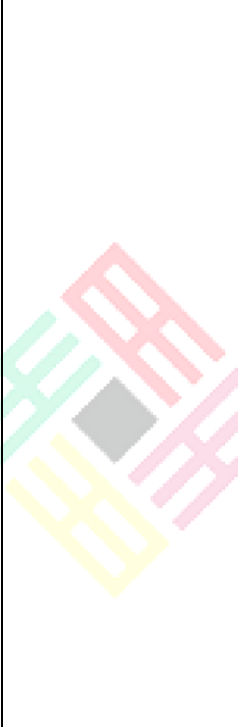
	The registration of divorce is mandatory and a standard procedure must be followed. ⁶⁵ However, non-registration of a divorce does not necessarily invalidate the divorce. Pursuant to Article 113 of the QFL, a non-registered divorce may be proven by petition to a court and the wife must be informed. ⁶⁶				
<p>Women’s financial rights after divorce</p> <p><i>Is there a legal concept of matrimonial assets? Is there equal division of marital property upon dissolution of the marriage? Is the woman’s role as wife and mother recognised as contribution to the acquisition of assets? What spousal maintenance are available to the wife after a divorce? Is she entitled to maintenance during the waiting period after the divorce (iddah)? Is she entitled to a consolatory gift or compensation upon divorce (mut’ah)? Who is responsible for the financial maintenance of</i></p>	<p>Generally, upon divorce, a woman may be entitled to: (i) financial maintenance during the waiting period after the divorce (<i>iddah</i>); and (ii) a consolatory compensation (<i>mut’ah</i>). There is no legal concept of matrimonial assets.</p> <p>Under the Article 114 of QFL”after pronouncement of divorce, the Judge shall make an order as to the amount of alimony for the wife during her Iddat, Children support and the rights to Child custody and visitation. Such order shall have immediate enforceable effect.”⁶⁸</p>		<p>The Government of Qatar in its 2012 & 2018 reports submitted to the CEDAW Committee explained that:⁷³</p> <ul style="list-style-type: none"> • “There is nothing in the sharia to prevent a married couple from agreeing to share financial liability under the terms of their 	<p>A couple may agree on the division of assets acquired during the marriage in the marriage contract so long as the stipulations are not against the law or <i>Shari’ah</i>. The couple may mutually agree to make subsequent amendments</p>	<p>According to information on the ground, the land and housing benefits that a divorced Qatari woman may be entitled to under the Cabinet Decision No. 17 of 2007 have been suspended for unknown reasons. When it was available, a divorced woman may seek the benefits by submitting an application to the Ministry of Administrative Development, Labour and Social Affairs attached with: (i) a copy of her ID; (ii) copies of the birth certificates for her children or their IDs; (iii) a copy of</p>

⁶⁵ Information obtained from Qatari advocate, February 2017

⁶⁶ Article 113 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁶⁸ Article 113 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁷³ Qatar State party report, U.N. Doc. CEDAW/C/QAT/1 (2012), para. 425, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<p><i>children following a divorce? Can the couple agree to the division of assets acquired during marriage in the marriage contract? Can this stipulation be amended? If so, by who and on what basis e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(c), 16(1)(h) Paras. 30-33 GR21 Paras. 34-35, 43-48 GR29</p>	<p><u>Under the Article 161 & 162 of QFL</u>, a woman may be entitled to financial maintenance during the waiting period after the divorce (<i>iddah</i>). The amount is determined by the court. The <i>iddah</i> period depends on the woman's situation e.g. whether she is menstruating or pregnant and generally ranges from three months to one year or till the ends of her pregnancy.⁶⁹</p> <p>Article 115 of the QFL provides that "a divorced woman shall be entitled to enjoyment compensation if the divorce is made by the husband without any fault on her part. Enjoyment compensation shall be assessed based on the wealth of the husband and the status of the wife and shall not exceed three Years of her alimony."⁷⁰</p> <p>Following a divorce, as per article 75-77, a father is responsible for the financial maintenance of his children,</p>		<p>marriage contract such that anything earned by one of the partners during the marriage will be considered joint property."</p> <ul style="list-style-type: none"> • "An awareness campaign has to be launched to protect the rights of wives in such cases." • "The Family Act No. 22 of 2006 affirms that women have the right to have whatever they spend on the marital home returned to them." 	<p>to their initial agreement on division of assets acquired during marriage so long as the amendments do not contradict the law or <i>Shari'ah</i>. The agreement on division of assets will not be valid after the death of either of the spouses. In such instances, the division of assets will be governed by inheritance entitlements as stipulated by law.⁷⁵</p>	<p>the divorce certificate and the judicial order for the divorce; (iv) a copy of valid social security card; (v) a copy of the certificate from the real estate register indicating that she has not got a house; and (vi) a lease agreement in case she leases a house.⁷⁷</p> <p>There have been no updates on this information since 2017.</p>
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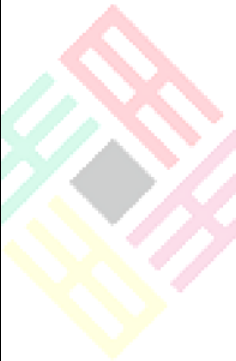
Qatar State party report, U.N. Doc.CEDAW/C/QAT/2 (2018), para. 164, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁶⁹ Article 161 & 162 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁷⁰ Article 115 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁷⁵ Articles 53, 243 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

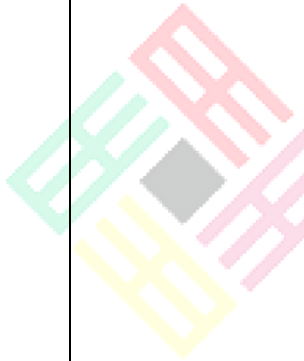
⁷⁷ Information obtained from Qatari advocate, April 2017

	<p>and if the mother is the custodian, he is obligated to pay her maintenance to cover the expenses of his children, including the cost of their education, healthcare and housing and the cost of child's fostering, if the mother cannot breastfeed the Child.⁷¹</p> <p>Additionally, "Support for the young child who has no property, shall be upon his father, until the female marries and the male reaches the age when his like can earn their living, unless he is student, in which case until he completes his education successfully." Father has the responsibility to support a grown-up child (i) who is unable to earn due to a disability; (ii) who is divorced or widowed and she has no property or no other person to support her; or (iii) who has insufficient property for living.⁷²</p> <p>The law thus requires that fathers continue to provide for their daughters until they marry and that the father may stop</p>		<ul style="list-style-type: none"> • "Article 46 provides that a wife may reclaim the money that she contributed to the construction of the marital home from her husband. This money will not be considered as a gift, unless it has been explicitly declared to be such." • "Article 47 of the Act states that any dispute between the spouses over the home furnishings will be settled based on evidence or a 	<p>In order to enforce a court-ordered maintenance, a woman may file an enforcement case in court. A court may order that the husband's bank transfer the court-ordered financial maintenance to the wife's bank account under the court's supervision.⁷⁶</p> <p>There have been no updates on this information since 2017.</p>	
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⁷¹ Article 115 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁷² Article 75 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁷⁶ Information obtained from Qatari advocate, April 2017

	<p>providing for their sons when the son reaches an age in which he can earn a living and/or when his male peers are earning a living.</p>		<p>sworn oath.”</p> <ul style="list-style-type: none"> • “Article 48 adds that if the evidence is evenly balanced or cannot be produced, the spouses must share the furnishings equally.” <p>in these reports the Qatari government also acknowledged that:⁷⁴</p> <ul style="list-style-type: none"> • Although in article 83 of the Family Act, “maintenance is defined as a privileged debt.” <ul style="list-style-type: none"> • “In practice, divorced women face many difficulties in 		
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⁷⁴ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 434, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

			<p>having maintenance orders enforced because of various reasons either because of the length of procedures or because the ex-husband does not honour his obligation to pay maintenance.”</p> <ul style="list-style-type: none"> • “Since this problem adversely affects women and children, the authorities are examining a proposal to establish a maintenance fund on which women can draw if an ex-husband fails to comply with 		
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			<p>a maintenance order.”</p> <ul style="list-style-type: none"> • It also informs the committee that as per Article 181 of QFL “a divorced woman has the right to remain in the marital home if she is caring for her children and if her ex-husband has been given State housing because he has remarried.” • “According to Cabinet Decision No. 17 of 2007, divorced women are entitled to receive gifts of land from the State and subsidized loans for the construction of 		
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			<p>a home five years from the date of their divorce.”</p> <p>“According to Cabinet Decision No. 18 of 2007, divorced women in straitened circumstances have the right to be provided with a free housing unit or a rental allowance.”</p>		
<p>Custody of Children</p> <p><i>Do parents have equal rights over the custody of their children? If no, who has priority right over the custody of the child? Is custody decided based on the best interest of the child? Do mothers automatically lose custody upon remarriage or if she is deemed disobedient or when the child reaches a designated age when custody goes to father?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>According to QFL of 2006:⁷⁸</p> <ul style="list-style-type: none"> Article 166: During marriage both parents have custodial rights over their children. In the event of a divorce or separation, a mother has priority right over the custody of her children. Child custody is identified as the joint right of the Child and the custodian, in which the child has the most rights as compared to the other parties. Article 169 states the 	<p>In a reported case mentioned in the shadow report 2012, the court validated the actions of a husband who had refused to allow a mother to have custody of their one-year old child unless she waived all her rights and her child’s rights to financial maintenance and child support, respectively. The mother agreed to this condition only to get</p>	<p>The Government of Qatar in its 2012 & 2018 reinstates to the CEDAW Committee that:</p> <ul style="list-style-type: none"> “Both spouses are responsible for caring for the young children during marriage. Upon divorce, the right to 		<p>According to the shadow report submitted by independent group of concerned citizens to CEDAW in 2012:</p> <ul style="list-style-type: none"> “A mother, unlike the father, may be easily stripped of her rights to child custody if she decides to get remarried. According to the experts, this law has deterred mothers away from remarrying, as most mothers fear losing custody of their

⁷⁸ Article 166-169 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>


	<p>preference order as follows: mother, father, mothers of the father, mothers of the mother, grandfather, etc or else decided by the judge in the best interest of the Child.</p> <ul style="list-style-type: none"> Article 173 provides that the custody of children granted to women terminates when her daughter reaches 15 and her son reaches 13, unless the Court rules otherwise. The court may extend the custody period of a daughter until she marries and a son until he reaches 15 or enable the child concerned to choose between disputing custodians after investigating their suitability. The custodianship may also continue if the Child under custody is mentally ill or his illness is debilitating. In all cases, the court is obligated 	<p>custody of her child.⁸⁴</p>	<p>provide such care is assigned as a matter of priority to the mother.”</p> <ul style="list-style-type: none"> “Under Act No. 40 of 2004. Pursuant to articles 18, 19 and 21–23, women have the right, without discrimination between them and men, to act as a custodian of a minor’s property.”⁸⁵ 	<p>child/children.”</p> <ul style="list-style-type: none"> “After interviewing employees at the Family Consulting Center, the employees reported numerous cases where children had to be torn away from mothers as the existing laws in Qatar favor the father in cases of divorce.”⁸⁶ In May 2022, the family court, on the request of a woman, issued a verdict in which her ex-husband was obliged to increase the monthly alimony amount to QR 6,000 from the previous QR 4,500. The decision was given in the light of QFL which allows changes in the child’s support, as per the circumstances.⁸⁷
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⁸⁴ Article 185 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁸⁵ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 429, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁸⁶ Independent Group of Concerned Citizens, “Qatar Shadow Report”, *Submission to the CEDAW Committee for the 57th Session*, 2013, p. 15, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NGO_QAT_16177_E.pdf

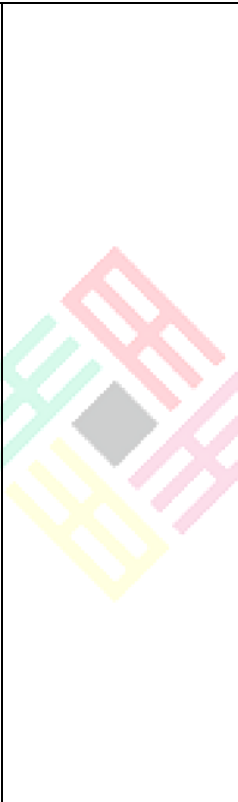
⁸⁷ ILoveQatar.net | Father obliged by family court to increase children’s alimony amount to QR 6,000. (n.d.). ILoveQatar.Net. Retrieved September 30, 2022, from

	<p>to give the reasons for its decision.⁷⁹</p> <ul style="list-style-type: none"> Article 167 identifies the criteria upon which a judge must consider when deciding custody cases. It says that “to be eligible for Child custody, a person shall satisfy the following conditions: (i) Have reached puberty or maturity (ii) Be of sound mind (iii) Be honest or trustworthy (iv) Possess the ability to nurture, raise, maintain and care for a Child so as to achieve its interests (v) Be free from dangerous contagious or infectious diseases (vi) Be a mahram of the Child in the case of difference in sexes. Article 168 also states that the female custodian must not be married to a husband who is a stranger to the Child.⁸⁰ As per article 175, a non- 				
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<https://www.iloveqatar.net/news/general/father-obliged-family-court-increase-childrens-alimony-amount-qr-6000-qatar>

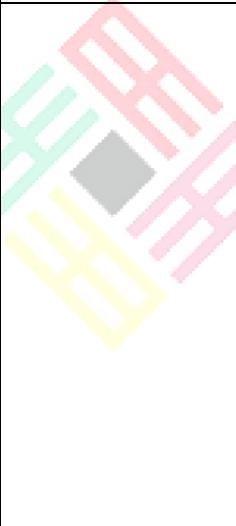
⁷⁹ Articles 173 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁸⁰ Article 167 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

	<p>Muslim mother does not have custody rights to her children after they reach the age of seven.⁸¹</p> <ul style="list-style-type: none"> • Article 176 of the QFL provides that “the mother as custodian of the child may keep the original birth certificate of the Child and any other evidential documents of the Child, or certified copies thereof in addition to his identity card”. However, the guardian of the child may retain the passport of the child, unless ordered otherwise by the court.⁸² • Article 185 provides that “a mother as custodian may undertake safe travel with their children to any destination. The judge may intervene should the guardian prevent the mother from such travels, if the judge is satisfied that the person having the right of 				
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⁸¹ Article 175 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

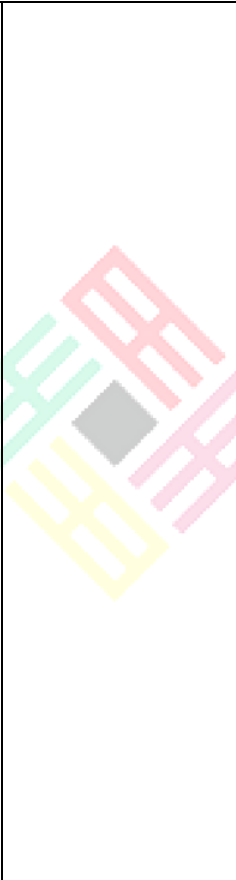
⁸² Article 176 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

	<p>permission has abused such right. Sponsors of foreign custodian women shall guarantee their return should they require to travel with children in emergency situations".⁸³</p>				
<p>Guardianship of Children</p> <p><i>Do parents have equal rights over the guardianship of their children? If no, who has priority right over the guardianship of the child? Is guardianship decided based on the best interest of the child?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>The QFL is silent on the person with the priority right to guardianship of the children in a marriage. Nevertheless, it is implied in the QFL that the priority right to guardianship of the children belongs to father through various provisions as follows:⁸⁸</p> <ul style="list-style-type: none"> • Article 26 of the QFL provides that the matrimonial guardian shall be the father followed by the paternal grandfather and thereafter a line of male relatives as stipulated in the law; • Article 75 provides that the father is responsible for child support. Article 178 provides 		<p>The Government of Qatar in its 2012 report to the CEDAW Committee asserted that under the QFL, women have the right, without discrimination between them and men, to act as custodians of a minor's property so long as she is fair, qualified, legally competent, trustworthy and of the same religion as the minor.⁸⁹</p>		

⁸³ Article 185 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁸⁸ Articles 26, 75, 171, 176, 178, 180, 183 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

⁸⁹ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 430, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

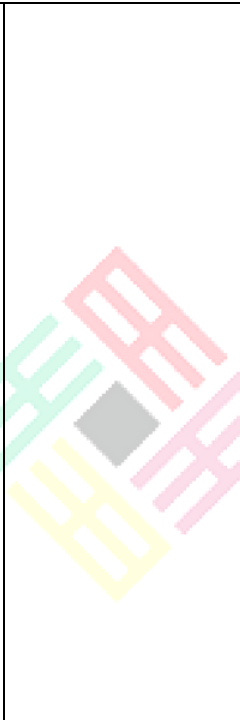
	<p>that the mother is entitled to a custody payment upon divorce from the guardian until her custody of a daughter's terminates. The amount of such payment is to be calculated based on the status of the guardian of the child under custody and the custodian;</p> <ul style="list-style-type: none"> • Article 171 provides that the mother must allow the guardian or agnate to perform his duties as a guardian to supervise the good upbringing of the child and protect him from wrongdoing, and to provide the best medication and education to prepare him for his future; • Article 176 provides that the guardian of the child may retain the child's passport. However, the mother must be given the passport when she wishes to travel with the child. A judge may order that the mother be granted the right to keep the passport if it is likely that the father may not provide her with the passport in a timely manner when 				
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	<p>needed;</p> <ul style="list-style-type: none"> Article 180 provides that the child must reside in the country of the guardian, unless the mother is a foreigner; <p>Article 183 provide that guardianship will cease if the father or guardian of the child cannot discharge his duties of supervision, education and schooling towards the child under custody by reason of the custodian taking the child, without permission of the guardian, to reside with her in a country which is difficult to reach, unless the court deems the interest of the child requires otherwise.</p>				
<p>Family Planning</p> <p><i>Do women require the consent of the husband to practise family planning, including abortions and sterilisation in law or in practice?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(e), 12</p>	<p>Abortion is strictly prohibited by law, except in a medical necessity⁹⁰ such as when necessary to preserve the mother's life or in instances of fetal abnormalities; in the latter situation, both parents must give their agreement to the operation.</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee explained that:⁹⁸</p> <ul style="list-style-type: none"> Family planning is a 	<p>According to World Bank data, the total fertility rate decreased from 7.0 children per woman in 1960 to 2.0 in 2015.⁹⁹</p> <p>According to Qatar's 2012 Multiple Cluster Indicator</p>	

⁹⁰ Articles 315-317 of the Penal Code (2004), http://gulfmigration.eu/database/legal_module/Qatar/National%20Legal%20Framework/Anti-trafficking/2.2%20Penal%20Code%2011%202004_EN.pdf

⁹⁸ Qatar State party report, U.N. Doc. CEDAW/C/QAT/1 (2012), para. 444, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

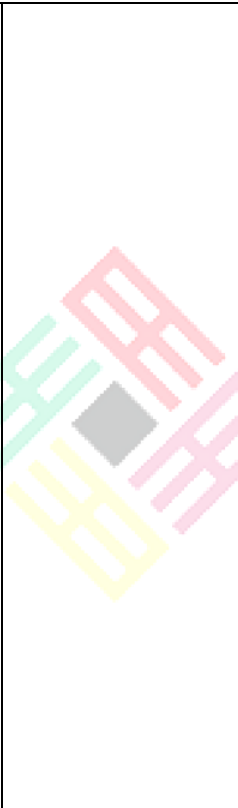
⁹⁹ The World Bank, "Fertility rates, total (births per woman)", <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>

<p>Paras. 21-23 GR21</p>	<p>Women who have abortions without official consent risk up to three years in prison, and anybody who performs abortions faces up to seven years in prison, or even up to ten years if they are a medical practitioner according to Articles 316-317 of the Penal Code of Qatar. dated February 22, 1983, Law No. 2 of 1983 with regard to the Practice of the Profession of Medicine and Dental Medicine and Surgery⁹¹</p> <p>Human Rights Watch, in a report released in March 2021, documented extensive restrictions on “women’s abilities to make key decisions about their lives, including with regards to their ability to independently access sexual and reproductive health care, due to Qatar’s discriminatory male guardianship system”⁹²</p> <p>Limited access to maternity</p>		<p>private matter for the married couples to decide between themselves and does not allow for outside interference;</p> <ul style="list-style-type: none"> • Rules on the practice of family planning practice are set out in the general provisions of the <i>Shari’ah</i> and in the opinions issued by Islamic jurists; and • There is nothing in <i>Shari’ah</i> that prohibits family 	<p>Survey:¹⁰⁰</p> <ul style="list-style-type: none"> • 13% of Qatari women aged 15-49 have an unmet need for family planning services, with 9% having an unmet need for spacing and 4% an unmet need for limiting of children; and: • 39% of Qatari women are using a method of contraception, with women mainly using a modern method (34%).
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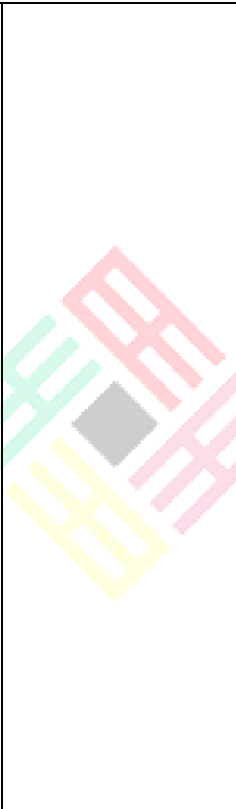
⁹¹ Human Rights Watch Submission to the Committee on Economic, Social, and Cultural Rights on Qatar: <https://www.hrw.org/news/2021/08/24/human-rights-watch-submission-committee-economic-social-and-cultural-rights-qatar>

⁹² Human Rights Watch Submission to the Committee on Economic, Social, and Cultural Rights on Qatar: <https://www.hrw.org/news/2021/08/24/human-rights-watch-submission-committee-economic-social-and-cultural-rights-qatar>

¹⁰⁰ Qatari Ministry of Development Planning & Statistics et. al, “Qatar Multiple indicator Cluster Survey 2012”, Tables RH.4, RH.5, pp. 62, 65, https://mics-surveys-prod.s3.amazonaws.com/MICS4/Middle%20East%20and%20North%20Africa/Qatar/2012/Final/Qatar%202012%20MICS_English.pdf

	<p>care. According to the US state report. "to receive maternity care, a woman is required to present a marriage certificate, although in practice hospitals will generally assist in the birth of children of unwed mothers regardless. There were cases of hospitals reporting unwed mothers to authorities."⁹³</p> <p>Women's reproductive health relies on the male guardian. A Human Rights Watch report states that "women need a marriage certificate and their husband's identification card or passport to access prenatal, obstetric, and post-natal care in private and government-run hospitals. If it relates to emergency care such as when an unmarried woman is in labor, hospitals do provide such care but may have requirements to report them to the police."⁹⁴ However, in 2021, the government wrote to Human Rights Watch that hospitals have no reporting requirements to the police for unmarried pregnant women, except for their protection.</p>		<p>planning methods, particularly when justified on legitimate grounds such as illness.</p>		
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⁹³ 2021 Country Reports on Human Rights Practices: Qatar: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/qatar>
⁹⁴ Ibid

	<p>Criminalization of HIV. According to the Humans Rights Report, “there was discrimination against HIV-positive patients. Authorities deported foreigners found to be HIV positive upon arrival. Mandatory medical examinations were required for residents. Since health screenings are required for nonresidents to obtain work visas, some HIV-positive persons were denied work permits prior to arrival. The government quarantined HIV-positive citizens and provided treatment for them”⁹⁵</p> <p>“A woman who gives birth out of wedlock receives a 12-month jail sentence, on average, which could also include deportation, and even corporal punishment (lashings); however, press reports indicated jail sentences and flogging were rare in such cases”⁹⁶</p> <p>In HRW report, unmarried women indicated that, particularly at state institutions,</p>				
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⁹⁵ 2021 Country Reports on Human Rights Practices: Qatar: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/qatar>

⁹⁶ 2021 Country Reports on Human Rights Practices: Qatar: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/qatar>

	they are unable to receive screening tests (pap smear tests) for cervical cancer and that they may need to provide proof of a three-year marriage in order to do so. Even when it has nothing to do with sexual behavior or sexual health, unmarried women and girls who require exams or birth control for reproductive health concerns may need guardian authorization (such as from their father) to get this treatment. Women complained about delays at public hospitals, even when they need urgent care. ⁹⁷				
<p>Personal rights of spouses</p> <p><i>Does a woman need the consent of her spouse or guardian to work, choose a profession, leave the house, travel, drive, receive various health services, study, etc. on her behalf? Does a woman have the right to retain her birth name upon marriage or to choose her family name? Can</i></p>	<p>Article 36 of the Constitution provides that personal freedom will be guaranteed and a person's freedom of residence or mobility may not be restricted except by law.¹⁰¹</p> <p>Article 28 of the Constitution commits the state to guarantee freedom of economic enterprise</p>				<p>According to World Bank data, female labour force participation increased from 41% in 1990 to 53% in 2016. During the same period, male labour force participation was stable at 94%.¹¹²</p> <p>According to the 2016 UNDP Human</p>

⁹⁷ Ibid

¹⁰¹ Article 36 of Qatar's Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

¹¹² The World Bank, "Labour force participation rate, male (% of male population ages 15+) (modelled ILO estimate)", <http://data.worldbank.org/indicator/SL.TLF.CACT.MA.ZS>

<p><i>a woman protect her personal rights through her marriage contract?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(g) Para. 24 GR21 Para. 34 GR29</p>	<p>and provide job opportunities.¹⁰²</p> <p>Despite the constitutional provisions stating otherwise, the QFL potentially restricts the personal rights of a Muslim wife as a result of its maintenance-for-obedience legal framework. Thus:¹⁰³</p> <ul style="list-style-type: none"> • Article 58 generally requires her obey her husband; • Article 65 requires a wife to reside with her husband in the accommodation he has prepared and move with him when he moves from it, unless she stipulates otherwise in the marriage contract or he intends by such moving to distress her; • Article 69 states that she risk losing her financial maintenance if she is deemed “disobedient”. Acts of disobedience include the wife: (i) refusing to surrender herself to her 				<p>Development Report:¹¹³</p> <ul style="list-style-type: none"> • 71% of women over 25 have at least some secondary education as compared to 68% of men of the same age group; • The ability of females aged 15-24 who are able to read and write a short simple sentence is almost universal as compared to 98% of males in the same age group; and • 89% of women are satisfied with their freedom of choice as compared to 91% of men. <p>According to a civil society report, Qatari women are often required by employers to provide proof of consent to work from their male</p>
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¹⁰² Article 28 of Qatar’s Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

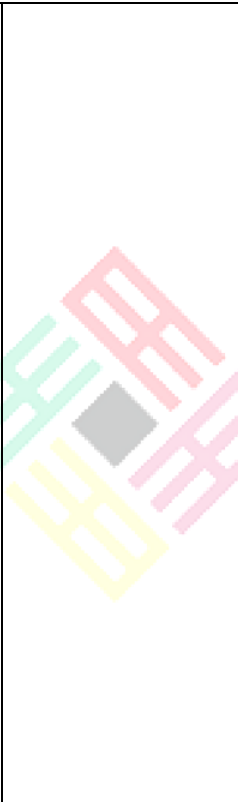
¹⁰³ Articles 58, 65, 69 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

¹¹³ UNDP, “Human Development Report 2016”, Tables 5, 9, 14, pp. 214-217, 230-233, 250-253, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

	<p>husband without legitimate reasons; (ii) refusing to move to the marital home without legitimate reason; (iii) leaving the marital home without legitimate reasons; (iv) refusing to travel with her husband when moving to another dwelling without legitimate excuse; (v) traveling without the permission of her husband; and (vi) working outside the home without the permission of her husband, unless he is abusing his right in preventing her from working.</p> <p>The QFL does confer a wife some personal rights:¹⁰⁴</p> <ul style="list-style-type: none"> • Article 57 guarantees a wife's right to leave the marital home to visit her parents and close family; and • Article 68 obligates the husband to allow his wife to complete her compulsory 				<p>guardians before working. For instance, as a precondition to teach at local independent schools, Qatari female teachers are required to provide a letter of approval from their male guardians. The report highlighted the case of a Qatari teacher with more than 20 years having to pay her abusive husband to write her the necessary letter of consent.¹¹⁴</p>
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¹⁰⁴ Articles 57, 68 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

¹¹⁴ Independent Group of Concerned Citizens, "Qatar Shadow Report", *Submission to the CEDAW Committee for the 57th Session*, 2013, p. 11, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NGO_QAT_16177_E.pdf

	<p>education and/or continue her education in Qatar as long as it does not conflict with her family duties.</p> <p>A HRW report indicates that “PSRC reported receiving 277 cases of physical violence against women and children and 155 cases of psychological violence in 2019, including 36 cases of sexual harassment. The center hosted 45 survivors at its shelter during the year and provided legal representation of eight victims in courts. Per the center’s statistics, they referred 10 cases to courts and 20 to the Public Prosecutor’s Office. The center said one court case received a final verdict during the year.”¹⁰⁵</p> <p>According to the HRW report, of some reproductive decisions, such as whether to get sterilized, women additionally need the consent of a male guardian; however, the legal justification for this condition is</p>				
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¹⁰⁵ 2021 Country Reports on Human Rights Practices: Qatar: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/qatar>

	<p>yet unknown.¹⁰⁶</p> <p>Even when the mother is allowed to authorize it alone and has full legal custody of the child, women have reported instances where the father has stopped a medical treatment or procedure for their child without giving them the chance to request an official determination of the child's best interests.¹⁰⁷</p> <p>Rape is a crime under the law. Rape of a spouse is not a crime. Due to social stigma, sexual assault and other gender-based crimes were seldom reported. No of the victim's age or gender, rape carries a life sentence in jail. The punishment is death if the offender is a non-spouse relative, teacher, guardian, or carer of the victim. The legislation against rape was upheld by the government.¹⁰⁸</p> <p>Some of these people think that using violence towards one's spouse is only a way to</p>				
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¹⁰⁶ 2021 Country Reports on Human Rights Practices: Qatar: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/qatar>

¹⁰⁷ 2021 Country Reports on Human Rights Practices: Qatar: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/qatar>

¹⁰⁸ Ibid

	<p>"discipline one's wife." According to data from the Qatar Statistics Authority from 2012, 16 percent of men and 7 percent of women in Qatar think that, under certain conditions, it is acceptable for a husband to strike his wife.¹⁰⁹</p> <p>Following the introduction of more flexible working hours for them by the government of Qatar, Qatari women in government institutions now have better chance to strike a work-family balance and overcome the difficulty of "role conflict."¹¹⁰</p> <p>Qatar Foundation currently provides dads with five fully paid days of paternity leave and mothers with 14 weeks of fully paid maternity leave, with the possibility of an additional 20 days without basic pay. These modifications are in keeping with Qatar's national vision, which emphasizes the value of creating and maintaining strong family ties. This cannot be done without developing and</p>				
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¹⁰⁹ Qatar CEDAW Shadow Report https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NGO_QAT_16177_E.pdf

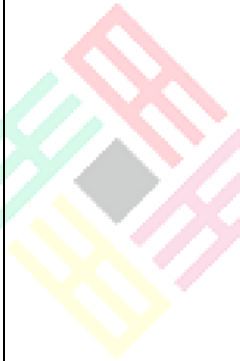
¹¹⁰ How QF's DIFI helped pave the way to more flexible working for Qatari women: <https://www.qf.org.qa/stories/how-qfs-difi-helped-pave-the-way-to-more-flexible-working-for-qatari-women>

	expanding supportive policies in many sectors. ¹¹¹				
<p>Inheritance rights</p> <p><i>Are women and men in the same degree of relationship to a deceased entitled to equal shares in the estate and to equal rank in the order of succession? Are there procedures to address any inequalities in inheritance between women and men e.g. can a will be written, can beneficiaries agree to inherit equal shares of the estate or can the children agree to forgo their inheritance in favour of their mother upon the death of their father?</i></p> <p><u>Applicable CEDAW Provision</u> Paras. 34-35 GR21 Paras. 49-53 GR29</p>	<p>Generally, inheritance rights between women and men grant men larger shares than women and are therefore unequal.</p> <p>Article 51 of the Constitution says that the right to inherit is safeguarded and enshrined in <i>Shari'ah</i>.¹¹⁵</p> <p>Book 5 of the QFL details the inheritance shares. In many instances, such as in the cases of widows and widowers and siblings, a woman is entitled to half the share of a man.¹¹⁶</p>				
<p>Violence against women in the family</p> <p><i>Are there laws that define what constitute domestic violence such as battery, female circumcision, marital rape and other forms of</i></p>	<p>Article 36 of the constitution states that "Personal freedom shall be guaranteed, and no person may be arrested, detained, searched, neither may his freedom of residence and</p>		<p>The Government of Qatar in its National Development Strategy 2011-2016 states</p>		<p>According to Qatar's 2012 Multiple Cluster Indicator Survey, about 7% of women and 16% of men, aged 15-49 believe a husband is justified in hitting or beating his wife in</p>

¹¹¹ Maternity and paternity leave - how about more? <https://www.gulf-times.com/story/660922/Maternity-and-paternity-leave-how-about-more>

¹¹⁵ Article 51 of the Qatari Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

¹¹⁶ Book 4 of the Family Law (2006), <https://almeezan.qa/LawPage.aspx?id=2558&language=en>

<p><i>sexual assault and violence that affect a woman's mental health which are perpetuated by traditional attitudes? Is there specific legislation that recognises domestic violence as a crime? Is the husband allowed to discipline his wife? Can a suspected perpetrator marry his alleged abused victim to avoid punishment? Are there support services for women who are the victims of aggression or abuses?</i></p> <p><u>Applicable CEDAW Provision</u> GRs 12 & 19 Para. 40 GR21</p>	<p>mobility be restricted save under the provisions of the law; and no person may be subjected to torture, or any degrading treatment; and torture shall be considered a crime punishable by law".¹¹⁷</p> <p>Qatar's State Party Report (2012) submitted to CEDAW committee provides that "Qatar has no separate legislation on violence against women or domestic violence. However, related offences are dealt with fully in a section of the Criminal Code on offences against the person. The section covers the offences of physical assault, indecent assault and rape, for which the maximum penalty is death. These provisions serve as something of a deterrent in regard to violence against women."¹¹⁸</p> <p>The Penal Code contains some</p>		<p>that:¹²¹</p> <ul style="list-style-type: none"> • Domestic violence is currently not classified as an offence under criminal law, although there is a range of legislation that does not condone violence against women and children. • "Cases of women referred to the Qatar Foundation for Child and Women Protection have 	<p>various circumstances where she: (i) goes out without telling him; (ii) neglects the children; (iii) argues with him; (iv) refuses sex with him; (v) burns the food.¹²²</p> <p>According to the shadow report submitted by independent group of concerned citizens to CEDAW in 2012:¹²³</p> <ul style="list-style-type: none"> • "Qatar Foundation for Child and Woman Protection (QFCWP), a GONGO, has documented 639 cases of domestic violence in 2012 this past year, 461 of which are women and 178 children." • "However, it must be highlighted, this number
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¹¹⁷ Article 36 of Qatar's Constitution (2004),

<http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

¹¹⁸ Qatar State party report, U.N. Doc. CEDAW/C/QAT/1 (2012), para. 157, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

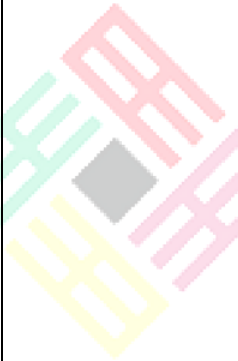
¹²¹ General Secretariat for Development Planning, "Qatar National Development Strategy 2011-2016", pp. 169-170,

https://www.psa.gov.qa/en/nds1/Documents/Downloads/NDS_EN_0.pdf


¹²² Qatari Ministry of Development Planning & Statistics et. al, "Qatar Multiple indicator Cluster Survey 2012", Table CP.11, pp. 107-108, https://mics-surveys-prod.s3.amazonaws.com/MICS4/Middle%20East%20and%20North%20Africa/Qatar/2012/Final/Qatar%202012%20MICS_English.pdf

¹²³ Independent Group of Concerned Citizens, "Qatar Shadow Report", *Submission to the CEDAW Committee for the 57th Session*, 2013, pp. 16-17,

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NGO_QAT_16177_E.pdf;

	<p>general prohibitions that are applicable to domestic violence. For instance, the articles 279-289 of Penal Code (2014) provides:¹¹⁹</p> <ul style="list-style-type: none"> • Whoever forcefully rapes someone without consent by using force or threat shall be sentenced to death or to life imprisonment. Such assaults results in capital punishment if the perpetrator is: (i) an ascendant of the victim; (ii) a guardian of the victim; (iii) someone who is bringing up or looking after the victim; or (iv) someone who has authority over the victim; or (vi) the servant. <p>It is imp to note that the English version of The Penal Code does not use the word 'rape' but 'copulate'.</p> <ul style="list-style-type: none"> • Whoever engages in consensual sex with anyone without using any force or threat, the same penalty 		<p>increased from 25 in 2009 to 259 in 2014.”</p> <p>“The government will reduce domestic violence by establishing a comprehensive protection system that ensures privacy, protection and support for victims as well as anyone reporting violent incidents, establish help centres, streamline data collection methods and, most important, criminalize domestic violence.”</p>		<p>may not necessarily show that there has been an increase in cases of domestic violence; rather that more people are realizing the importance of reporting cases of domestic violence when they occur.”</p> <ul style="list-style-type: none"> • “Local authorities and social workers are not well equipped to deal with matters of domestic violence. Seemingly, the majority of these public figures lack training on dealing with such matters when they arise. Police officers usually persuade abused females to simply settle for a signed pledge from her abuser, rather than filing an official suit against the abuser.” • “A report presented at The 4th Annual Symposium Organized by the Department of the
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¹¹⁹ Articles 279-289, 300-317 of the Penal Code (2004), https://adsdatabase.ohchr.org/IssueLibrary/QATAR_%20Penal%20Code.pdf

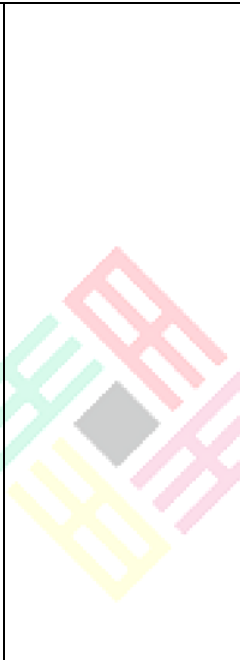
	<p>shall apply to both persons for offending and giving consent. Thus, the law applies same penalties to consensual and non-consensual relationships outside the bounds of marriage.</p> <ul style="list-style-type: none"> • The articles 300-317 of the Penal code also criminalises acts of people who; (i) willfully or by negligence kills, (ii) commits or helps to commit suicide, (iii) assaults that causes permanent deformity, sickness or incapacity to work for more than twenty days • The Penal Code in many instances allows for a reduction of penalty if the victim or the victim's guardian forgives the perpetrator or accepts "blood money" from the perpetrator.¹²⁰ 				<p>Social Sciences Parenting and Child Wellbeing: Theory and Practice mentioned the social workers stating that when matters of domestic violence occur they recommend to the abused females not to report these cases as they are deemed to 'make things worse' and it 'wouldn't resolve anything.'</p> <p>The Government of Qatar in its National Development Strategy 2011-2016 mentioned that:¹²⁴</p> <ul style="list-style-type: none"> • "A 2008 study surveyed more than 1,000 married Qatari finds an estimated 28% of married women reported having experienced domestic violence, most frequently carried out by husbands (the main source),
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¹²⁰ Articles 300-317 of the Penal Code (2004), http://gulfmigration.eu/database/legal_module/Qatar/National%20Legal%20Framework/Anti-trafficking/2.2%20Penal%20Code%2011%202004_EN.pdf

¹²⁴ Qatar National Development Strategy. (2011). Qatar General Secretariat for Development Planning. https://www.psa.gov.qa/en/nds1/Documents/NDS_ENGLISH_SUMMARY.pdf

	The Penal Code does not specifically criminalise marital rape.				brothers or fathers. The results are consistent with earlier studies". "Formal reporting of violence in the family is culturally unacceptable, and victims tend not to report because of the fear of shame in a relatively small society. Additionally, a lack of awareness of rights often prevents family members from disclosing violence or seeking help. There is also fear of repercussions in terms of the social, legal and political consequences for victims and their families."
<p>Nationality rights</p> <p><i>Does a wife have the right to confer her citizenship on foreign husbands and children? Can the nationality of an adult woman be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality?</i></p> <p><u>Applicable CEDAW Provision</u></p>	A Qatari man may pass his nationality to his non-Qatari wife after five years of marriage. However, the law does not specifically provide for a Qatari woman to confer her nationality to her foreign husband. The foreign husband of a Qatari woman may acquire Qatari nationality by decree provided he meets the following conditions: (i) he has lived in		The Government of Qatar in its 2012 report to the CEDAW Committee explained that: ¹²⁸		<p>According to a civil society report, there is general bias in the system that favours men over women. For instance:¹²⁹</p> <ul style="list-style-type: none"> • Qatari women who wish to marry a non-Qatari needs to meet stringent requirements to do so, not least because some

¹²⁸ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), paras. 208, 213, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>
¹²⁹ Independent Group of Concerned Citizens, "Qatar Shadow Report", *Submission to the CEDAW Committee for the 57th Session*, 2013, p. 6-9, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NGO_QAT_16177_E.pdf

<p>Article 9 Para. 6 GR21</p>	<p>Qatar for 25 years; (ii) he has lawful means of income; (iii) he has a good reputation and has not been convicted of any offence that would question his integrity or honour; and (iv) he has good knowledge of Arabic.¹²⁵</p> <p>A Qatari woman who marries a non-Qatari may retain her Qatari nationality unless she has acquired the nationality of her non-Qatari husband.¹²⁶</p> <p>A Qatari father passes his citizenship to his children wherever they are born. The law does not specifically provide for a Qatari mother to confer her nationality to her children.¹²⁷</p>		<p>revoking and restoring Qatari nationality without making any distinction between women and men, except for cases where a Qatari woman is married to a foreigner, whereby nationality is not granted to foreign husbands and children of Qatari women;</p> <ul style="list-style-type: none"> • Qatar has a reservation to Article 9(2) of CEDAW for reasons that 	<p>of them are vague;</p> <ul style="list-style-type: none"> • Qatari women do not have the same rights to transfer their Qatari citizenship to their foreign husbands and children; • Whilst the Qatari government has stated that children of Qatari women who have married foreigners will be given certain privileges to ensure some equality of treatment, these children nevertheless often experience lower salaries, less government assistance, and minimal access to the rights they are promised.
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¹²⁵ Articles 2, 5, 8 of the Qatari Nationality Law (2005), http://gulfmigration.eu/database/legal_module/Qatar/National%20Legal%20Framework/Citizenship%20and%20Statelessness/2.2%20Qatari%20Citizenship%2038%202005_EN.pdf

¹²⁶ Article 10 of the Qatari Nationality Law (2005), http://gulfmigration.eu/database/legal_module/Qatar/National%20Legal%20Framework/Citizenship%20and%20Statelessness/2.2%20Qatari%20Citizenship%2038%202005_EN.pdf

¹²⁷ Article 1 of the Qatari Nationality Law (2005), http://gulfmigration.eu/database/legal_module/Qatar/National%20Legal%20Framework/Citizenship%20and%20Statelessness/2.2%20Qatari%20Citizenship%2038%202005_EN.pdf

			<p>include: (i) the exigencies of the public interest; and (ii) nationality is bound up with the discretionary power and sovereignty of the State.</p> <p>Thus: (i) under the Qatari Nationality Act, nationality is granted on the basis of blood ties, i.e. based on the nationality of the father; (ii) Qatari women with foreign husbands do not have the right to transmit their nationality to their children to prevent people from holding dual citizenship;</p>		
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			<ul style="list-style-type: none">• Measures are in place to ensure that the children of Qatari women with foreign husbands receive the same treatment as children of Qatari nationals in the areas of education, health, employment, etc.		
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ACCESS TO JUSTICE (please include sources to information as much as possible)¹³⁰

SYSTEM	PROCEDURES	CHALLENGES FOR WOMEN	GOOD PRACTICES IN COURT SYSTEM
<p>How are Muslim family law (i.e. marriage and family related) cases administered in your country? (E.g. Do you have a Quazi/Kadhi court system, family courts or civil courts?)</p> <p>How many courthouses/court rooms around the country that administer Muslim family law cases?</p> <p>If civil or Kadhi courts - what cases are handled by what courts?</p> <p>How many Muslim family law-related judges? Are there women working within the court system as judges/marriage registrars e.t.c?</p> <p>Do lawyers represent clients?</p> <p>The Judicial Authority Law No. (10) of 2003 was issued and came into force as of October 2, 2004. It unified the judicial and Shari'a courts in one body called the Courts (Al-Mahakem), which includes the Court of Cassation, the Court of Appeal, and the Court of First Instance, each of which is competent to decide on Matters</p>	<p>Are the procedures pertaining to family matters (e.g. divorce, maintenance etc) are defined in the family law and/or are there guidelines/policies available for judges/Kadhis?</p> <p>In general practice do judges/Kadhis follow procedures?</p> <p>How much judicial discretion do judges/Kadhis have over marriage and family matters?</p> <p>Are there appeal processes?</p> <p>All family-related cases in Qatari courts are governed by Qatar Family Law 22 of 2006, which is the primary codified law. Judges typically base their decisions on Hanbali jurisprudence as a secondary source and the provisions of Qatar Family Law as a primary source for Muslims. On Muslims from other schools of thought and non-Muslim</p>	<p>What are some key challenges that Muslim women face in accessing justice on family law matters?</p> <p>(E.g. lack of accessibility, costly, bad procedures, delayed processes, gender insensitive judges, etc?)</p> <p>There remains a need for data regarding women's experiences navigating Family Court in Qatar and their overall access to justice. In the absence of such data, we can speculate that cost would not generally be an issue. Fees related to legal family matters are minuscule ranging from 0 to 100 QAR. Other speculations include that given the digitization of Family Court (2022), there were issues related to being able to physically file (given that female mobility can be constrained by a guardian). Judge Hareb Rashid Al-Muhannadi told Al-Raya newspaper in May 2022 that the litigants previously were complaining about the length of the litigation period, while the lawsuit with the new procedures now ranges from one to two months, and the implementation takes place in a week at most, so the</p>	<p>Are there any good practices, procedures or policies that you would like to share pertaining to how courts in your country deal with family law cases?</p> <p>(E.g. prioritising certain types of cases, timely delivery of decisions, clear procedure, etc) \</p> <p>Qatar gives non-Muslims and Muslims from other schools of thought freedom to have their cases resolved in Qatari courts, as per their own national, religious and sect law, instead of applying their laws to everyone. In either case, most of the decisions in family courts are given in favor of women, e.g., in custody cases, courts largely prioritize the mother over the child's father. Furthermore, sessions or court hearings are secret in family matters to protect families' privacy, while the final decisions are given in open sessions.</p>

¹³⁰ Information obtained from an advocate and legal consultant in Qatar.

<p>referred to it in accordance with the law (Supreme Judiciary Council, 2022).</p> <p>The Court of First Instance consists of a president and “a sufficient number” of presidents and judges, and it has departments to consider cases of <i>hudud</i>, <i>qisas</i>, criminal matters, civil matters, personal status, inheritance, administrative disputes, and others. The Court of Appeal includes circuits for hearing appeals in cases of <i>hudud</i> and <i>qisas</i>, criminal matters, civil and commercial matters, personal status, inheritance, and administrative disputes. According to the Law of Proceedings and the Family Law, the Court of Appeal is competent to adjudicate appeals that are submitted to it regarding rulings issued in the first instance by the Court of First Instance, the Court of First Instance for the Family, the judge of urgent matters and the execution judges in the two courts. The Court of Cassation sits on Qatari judicial courts in order to monitor the application of the law by standardizing the way it is interpreted and understanding its meaning, and works on the integrity of its procedures to follow the footsteps of the courts, thus achieving the good application of the</p>	<p>communities, laws of their own sect, religion and country are applied.</p> <p>Generally, Qatari courts' judges adhere to the laws specific to each religion and sect. However, in each case, the ruling remains open to consideration, and judges have the power to evaluate, examine and decide each case based on their assessments of legal provisions. The law explains the procedure of lawsuits, methods of evidence and the process of implementing the decisions.</p> <p>Decisions of the lower courts / Court of First Instance can be challenged in the higher court / The Court of Appeal, which can be further appealed to the Supreme Court / The Court of Cassation.</p>	<p>procedures are characterized by speedy completion and dismissal. This might suggest that women might have had cases where access to justice is hampered by lengthy procedures. Other speculations include the possibility of gender-insensitive Kadhis in the absence of ‘gender equity programs’ (The new Code of Judicial Conduct (February 2020) targeted to increase impartiality doesn't explicitly tackle gender issues), a potential violation of consent through the new reconciliation projects, the determination of abuse being at the hand of arbitrators, and the Adul cases (which are now being paid attention to under the Family Reconciliation Office). Generally, the oversight of a male guardian, which remains codified in Qatar, and well documented by the HRW report (2020) might also hamper women's ability to access to justice in Qatar.</p>	
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<p>law and guaranteeing its unity in application, and confirming the meaning of its sovereignty and the equality of all people Before him,</p> <p>The Council issued Resolution No. (23) of 2006 specifying family-related lawsuits and disputes that are heard by the Court of First Instance formed by a single <i>Kadhi</i> , and called it the Partial Family Court, and lawsuits and disputes related to family matters that are heard by the Court of First Instance formed of three <i>Kudat</i> and called it the Plenary Family Court. It is noted that these lawsuits and disputes fell under the disputes related to personal status, so the Family Law subdivided them so that the Family Court could consider them, and the rest of the personal status disputes remain to be heard by the Court of First Instance.</p> <p>According to The judicial authority law, issued in 2003, judges are impartial, and they make and carry out rulings in line with the law. Unless the court chooses on its own or at the request of an interested party to hold them in private, judicial proceedings are open to the public. All sentences are delivered in front of an audience. The official language of the courts in Qatar is</p>			
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<p>Arabic, although they will also hear testimony from witnesses who do not speak Arabic through an interpreter. All witnesses must take an oath and agree to uphold all honesty, integrity, and sincerity. These guidelines were reinforced by a new code of judicial conduct in February 2020 issued by the Supreme Judiciary Council (<u>The Peninsula, 2020</u>).</p> <p>We were not able to find official stats publicly available that report the number of courts and circuits in relation to Family Court, or the breakdown of court workers based on gender. However, Ali Hadi al-Marri, director of the Registry Department at the Family Court, said in an interview to Al-Raya in May 2022: “The [family] court has 13 judicial circuits distributed between 7 circuits for Plenary Family Court, and 6 circuits for Partial Family Court, indicating that the Supreme Judiciary Council has recently been keen to establish new circuits in the court to achieve prompt justice.”</p> <p>In an attempt to assess diversity in the legal profession in Qatar, Deehring (2020) points out that despite the fast-paced growth in the legal sector, Qatar still lags behind in terms of gender diversity. Qatar</p>			
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<p>has over 160 attorneys (2020) licensed to practice in the courts, a formal Bar Association governed by a Board of Directors. Qatar University has graduated over 1,100 law students since 1993. More than 74 "Judge Assistants," 69 "Assistant Prosecutors," 52 "Lawyers" who will be licensed to plead before the Courts, and 636 "Legal Researchers" have been trained by the Ministry of Justice's Center for Legal and Judicial Studies. In 2015, there were 198 judicial officers working in the Supreme Judiciary Council's different courts. The Ministry of Justice has licensed two overseas legal firms in addition to domestic companies. Since the University began providing law degrees in 1993, the Qatar University College of Law has graduated over 700 female law students.</p> <p>Despite the number of educated women receiving legal degrees, the State of Qatar has, as of 2020, just two female prosecutors, and eight female judicial officials. Women compose 19% of licensed attorneys allowed to plead before the Courts, and Qatari women constitute fewer than 18% of licensed attorneys. While women make up over 30% of the law faculty at Qatar University,</p>			
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<p>the proportion of female faculty in positions higher than "Teaching Assistant" remains about 13% of the total faculty, compared to nearly 75% of male faculty (Figures 1 and 2).</p> <p>Deehring (2020) also emphasizes that legal education providers and the profession itself must make more efforts to encourage women to practice law if they genuinely desire gender diversity in the local bar. Deehring's research (2020) suggests that women may change and adapt laws and their implementation once they are represented in legal institutions and the court.</p> <p>Recently and to facilitate family-related litigation, The judiciary Supreme Council made Family Court services fully online in May 2022. The management of sessions has become 100% electronic for all court services, which contributed to the speedy consideration of cases and the saving of time and effort for litigants. Submission to cases in the Family Court has become electronic. Within 5 minutes, the request is registered, and the response arrives within about an hour, which</p>			
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<p>facilitates the litigation process for individuals and judges alike.</p> <p>Additionally, a number of new initiatives took place such as the Fund for Supporting Divorced Women, the Family Reconciliation Office (March 2020), and the Office of Arbitrators (<i>Al-Muhkemeen</i>). The Fund for Supporting Divorced Women was launched in agreement with the Jassim and Hamad bin Jassim Charitable Foundation. The fund supports divorced women who obtain a judgment for alimony and whose ex-husband is not able to pay.</p> <p>The Family Reconciliation Office aims to reconcile the parties to the family lawsuit by sitting with the plaintiff, whether he is a husband or wife, and looking into the problem, whether he requests divorce or <i>Khula</i>. In addition to the <i>Adul</i>, which is the guardian's prohibition of marrying the girl without convincing reasons. In 2020, 14 <i>Adul</i> cases were considered, and 6 cases were resolved. They were married through the Reconciliation Office. His Eminence Sheikh Ahmed Muhammad Al-Buainain, Director of the Family Reconciliation Office at the Family Court, initially was the only consultant, but as of May 2022,</p>			
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<p>the office includes 10 consultants in addition to cooperation with 5 external consultants of both sexes, men and women (Al-Raya, 2022).</p> <p>Al-Buainain stated in the same interview to Al-Raya (2022) that the main goal of the Reconciliation Office is to sharpen the rivalry, reduce the number of cases and try to reconcile, either to seize favor or to release with kindness. The office doesn't want individuals to enter the courts, courtrooms and arbitrators because there is a disclosure of marital secrets, as they will need to prove all the problems between them before the judge, and after that, It will come to the arbitrators who seek reconciliation first and then know the abuse, whether from the husband or the wife, to submit the arbitrators' report to the judge.</p> <p>The office of arbitrators in the court was established in late 2021, to attempt arbitration between the parties to the case before the final ruling is issued and to send the final report to the session secretary electronically, indicating that the number of arbitrators is 22 (Al-Raya, 2022).</p>			
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