

QATAR¹

OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES (Updated as at 31 May 2017)

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 uncoded? 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 uncoded, or if codified laws do not sufficiently address a particular issue,</i></p>	<p>Article 35 of the Constitution states that all persons are equal before the law and there shall be no discrimination whatsoever on a number of basis, including gender.²</p> <p>Article 21 of the Constitution states that the family is the basis of the society and is founded on religion, ethics, and patriotism. It also commits the law to provide for adequate means to protect the family, support its structure, strengthen its ties, and protect maternity, childhood, and old age.³</p> <p>The Qatari Family Law (QFL) is</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 and Islamic law, Qatari law (family and citizenship) as well</p>		<p>According to the 2016 UNDP Human Development Report, Qatar ranked 33 on the UNDP Human Development Index and 127 on the UNDP Gender Inequality Index.¹²</p> <p>According to Qatar's 2012 Multiple Cluster Indicator Survey, about 5% of households in Qatar are headed by women.¹³</p>

¹ This Musawah project to map Muslim Family Laws globally was 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.

² Article 35 of Qatar's Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

³ Article 21 of Qatar's Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

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

¹² UNDP, "Human Development Report 2016", Table 5, pp. 214-217, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

¹³ 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><i>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>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 address 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 of Article 35 of the Constitution, the QFL provides for a marital framework based on 'reciprocal' or 'complementary' rights (as opposed to 'equal' rights) between</p>		<p>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 world; • The QFL offers some flexibility in its application. While the law states that the 	<p>According to a civil society report, the flexibility accorded to judges in the QFL to interpret the law is a double-edged sword. 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. Women are potentially adversely impacted by this because judges are mostly males and function against a background of a patriarchal society.¹⁴</p>
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⁴ Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁵ Articles 3, 4 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁶ Article 4 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

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

¹⁰ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), paras. 414-416, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁴ 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>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 56 promotes mutual, respect, kindness and intimacy between spouses to conserve that family’s welfare (including with the parents and relatives of the spouses) and ensure the best possible development of the children; • Article 57 provides that a husband must; (i) provide his wife with a dower (<i>mahr</i>) as well as permanent financial maintenance (<i>nafaqa</i>); and (ii) permit her to visit her parents and relatives. The husband is also not entitled to intervene in his wife’s private property; • Article 58 provides that the husband is entitled to: (i) the 		<p>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 decision; and</p> <ul style="list-style-type: none"> • Non-Muslims are government by their own special provisions. <p>The Qatari government also explained that:¹¹</p> <ul style="list-style-type: none"> • According to <i>Shari’ah</i>, husbands are 		
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⁷ Articles 9, 56-58, 61, 69 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

¹¹ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), paras. 426-427, 454, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

	<p>care and obedience of his wife; (ii) his wife's duty to be responsible for the household and looking after their children;</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: (i) refuses to surrender herself to her husband without legitimate reason; (ii) refuses to move to the marital home without legitimate reason; (iii) 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 her husband, unless he is abusing his right in preventing her from working. 		<p>responsible for protecting and maintaining the family;</p> <ul style="list-style-type: none"> • 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' (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, 		
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			<p>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 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; • Some men mistakenly believe that 		
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			<p>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 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> <ul style="list-style-type: none"> • <i>Shari'ah</i> and Qatari laws afford women equitable treatment in marriage and in family relations. However, there is lack of awareness among women of their legal rights, 		
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			<p>particularly with regard to personal status matters. This leaves them vulnerable to discrimination and poses a challenge to the efforts made at the governmental and non-governmental levels to achieve gender equality.</p>	
<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>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 below 16 and 18 respective 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.¹⁵</p> <p>The law does not stipulate an absolute minimum age below which a marriage may not be</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee explained that:¹⁷</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 	<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 18.¹⁸</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 2004.¹⁹</p>

¹⁵ Article 17 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

¹⁷ 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>

¹⁸ UNICEF, "The State of the World's Children 2016", Table 9, pp. 150-153, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf

¹⁹ United Nations Population Division, "World Marriage Data 2015", <https://esa.un.org/ffps/Index.html#/maritalStatusData>

<p><u>Applicable CEDAW Provision</u> Article 16(2) Paras. 36-39 GR21</p>	<p>authorised.</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.¹⁶</p>		<p>proven consent of both parties and with permission from a competent judge;</p> <ul style="list-style-type: none"> • Prior to the issuance of the QFL, there was no minimum age for marriage; • Education is one of the main factors that explains why early marriage in Qatar is a rare occurrence. 		<p>According to a civil society report, issues of concern with regard to child marriages include:²⁰</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.
<p>Women’s consent to marriage <i>Is a marriage valid without the</i></p>	<p>Regardless of their age, both prospective brides and grooms must</p>		<p>The Government of Qatar reiterated in its 2012 report to the</p>	<p>There is no mandatory standardised marriage contract,</p>	

¹⁶ Article 189 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

²⁰ 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><i>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>consent to the marriage. Consequently, <i>ijbar</i> marriages are prohibited.</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.²¹</p> <p>Article 13 provides that for an offer and acceptance to be valid, it must be made with the full consent of the parties to the marriage contract.²²</p> <p>Article 28 provides that a woman's marital guardian (<i>wali</i>) may only conclude her marriage with her consent.²³</p> <p>The mandatory registration (notarisation) of marriages is provided for in Article 10 of the QFL which requires a marriage to be officially</p>		<p>CEDAW Committee that for a marriage to be valid it is essential that the woman consents to the marriage.²⁵</p>	<p>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.²⁶</p> <p>The website of the Qatari e-Government contains some information on the procedure for registration of marriages.²⁷</p>	
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²¹ Article 12 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

²² Article 13 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

²³ Article 28 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

²⁵ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 418, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

²⁶ Information obtained from Qatari advocate

²⁷ Qatar e-Government Website, <http://portal.www.gov.qa/wps/portal/topics/Religion+and+Community/Marriage+and+Family>

	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. ²⁴				
<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 and under what circumstances e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(a), 16(1)(b) Paras. 15-16 GR21 Para. 34 GR29</p>	<p>Regardless of her age, a prospective bride requires the consent of a marital guardian (<i>wali</i>) 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.²⁸</p> <p>If the guardian opposes the marriage, the prospective bride may seek the authorisation of a 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.²⁹</p> <p>Pursuant to Article 53 of the QFL, both spouses may stipulate any</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee:³¹</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 marital guardian, who may be her father, agnatic grandfather, son, and other male relatives as specified by the law; 	<p>Conditions that may be stipulated in the marriage contract include:³²</p> <ul style="list-style-type: none"> The wife must be allowed to continue to study or work; The husband cannot take another wife without the permission of the wife; The wife will not be required to accompany her husband on his travels; 	<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.³³</p>

²⁴ Article 10 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

²⁸ Article 26 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

²⁹ Articles 27, 29 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

³¹ 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>

³² 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>

³³ Information obtained from Qatari advocate, April 2017

	<p>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 contract.³⁰</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; Parties to a marriage may include special conditions in the marriage contract. Thus, a woman may stipulate in a marriage contract 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. 	<ul style="list-style-type: none"> The husband and wife agree to jointly own assets acquired during the marriage; The wife is delegated the right to divorce (<i>isma</i>). 	
Polygamous marriages	A Muslim man may marry up to four wives at one time without			A woman may stipulate in the	According to Qatar's 2012 Multiple

³⁰ Article 53 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

<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><u>Applicable CEDAW Provision</u> Para. 14 GR21 Para. 34 GR29</p>	<p>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. If the husband and wife agree to proceed, the officer may not refuse to register the marriage. Article 14 also provides that in all cases, existing wives must be informed of the marriage after its conclusion.³⁴</p> <p>Article 25(2) prohibits a man from marrying more than four wives at one time.³⁵</p> <p>Article 57(6) requires that a husband treat multiple wives fairly.³⁶</p> <p>Article 66 provides that the wife shall have no right to accommodate her children from another husband in her marital home,</p>			<p>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.⁴⁰</p>	<p>Cluster Indicator Survey, about 4% of marriages in Qatar are polygamous.⁴¹</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 marriage.⁴²</p>
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³⁴ Article 14 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

³⁵ Article 25(2) of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

³⁶ Article 57(6) of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁴⁰ Article 53 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf; Qatar State party report, U.N. Doc. CEDAW/C/QAT/1 (2012), para. 421, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁴¹ Qatari Ministry of Development Planning & Statistics et. al, "Qatar Multiple indicator Cluster Survey 2012", Table CP.5, p. 102, https://mics-surveys-prod.s3.amazonaws.com/MICS4/Middle%20East%20and%20North%20Africa/Qatar/2012/Final/Qatar%202012%20MICS_English.pdf

⁴² Information obtained from Qatari advocate, April 2017

	<p>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.³⁷</p> <p>Article 67 prohibits a husband from housing a new wife in the home of an existing wife, except with her consent.³⁸</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</p>				
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³⁷ Article 66 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf
³⁸ Articles 67 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

	fails to fulfil one of the pre-conditions or conditions of a valid marriage contract. ³⁹				
<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 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)</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>).⁴³</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.⁴⁴</p> <p>A husband may delegate his unilateral right to divorce to his wife (<i>isma</i>) through a stipulation in</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee.⁵⁴</p> <ul style="list-style-type: none"> • Confirmed that divorces are essentially initiated by men but a husband may authorise his wife through a written condition in the marriage contract to ask him for divorce; • 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 		

³⁹ Article 9, 49-51 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁴³ Article 101 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁴⁴ Articles 106-117 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁵⁴ 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>Paras. 17-18 GR21 Paras. 34, 39-40 GR29</p>	<p>the marriage contract,⁴⁵ thus permitting her to pronounce <i>talāq</i> upon herself (<i>talāq-i-tafwid</i>).⁴⁶</p> <p>Valid grounds for seeking a judicial divorce by a wife include a husband's: (i) non-payment of 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.⁴⁷ In addition, a wife may seek divorce on the basis of detriment which makes it impossible for her to continue with marital life.⁴⁸</p> <p>In the case of a divorce petition based on detriment, if the claim of</p>		<p>reach an agreement, they may see redress in court; or (ii) judicial divorce based on the various grounds stipulated in the QFL.</p>		
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⁴⁵ Article 109 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁴⁶ Article 113 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁴⁷ Article 123-128, 137-143-155 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁴⁸ Article 129 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

	<p>harm is proven and reconciliation between the spouses is impossible, the judge will grant a divorce and decide on the amount of 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:⁴⁹</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 				
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⁴⁹ Article 129-134 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

	<p>value of 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.⁵⁰</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.⁵¹</p> <p>The registration of divorce is mandatory and a standard procedure must be followed.⁵² However,</p>				
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⁵⁰ Article 118-122 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁵¹ Article 120 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁵² Information obtained from Qatari advocate, February 2017

	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. ⁵³				
<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 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>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 QFL, a woman may be entitled to financial maintenance during the waiting period after the divorce (<i>iddah</i>). The amount is determined by 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.⁵⁵</p> <p>Article 115 of the QFL provides that a woman has a right to <i>mut’ah</i> compensation if the divorce was not due to any fault on her part. The amount of the compensation may not exceed</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee explained that:⁵⁹</p> <ul style="list-style-type: none"> • There is nothing in <i>Shari’ah</i> that prevents a married couple from agreeing to share their finances in their marriage contract. Thus, the couple may agree that anything earned by one of them during the marriage will be considered joint property such that anything earned by one 	<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 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</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</p>

⁵³ Article 113 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁵⁵ Articles 114, 160-162 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁵⁹ 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><u>Applicable CEDAW Provision</u> Articles 16(1)(c), 16(1)(h) Paras. 30-33 GR21 Paras. 34-35, 43-48 GR29</p>	<p>more three years of maintenance and is evaluated according to the husband's financial means and the former wife's status.⁵⁶</p> <p>Article 46 of the QFL provides that where a wife has contributed to the marital home, such contribution belongs to her unless an express acknowledgment has been made that it was a gift. After the dissolution of marriage, parties must provide proof of ownership to be declared the legal owner (e.g. invoices or any other method of evidence such as witnesses).⁵⁷</p> <p>Following a divorce, a father is responsible for the financial maintenance of his children, 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. A daughter is entitled to maintenance until she is married, and a son is entitled to maintenance until he reaches an age</p>		<p>spouse;</p> <ul style="list-style-type: none"> Article 46 of the QFL affirms that women have the right to have whatever they spend on the marital home returned to them while Article 47 states that any dispute over the home furnishings will be settled based on evidence or a sworn oath and Article stipulates that if the evidence is evenly balanced or cannot be produced, the spouses must share the furnishings equally; An awareness 	<p>instances, the division of assets will be governed by inheritance entitlements as stipulated by law.⁶¹</p> <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.⁶²</p>	<p>the birth certificates for her children or their IDs; (iii) a copy of 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.⁶³</p>
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⁵⁶ Article 115 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf ;

⁵⁷ Article 46 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf; Information obtained from Qatari advocate, April 2017

⁶¹ Articles 53, 243 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf; Article 171 of the Civil Code (2004), <http://www.almeezan.qa/LawView.aspx?opt&LawID=2559&language=en>; Information obtained from Qatari Advocate, January 2017

⁶² Information obtained from Qatari advocate, April 2017

⁶³ Information obtained from Qatari advocate, April 2017

	<p>where he would be expected to earn a living, unless he is a student, in which case until he completes his education successfully.⁵⁸</p>		<p>campaign has to be launched to inform women of their rights in this area.</p> <p>The Qatari government also:⁶⁰</p> <ul style="list-style-type: none"> • Acknowledged that in practice, divorced women face many difficulties in having maintenance orders enforced because of various reasons include: (i) the length of procedures; (ii) the ex-husband does not honour his obligation to pay maintenance; • Informed that the government is examining a proposal to establish a maintenance fund upon which 		
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⁵⁸ Articles 75-777, 102, 114, 178, 181 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁶⁰ 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>women may draw if an ex-husband fails to comply with a maintenance order;</p> <ul style="list-style-type: none"> • Informed that according to a Cabinet Decision No. 17 of 2007, divorced women are entitled to receive gifts of land from the State and subsidised loans for the construction of a home five years from the date of their divorce. 		
<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 re-marriage or if she is deemed disobedient or when the child reaches</i></p>	<p>During marriage both parents have custodial rights over their children. In the event of a divorce, a mother has priority right over the custody of her children (followed by the children's father, paternal grandmother, maternal grandmother, etc. as stipulated in the law), until her daughter reaches 15 and her son reaches 13. Thereafter, custody of the</p>	<p>According to a civil society report, in what appears to be in direct contradiction of the law, a court validated the actions of a husband who had refused to allow a mother to have custody of their one-</p>	<p>The Government of Qatar in its 2012 report to the CEDAW Committee confirmed that both spouses are responsible for caring for the young children during marriage. Upon divorce, the right to</p>		<p>According to a civil society report, issues of concern regarding custody of children include:⁷²</p> <ul style="list-style-type: none"> • Divorced mothers being deterred from remarrying for fear of losing custody of her

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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

<p><i>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>children will be determined by a court. 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. In all cases, the court is obligated to give the reasons for its decision.⁶⁴</p> <p>Despite a mother’s priority right, courts have to decide custody cases based on the interest of the child. Article 170 provides the criteria upon which a judge must consider when deciding custody cases. They include the best person with the capacity and ability to raise the child.⁶⁵</p> <p>A mother loses custody of her child as a result of her: (i) immaturity; (ii) dishonesty and untrustworthiness; (iii) inability to nurture, raise, maintain and care for the child in the child’s best interest; (iv) dangerous, contagious or infectious diseases; or (v) her re-marriage to a stranger to the child unless the</p>	<p>year old child unless she waived all her rights and her child’s rights to financial maintenance and child support, respectively.⁷⁰</p>	<p>provide such care is assigned as a matter of priority to the mother.⁷¹</p>		<p>their children; yet divorced fathers may remarry as many times as they wish without fear of losing custody of their children. There are indications that some fathers use this as a means to “get back” at their former wives; and</p> <ul style="list-style-type: none"> • Numerous cases of children being unjustifiably separated from their mothers because of the apparent bias in existing Qatari laws that favours the father in cases of divorce.
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⁶⁴ Articles 166, 169, 173-174 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁶⁵ Article 170 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁷⁰ Independent Group of Concerned Citizens, “Qatar Shadow Report”, *Submission to the CEDAW Committee for the 57th Session*, 2013, p. 14, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/QAT/INT_CEDAW_NGO_QAT_16177_E.pdf

⁷¹ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 429, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

	<p>court considers it to be in the best interest of the child to remain in the custody of the mother.⁶⁶</p> <p>A non-Muslim mother does not have custody rights to her children after they reach the age of seven.⁶⁷</p> <p>Article 176 of the QFL provides that the mother as custodian of the child may keep the original birth certificate, identity card and other official documents of the child.⁶⁸</p> <p>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 permission has abused such right.⁶⁹</p>				
<p>Guardianship of Children <i>Do parents have equal rights over</i></p>	<p>The QFL is silent on the person with the priority right to guardianship of the children in a</p>		<p>The Government of Qatar in its 2012 report to the</p>		

⁶⁶ Articles 167, 168 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁶⁷ Article 175 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁶⁸ Article 176 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁶⁹ Article 185 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

<p><i>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>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:⁷³</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 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; • 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 		<p>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.⁷⁴</p>		
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⁷³ Articles 26, 75, 171, 176, 178, 180, 183 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁷⁴ 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>medication and education to prepare him for his future;</p> <ul style="list-style-type: none"> • 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 needed; • Article 180 provides that the child must reside in the country of the guardian, unless the mother is a foreigner; • 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>Family Planning <i>Do women require the consent of</i></p>	<p>Abortion is strictly prohibited by law, except in a medical</p>		<p>The Government of Qatar in its 2012 report to the</p>		<p>According to World Bank data, the total fertility rate</p>

<p><i>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 Paras. 21-23 GR21</p>	<p>necessity.⁷⁵</p>		<p>CEDAW Committee explained that:⁷⁶</p> <ul style="list-style-type: none"> • Family planning is a private matter for the married couples to decide between themselves and does not allow for outside interference; • 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 planning methods, particularly when 		<p>decreased from 7.0 children per woman in 1960 to 2.0 in 2015.⁷⁷</p> <p>According to Qatar's 2012 Multiple Cluster Indicator Survey:⁷⁸</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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⁷⁵ 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

⁷⁶ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 444, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁷⁷ The World Bank, "Fertility rates, total (births per woman)", <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>

⁷⁸ 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

			justified on legitimate grounds such as illness.		
<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 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>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.⁷⁹</p> <p>Article 28 of the Constitution commits the state to guarantee freedom of economic enterprise and provide job opportunities.⁸⁰</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:⁸¹</p> <ul style="list-style-type: none"> Article 58 generally requires 				<p>According to World Bank data, female labour force participation increased from 41% in 1990 to 53% in 2016.⁸³ During the same period, male labour force participation was stable at 94%.⁸⁴</p> <p>According to the 2016 UNDP Human Development Report:⁸⁵</p> <ul style="list-style-type: none"> 71% of women over 25 have at least some secondary education as compared to

⁷⁹ Article 36 of Qatar's Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

⁸⁰ Article 28 of Qatar's Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

⁸¹ Articles 58, 65, 69 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁸³ The World Bank, "Labour force participation rate, female (% of female population ages 15+) (modelled ILO estimate)", <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>

⁸⁴ 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>

⁸⁵ 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

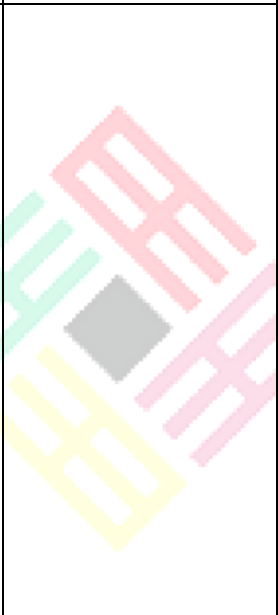
	<p>her obey her husband;</p> <ul style="list-style-type: none"> • Article 65 requires a wife to reside with her husband in the accommodation he has prepared and move with him when he moves from it, unless she stipulates otherwise in the marriage contract or he intends by such moving to distress her; • 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 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>The QFL does confer a wife some</p>				<p>68% of men of the same age group;</p> <ul style="list-style-type: none"> • 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 guardians before working. For instance, as a precondition to teach at local independent</p>
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	<p>personal rights:⁸²</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 education and/or continue her education in Qatar as long as it does not conflict with her family duties. 				<p>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.⁸⁶</p>
<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</i></p>	<p>Generally, inheritance rights between women and men are unequal.</p> <p>Article 51 of the Constitution says that the right to inherit is safeguarded and enshrined in Shari'ah.⁸⁷</p> <p>Book 5 of the QFL detail the inheritance shares. In many instances, such as in the cases of widows and widowers and siblings, a woman is entitled to half</p>				

⁸² Articles 57, 68 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁸⁶ 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

⁸⁷ Article 51 of the Qatari Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

<p><i>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>the share of a man.⁸⁸</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 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>Article 36 of the Constitution states that no person may be subjected to torture or degrading treatment.⁸⁹</p> <p>Qatar has not adopted specific legislation to criminalise acts of domestic violence.⁹⁰</p> <p>The Penal Code contains some general prohibitions that are applicable to domestic violence. For instance, the Penal Code criminalises:⁹¹</p> <ul style="list-style-type: none"> • Rape and indecent assault provides for stiffer punishment if the perpetrator is: (i) an ascendant of the victim; (ii) a 		<p>The Government of Qatar in its National Development Strategy 2011-2016 made “reducing domestic violence” as one of its goals for the period and “putting in place a comprehensive domestic violence protection system” as one of its targets.⁹³</p>		<p>According to Qatar's 2012 Multiple Cluster Indicator Survey, about 16% of women aged 15-49 stated that a husband is justified in hitting or beating his wife in at least one of the following circumstances: (i) she goes out without telling him (12%); (ii) she neglects the children (7%); (iii) she argue with him (4%); (iv) she refuses sex with him (3%); she burns the food (2%).⁹⁴</p>

⁸⁸ Book 4 of the Family Law (2006), http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf

⁸⁹ Article 36 of Qatar's Constitution (2004), <http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES>

⁹⁰ Qatar State party report, U.N. Doc. CEDAW/C/QAT /1 (2012), para. 157, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁹¹ Articles 279-289, 300-317 of the Penal Code (2004), http://gulfmigration.eu/database/legal_module/Qatar/National%20Legal%20Framework/Anti-traffic/2.2%20Penal%20Code%2011%202004_EN.pdf

⁹³ General Secretariat for Development Planning, “Qatar National Development Strategy 2011-2016”, pp. 169-170, http://www.mdps.gov.qa/en/nds/Documents/Downloads/NDS_EN_0.pdf

⁹⁴ 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

<p><u>Applicable CEDAW Provision</u> GRs 12 & 19 Para. 40 GR21</p>	<p>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</p> <ul style="list-style-type: none"> • Acts that lead to the death of a person or cause physical injury to a person. <p>The Penal Code does not specifically criminalise marital rape. However, the provisions on rape or indecent assault may be applicable in such cases.</p> <p>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.⁹²</p>				<p>According to reports by civil society and the media:⁹⁵</p> <ul style="list-style-type: none"> • The Qatar Foundation for Child and Woman Protection documented 639 cases of domestic violence in 2012, a significant increase from the number of cases documented in 2004 (25). This does not necessarily indicate a rise in the prevalence of domestic violence in Qatar; rather it may indicate a greater willingness among victims and concerned persons to report cases of
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⁹² 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

⁹⁵ 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; Nada Badawi, "Qatar-Based NGO Joins Global Fight Against Domestic Violence", *Doha News*, 28 November 2016, <http://dohanews.co/tag/domestic-violence/>

					<p>domestic violence over time;</p> <ul style="list-style-type: none"> • Law enforcement officers and social workers tasked with handling domestic violence cases are not always well equipped to deal with such cases. For instance, there are instances of police officers encouraging victims of domestic violence to accept a signed pledge from the abuser rather than take official legal action. In addition, some social workers advise victims of domestic violence not to lodge a police report regarding their abuse as to do so would make matters worse for the victim;
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					<ul style="list-style-type: none"> • A draft legislation that specifically criminalises acts of domestic violence has been proposed by students from Qatar University since 2012 but the proposed law or similar legislation has yet to be adopted.
<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> Article 9 Para. 6 GR21</p>	<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 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</p>		<p>The Government of Qatar in its 2012 report to the CEDAW Committee explained that:⁹⁹</p> <ul style="list-style-type: none"> • The Nationality Act establishes the procedures for acquiring, granting, revoking and restoring Qatari nationality without making any distinction between women and men, except for cases where a 		<p>According to a civil society report, there is general bias in the system that favours men over women. For instance:¹⁰⁰</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 of them are vague; • Qatari women do

⁹⁹ 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>
¹⁰⁰ 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>knowledge of Arabic.⁹⁶</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.⁹⁷</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.⁹⁸</p>		<p>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 include: (i) the exigencies of the public interest; and (ii) nationality is bound up with the discretionary power and sovereignty of the State. Thus: (i) under the Qatari Nationality Act, nationality is 		<p>not have the same rights to transfer their Qatari citizenship to their foreign husbands and children;</p> <ul style="list-style-type: none"> • 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
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⁹⁶ 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

⁹⁷ 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

⁹⁸ 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>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> <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. 		<p>the rights they are promised.</p>
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