

**Stonewall**

# ABOUT THIS RESOURCE

**This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.**

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at [www.stonewall.org.uk](http://www.stonewall.org.uk)

**Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)**

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

# QATAR



Population: 2.3 million



Stonewall Global Diversity Champions: 46



## THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Qatar is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 44, 45 and 47 of the Qatar Constitution protect **the rights to freedom of assembly, association and expression.**

However, as sexual acts between people of the same sex are illegal under Article 296(3) of the Penal Code, **any act promoting same-sex relationships, including assemblies, publications or associations** would be **considered to be promoting a criminal offence** and would therefore be **prohibited.**

Section 47 of the 1979 Press and Publications Law **bans publication** that is “deemed contrary to the ethics, violates the morals or harms the dignity of the people or their personal freedoms”. This **may be used to censor LGBT-related content.**

### FAMILY AND RELATIONSHIPS

**Sexual acts between people of the same sex are illegal** according to the Articles 296 (3) and 285 of the Penal Code. Punishments include imprisonment for between one and five years.

Qatar also runs Sharia courts, where technically it is possible that Muslim men could be **face the death penalty for same-sex sexual activity.**

**Same-sex marriage is not legal** under Article 9 of Law No.22 of 2006 (the “Family Law”).

Under Qatari law there is no adoption, however, there is the institute of guardianship. Any person in a same-sex couple is **considered to be unfit to be a guardian** under Article 169 of Law No.22 of 2006 (the “Family Law”).

### EQUALITY AND EMPLOYMENT

**Employment discrimination based on sexual orientation and gender identity is not prohibited.**

**Hate crimes** based on sexual orientation and gender identity are **not considered an aggravating circumstance** in sentencing.

### GENDER IDENTITY

Trans people **cannot change their legal gender.**

Qatari nationals **may legally change their name** by applying to a Committee at the Ministry of Justice with a brief explanation of the reason for the change.

While there are instances in which names have been registered that are typically associated with a gender that is different to the one assigned at birth, if the requested name change had **religious significance** it is likely that authorities would **refuse to register** it on public order grounds.

### IMMIGRATION

There are **no legal provisions** that specifically **support immigration of same-sex partners.**

Article 25 of the Law no 21 of 2015 (the “Sponsorship Law”) gives the Minister power to order for the expatriate to leave the country on moral grounds. Based on this law, the government can **prevent LGBT people from entering or deport LGBT people** from Qatar on the grounds of their sexual orientation and gender identity.

## CONTEXT

Given the restrictive legislative framework in Qatar in relation to sexual orientation and gender identity, any LGBT-related activities in the region should be approached with caution. The safety and security of LGBT staff should be paramount at all times.

The **Global Workplace Briefing** series seeks to give employers the tools they need to create more equal and inclusive workplaces for their LGBT employees. To inform the content of the briefings and to understand the situation for LGBT people in different countries, Stonewall always consults with local LGBT groups.

In these briefings we usually provide an overview of the context based on the views of a local LGBT civil society organisation willing to be quoted publicly. Unfortunately, due to the restrictive context in Qatar, Stonewall was unable to effectively consult with local LGBT groups for this briefing.

In the absence of a locally informed perspective, the guidance in this briefing is limited. Nonetheless, this briefing provides employers with tools to support international LGBT staff working in Qatar.

## INTERNATIONAL INSIGHT INTO HUMAN RIGHTS IN QATAR

**Amnesty International, in its 2017/18 report on the state of the world's human rights, summarised the general human rights situation in Qatar:**

"Severance of relations with Qatar by several of its regional neighbours imposed arbitrary restrictions on Qatar that resulted in human rights violations. The government continued to unduly restrict freedom of expression. Steps were taken to improve access to compensation for abused migrant workers. The government committed to revise its laws and reform the sponsorship system, as part of an agreement with the International Labour Organisation. After years of delays, migrant domestic workers' labour rights were protected for the first time, though the new law contained flaws. Discrimination against women remained entrenched in both law and practice. The courts imposed death sentences; no executions were reported." *Amnesty International, Amnesty International Report 2017/18: The State of the World's Human Rights*

**ILGA World, in its 2019 State Sponsored Homophobia Report, also addressed the situation for LGBT people in Qatar:**

"In addition to the penal provisions, Qatar also runs Sharia courts, where technically it is possible that Muslim men could be put to death for same-sex sexual behaviours. However, it does not appear that any person has been executed for this reason or at all. Nevertheless, the 'chill factor' of these provisions are covered by UNHCR guidance of 2002 that explains norms that do not confirm with international human rights law can be seen to be persecutory "per se". The offence of "Zina" renders any sexual act by a married person outside of marriage punishable by death, while sexual acts by non-married persons are punishable by flogging – both are offences, no matter if they were same-sex or different-sex." *International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, State-Sponsored Homophobia 2019 (Geneva; ILGA, March 2019)*

**During its third cycle of the Universal Periodic Review, the process in which a country's human rights record is reviewed by all UN member states, Qatar received a number of recommendations on LGBT rights:**

- France recommended that Qatar guarantees the rights of LGBTI individuals.
- Australia recommended that Qatar develops and implements anti-discrimination laws and government policies to address discrimination, particularly against LGBTI individuals.
- Iceland recommended that Qatar decriminalises consensual same-sex acts and promote and protect the human rights of LGBTI individuals.



*United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review: Qatar*

## LGBT INCLUSION IN THE WORKPLACE

Despite a challenging context for LGBT people in Qatar, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees. However, LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Qatar and any decisions made about LGBT workplace related activities should be done in full consideration of this particular context. The safety and security of LGBT staff, both from Qatar and elsewhere, should be paramount at all times and will require careful consideration.

### CREATING GLOBAL STRUCTURES

It is important that multinational employers work to create a strong global LGBT diversity and inclusion framework. Global policies and structures send a signal to LGBT employees that their needs are taken seriously wherever they are or when they travel for work. Employers should work to:

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| <ul style="list-style-type: none"> <li> <b>Introduce global anti-discrimination and anti-bullying and harassment policies that are explicitly inclusive of sexual orientation and gender identity</b></li> <li> <b>Appoint a global senior champion who addresses the importance of LGBT equality globally</b></li> </ul> | <ul style="list-style-type: none"> <li> <b>Build a global LGBT employee network group and a global allies programme</b></li> <li> <b>Have a global diversity and inclusion team or position in place whose remit covers sexual orientation and gender identity</b></li> </ul> |
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### SUPPORTING MOBILE STAFF

Multinational businesses may send their staff on overseas assignments to Qatar. It is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

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| <ul style="list-style-type: none"> <li> <b>Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers</b></li> <li> <b>When sending employees on a posting to Qatar, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting</b></li> <li> <b>Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation and gender identity, by providing equivalent alternatives</b></li> </ul> | <ul style="list-style-type: none"> <li> <b>Take steps to avoid outing of LGBT employees in Qatar – this may include change of email address and social media security training</b></li> <li> <b>Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms for mobile and domestic staff. For example, this may include confidential membership lists and privately marked calendar invitations</b></li> <li> <b>Have an emergency evacuation procedure in place that explicitly takes into consideration emergency situations specific to LGBT people</b></li> </ul> |
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Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.



## LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

In our experience, sharing case studies from employers operating in-country can be highly informative. However, we were unable to secure a case study that an employer could share publicly. Bearing this in mind, we are keen to work with employers and discuss individually any challenges they face because of the extremely restrictive context of Qatar. To learn about the steps employers are taking to support their LGBT staff in other zone three countries, please refer to Stonewall's [Global Workplace Briefings](#) on Malaysia and the UAE.

If you operate in Qatar and are taking steps, big or small, to advance LGBT inclusion and would like to be profiled as a best practice case study, please contact [global.programmes@stonewall.org.uk](mailto:global.programmes@stonewall.org.uk)



## STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 46 ORGANISATIONS OPERATING IN QATAR.

The [Global Diversity Champions](#) programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact [memberships@stonewall.org.uk](mailto:memberships@stonewall.org.uk)

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