



QATAR: A BRIEF ON EQUALITY AND NON-DISCRIMINATION,  
CHILD MARRIAGE, EDUCATION, AND DISABILITY  
(CRC ARTICLES 2, 19, 23, 24, 28, 34 AND GENERAL  
COMMENT 4)

*Information for the Committee on the Rights of the Child*

*100<sup>th</sup> Pre-Sessional Working Group, February 2025*

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**TABLE OF CONTENTS**

**Introduction** .....1

**Summary of Findings and Recommendations**.....2

1. General Principles: Equality and Non-Discrimination (Article 2) .....2

2. Special Protection Measures: Child Marriage (Articles 19, 24, 28, 34, and General Comment No. 4) .....2

3. Special Protection Measures: Education, Leisure and Cultural Activities (Article 28) .....3

4. Special Protection Measures: Disability, Basic Health and Welfare (Articles 2, 23) .....4

**Detail of Constitutional and Legislative Findings**.....5

1. General Principles: Equality and Non-Discrimination (Article 2) .....5

2. Special Protection Measures: Child Marriage (Articles 19, 24, 28, 34, and General Comment No. 4) .....6

3. Special Protection Measures: Education, Leisure and Cultural Activities (Article 28) .....7

4. Special Protection Measures: Disability, Basic Health and Welfare (Articles 2, 23) .....8



## INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,500 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 100<sup>th</sup> Pre-Sessional Working Group of the Committee on the Rights of the Child.

This brief will focus on the following two areas:

- General Principles: **Equality and Non-Discrimination**
- Special Protection Measures: **Child Marriage**
- Special Protection Measures: **Education, Leisure and Cultural Activities**
- Special Protection Measures: **Disability, Basic Health and Welfare**

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current available information on the constitutional and legal landscape of a country.

In this report we first provide a summary of our constitutional and legislative findings, as well as suggested questions for the Committee to ask Qatar, and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed constitutional and legislative excerpts documenting our findings. We hope the Committee will recommend that Qatar address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Qatar for having provisions in place, we hope the Committee will recommend that Qatar work with stakeholders to overcome any obstacles in implementing these provisions.



## SUMMARY OF FINDINGS AND RECOMMENDATIONS

### 1. General Principles: Equality and Non-Discrimination (Article 2)

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Our research shows that Qatar’s Constitution grants equality before the law generally, and specifically prohibits discrimination on the basis of sex, race, language and religion, but not on many other Convention grounds, including political opinion, national or social origin, property status, disability, and birth.

#### RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Qatar: have Qatar’s constitutional provisions on general equality before the law been interpreted, through case law or otherwise, to cover discrimination on the basis of political opinion, national or social origin, property status, disability, and birth?
  - If they have not, can Qatar outline any concrete, near-term plans to amend its constitution to prohibit discrimination on the basis of political opinion, national and social origin, property status, disability, and birth?
    - If Qatar cannot outline such plans, recommend in its concluding observations that Qatar amend its constitution to explicitly prohibit discrimination on the basis of political opinion, national and social origin, property status, disability, and birth, consistent with CRC commitments. This could be added to Article 35 of the constitution, which already prohibits discrimination on the basis of other CRC-protected groups and statuses.

### 2. Special Protection Measures: Child Marriage (Articles 19, 24, 28, 34, and General Comment No. 4)

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Qatar’s Family Law sets the minimum ages of marriage as 18 for boys and 16 for girls; however, these requirements may be overridden with a combination of parental (or guardian) permission and court approval. When all exceptions are taken into account, there is no minimum age of marriage for boys or girls.



**RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS**

We hope the Committee will:

- In its list of issues, ask Qatar: Can Qatar outline any concrete, near-term plans to pass legislation that sets the minimum age of marriage to 18 years old for both boys and girls, without exceptions?
  - If Qatar cannot outline such plans, recommend in its concluding observations that Qatar pass and implement legislation that protects children under the age of 18 from early marriage without exceptions.

### 3. Special Protection Measures: Education, Leisure and Cultural Activities (Article 28)

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Our research shows that Qatar’s legal framework makes basic education both free and compulsory through the end of lower secondary education. Despite these legal guarantees, as of 2019, 8% of all children of primary school age in Qatar were out of school.<sup>1</sup> According to the Ministry of Education, upper secondary education is also free for Qataris. Qatar’s education legislation does not specifically prohibit sex discrimination in schools. The absence of legal guarantees of gender equality specific to education is of particular concern when the vast majority of public primary schools and all public secondary schools are gender segregated,<sup>2</sup> as it leaves open the possibility that schools may be treated differently.

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<sup>1</sup> UNESCO Institute for Statistics. SDG 4 September 2024 Country Dashboard. Accessed November 7, 2024, at: <http://sdg4-data.uis.unesco.org/>

<sup>2</sup> Ministry of Education and Higher Education. Annual Statistics of Education in the State of Qatar, 2020-2021. <https://www.edu.gov.qa/en/?file=da321b01-12a7-4321-b562-e0154b7e00bb>



**RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS**

**We hope the Committee will:**

- In its list of issues, ask Qatar: Given the current out-of-school rates for primary students, can Qatar provide any information on what concrete measures it is taking to effectively implement its free and compulsory education provisions?
  - If Qatar does not have concrete measures in place, recommend in its concluding observations that Qatar develop a concrete, near-term plan to effectively enforce its provisions to provide primary education that is both free and compulsory.
  - In its list of issues, ask Qatar: has Qatar’s constitutional provision against sex discrimination been interpreted, through case law or otherwise, to cover sex discrimination in education?
  - If it has not, can Qatar outline any concrete, near-term plans to amend its education laws to explicitly prohibit sex discrimination in schools?
  - If Qatar cannot outline such plans, recommend in its concluding observations that Qatar amend its education laws to explicitly prohibit sex discrimination in schools.

**4. Special Protection Measures: Disability, Basic Health and Welfare (Articles 2, 23)**

Our review of Qatar’s legislation on education and on persons with disabilities found no provisions that prohibit discrimination against children with disabilities in the education system, or that mandate their full inclusion in Qatar’s school system. Reports indicate that there is a draft law on persons with disabilities under consideration by the government, but its current status and its provisions in this area are unclear.

**RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS**

**We hope the Committee will:**

- In its list of issues, ask Qatar: Can Qatar clarify if its proposed legislation on persons with disabilities will contain provisions on discrimination in education and full inclusion in mainstream schools?
  - If this is the case, can Qatar provide the Committee with an expected timeline for the law’s passage and entry into force?
  - If this is not the case, recommend Qatar develop and pass legislation that prohibits discrimination against children with disabilities in education and guarantees their full inclusion in mainstream schools.



## DETAIL OF CONSTITUTIONAL AND LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

### 1. General Principles: Equality and Non-Discrimination (Article 2)

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Article 2.1 of the Convention states that:

*States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*

Constitutions state the values of a country, outlining the rights of people living within the country and profoundly influencing norms and practices. In nearly all countries, constitutions take precedence over other sources of law—making them critical tools for delineating and implementing equal rights. New constitutions and new rights guaranteed in constitutions can be used to overturn discriminatory laws, as well as to legislate non-discrimination guarantees. Moreover, constitutions can offer protection against policy and legal changes during periods of social and political shifts that may seek to undermine equal rights. For these reasons and others, as the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing equal rights.

We reviewed full text constitutions for all 193 UN member states available from official government sources to determine whether the constitution took any approach to equality across the grounds listed in article 2.1 of the CRC by prohibiting discrimination based on each specific status, guaranteeing equal rights, guaranteeing equality before the law, or guaranteeing overall equality or equal opportunities.

#### *QATAR'S CONSTITUTIONAL PROVISIONS: MISSING EXPLICIT GUARANTEES OF EQUALITY AND NON-DISCRIMINATION BASED ON MULTIPLE CONVENTION-PROTECTED GROUNDS*

Our review of full-text constitutions found that Article 35 of Qatar's Constitution grants equality before the law generally, and specifically prohibits discrimination on the basis of sex, race, language and religion, but not on many other Convention grounds, including political opinion, national or social origin, property status, disability, and birth.

*Constitution of Qatar, 2003*



*Article 35*

*People are equal before the law. There shall be no discrimination against them because of sex, race, language, or religion.*

## 2. Special Protection Measures: Child Marriage (Articles 19, 24, 28, 34, and General Comment No. 4)

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General Comment No. 4 (2003) states that:

*The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.*

Child marriage has life-long health, educational, and economic consequences. For girls in particular, child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Convention, specifically the right to protection from violence (Article 19), the right to health (Article 24), the right to education (Article 28), and the right to protection from sexual exploitation and abuse (Article 34).

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labour Organization's NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBASE, and official country websites.

### *QATAR'S LEGISLATIVE PROVISIONS: NO MINIMUM AGE OF MARRIAGE WHEN ALL EXCEPTIONS ARE TAKEN INTO ACCOUNT*

Qatar's Family Law sets the minimum ages of marriage as 18 for boys and 16 for girls; however, these requirements may be overridden with a combination of parental (or guardian) permission and court approval. When all exceptions are taken into account, there is no minimum age of marriage for boys or girls.

*Family Law, 2006*

*Article 17*





*Males are not allowed to enter into marriage contracts before the age of eighteen (18). Females are not allowed to enter into marriage contracts before the age of sixteen (16). All marriages of males and females below the age of eighteen (18) and sixteen (16) respectively shall only be allowed after the approval of the guardian, verification of the consent from both parties to the contract and the permission of a competent Judge.*

### 3. Special Protection Measures: Education, Leisure and Cultural Activities (Article 28)

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Article 28.1 of the CRC recognizes a child’s right to education, and specifically orders States Parties to “make primary education compulsory and available free to all” as well as to “[e]ncourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education.” Article 2.1, referenced above, compels States Parties to ensure that these rights are enjoyed without discrimination on the basis of sex.

For all 193 UN member states, we systematically reviewed education acts and child protection laws available online through UNESCO’s Observatory on the Right to Education Library and International Labour Organization’s NATLEX database. Through the review we determined whether national legislation guaranteed free and compulsory primary and secondary education. We also determined whether sex discrimination in education is prohibited by law.

#### *QATAR’S LEGISLATIVE PROVISIONS: PRIMARY EDUCATION IS FREE AND COMPULSORY, BUT ENROLMENT LAGS*

Qatari law makes basic education both free and compulsory through the end of lower secondary education. Qatar’s Ministry of Education indicates that upper secondary education is also free for Qataris.

#### *Law of 2001 on compulsory Education, as amended to 2009*

(Article 2)

Education shall be compulsory and free of charge for all children from the beginning of the primary stage until the end of the preparatory stage or the age of eighteen years, whichever is earlier, and the Council will provide the necessary requirements for this.



Despite these legal guarantees, as of 2019 8% of all children of primary school age in Qatar were out of school,<sup>3</sup> and thus the effectiveness of these provisions remains an open question.

We found no education-specific law against sex discrimination in schools. This lack of protection against sex discrimination in education is especially concerning when the vast majority of public primary schools and all public secondary schools are gender segregated,<sup>4</sup> as it leaves the door open for differential treatment across female-only and male-only schools.

#### 4. Special Protection Measures: Disability, Basic Health and Welfare (Articles 2, 23)

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In addition to Article 2.1 which prohibits any form of discrimination based on disability, Article 23.3 of the CRC recognizes the rights and special needs of children with disabilities, and in particular, encourages States Parties to design assistance policies which “ensure that the disabled child has effective access to and receives education”.

We systematically reviewed education acts, child protection legislation, and anti-discrimination legislation available through UNESCO’s Observatory on the Right to Education Library and International Labour Organization’s NATLEX database for all 193 UN member states to determine whether national legislation guaranteed non-discrimination in education based on disability and whether legislative provisions guaranteed individualized accommodations and supports to enable students with disabilities to succeed in school alongside their peers and advance inclusion.

#### *QATAR’S LEGISLATIVE PROVISIONS: NO EDUCATIONAL PROTECTIONS OR GUARANTEES OF INCLUSION FOR CHILDREN WITH DISABILITIES*

Our review of Qatar’s legislation on education and on persons with disabilities found no provisions that prohibit discrimination against children with disabilities in the education system, or that mandate their full inclusion in Qatar’s school system. Reports indicate that there is a draft law on persons with disabilities under consideration by the government, but its current status and its provisions in this area are unclear.

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<sup>3</sup> UNESCO Institute for Statistics. SDG 4 September 2024 Country Dashboard. Accessed November 7, 2024, at: <http://sdg4-data.uis.unesco.org/>

<sup>4</sup> Ministry of Education and Higher Education. Annual Statistics of Education in the State of Qatar, 2020-2021. <https://www.edu.gov.qa/en/?file=da321b01-12a7-4321-b562-e0154b7e00bb>