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الوفد الدائم لدولة قطر / جنيف



The Permanent Mission of the State of Qatar to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to the latter's letter dated 24 October 2022, concerning the questionnaire from the Special Rapporteur in the field of cultural rights, on Cultural Rights and Migration.

The Permanent Mission of the State of Qatar is pleased to attach herewith the above mentioned requested responses as received from the competent authorities in the State of Qatar.

The Permanent Mission of the State of Qatar avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.

Geneva, 22 December 2022

Addressed to:

Office of the High Commissioner for Human Rights
Special Procedures Branch
Email: registry@ohchr.org
CC: hrc-sr-culturalrights@un.org



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2022/0077633/1

الوفد الدائم لدولة قطر / جنيف



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER


TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 24 October 2022

TO: All Permanent Missions and Observer Missions to the United Nations Office
at Geneva

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OBJET/SUBJECT: **Questionnaire from the Special Rapporteur in the field of cultural rights**

Please find attached a questionnaire from the Special Rapporteur in the field of cultural rights, available in English and French.



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Mandate of the Special Rapporteur in the field of cultural rights

24 October 2022

Excellency,

I have the honour to address you in my capacity as the United Nations Special Rapporteur in the field of cultural rights, pursuant to Human Rights Council resolution 46/9.

In my forthcoming thematic report to the Human Rights Council, to be presented in March 2023, I will consider the respect, protection and fulfilment of the cultural rights of persons in the context of migration.

To inform my report and identify relevant experiences and challenges, I have prepared a questionnaire (attached), which I am hereby sending to States, regional and local governments, international and regional organizations, National Human Rights Institutions, equality bodies, academics and civil society organizations, UN agencies, funds and programmes and other interested stakeholders, inviting them to share relevant information. I look forward to benefiting from their diverse views and experiences.

I will be grateful if the submissions could be sent electronically to hrc-sr-culturalrights@un.org no later than **25 November 2022**, using as message title "Contribution: cultural rights and migration". Please feel free to answer only the questions relevant to your work. Kindly limit your responses to **2,500 words** and attach annexes where necessary. To facilitate their consideration, it would be preferable if responses could be sent in a Word document, and in one of the working languages of the OHCHR, English or French.

Please note that, unless otherwise requested, all responses will be made public on the OHCHR website.

I wish to thank you in advance for your cooperation and I hope to continue a constructive dialogue on issues related to my mandate.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "Alexandra Xanthaki".

Alexandra Xanthaki,
Special Rapporteur in the field of cultural rights



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CALL FOR SUBMISSIONS ON CULTURAL RIGHTS AND MIGRATION

An estimated 280 million people, approximately 3.6% of the world's population, currently live outside their country of origin. The reasons for these displacements are numerous: some may have chosen to leave to pursue better opportunities elsewhere; many are compelled to leave for a complex combination of reasons, including poverty, lack of access to healthcare, education, water, food, housing, and the consequences of environmental degradation and climate change; others are forced to flee persecution and conflicts. Such displacements, and the related loss of security, bearings, networks and relationships, increase their vulnerability to human rights violations, including violations of their cultural rights.

In her upcoming report on cultural rights and migration, the Special Rapporteur in the field of cultural rights, Ms. Alexandra Xanthaki, will focus mainly, but not exclusively, on the rights of forced migrants. In forced migration, the Special Rapporteur includes the situations of various 'newly' displaced persons, such as undocumented migrants, asylum seekers and registered refugees.

Cultural rights protect the rights for each person, individually and in community with others, as well as groups of people, to develop and express their humanity, their views and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They are also considered as protecting access to cultural heritage and resources that allow such identification and development processes to take place.

Cultural rights are recognized to all, regardless of their gender, origin and status, in particular for the cases of migration. Whereas the Special Rapporteur understands that different laws and regulations may apply to asylum seekers, refugees and other new migrants in the early stages of their arrival to a host country, all these persons are found in a vulnerable position and they all need to have elements of their identities, histories and values respected and allowed to flourish further. In particular, the expert would like to assess how the cultural rights of migrants are implemented

- Upon arrival in a host country;
- Through the settlement period;
- In policies aiming at their inclusion, often called 'integration'.

The Special Rapporteur believes that there is a need to focus particularly on the cultural rights of persons who have been forced away from their state of origin. The emphasis on the protection of the rights of these persons, she notes, has so far been on non-refoulement, right to stay, security and prohibition from arbitrary detention, civil and political rights and more recently on socio-economic rights. However, protection of the cultural rights of these persons seems to be lacking.



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CULTURAL RIGHTS AND MIGRATION QUESTIONNAIRE

1. What are the issues relating to cultural rights that you see in your country's migration processes? Please provide relevant information concerning laws and regulations, programmes and measures, services and practices that seem relevant.
2. Do migrants have access to the cultural institutions and services of the host society? How about undocumented migrants, asylum seekers and refugees? How is such access ensured?
3. Are tangible artefacts belonging to migrants protected by the state? Does their use affect the cultural rights of migrants?
4. Which institutions have been successful in respecting and protecting the cultural resources and assets of migrants? Please provide examples when possible, including on how this was achieved.
5. What are the steps that relevant local and national authorities take to ensure that the rights of migrants to access, practice, maintain and transmit living cultural resources are protected, especially forced migrants?
6. What is the position of governmental authorities when cultural practices of migrants are not in line with those of the majority of the population? Please provide examples of how the tensions have been handled in the past.
7. How do the different sectors of the population learn about the cultures of the migrants, especially new and forced migrants? Please provide information about existing spaces, including media spaces, and opportunities for the host society to encounter and engage with cultural resources of migrants.
8. What challenges do migrants face currently in practicing, maintaining and transmitting their culture, especially when they are new and/or forced migrants?
9. Please share good practices in protecting the cultural rights of migrants to access cultural resources and services, to enjoy their heritage and that of others, to use their language in private and in public, to participate in cultural life, to freedom of artistic expression and to take part in decisions that impact their cultural life. Please focus more on new and/or forced migrants.
10. Please advise how cultural rights of vulnerable and marginalised sections of migrants are protected.

Questionnaire from the Special Rapporteur in the Field of Cultural Rights

1. What are the issues relating to cultural rights that you see in your country's migration processes? Please provide relevant information concerning laws and regulations, programmes and measures, services and practices that seem relevant.
 - a. In Qatar, the status of all foreigners and their rights, including temporary or permanent asylum-seekers and refugees, is governed by rules and regulations concerning residency and migration. The number of forced migrants in Qatar (refugees and asylees) is much less than the number of migrants here for work or family related issues. Law No. 11/2018 on Organizing Political Asylum on September 4, 2018 states that Political Refugees shall be subject to the provisions of the law and decisions and regulations in force in the State. The law provides the refugees with a renewable residency permit, confirming their status in Qatar. The political refugee is guaranteed the protection of the state and the following rights and privileges: obtaining a travel document, providing a job opportunity, receiving a monthly subsidy until the job opportunity is made available, receiving health care, receiving education, providing accommodation, freedom of worship and practice of religious rites, freedom of movement and travel, and the right to litigation.¹
 - b. Qatar also adopted and implemented recommendations of the Global Compacts on Safe, Orderly, and Regular Migration, the first intergovernmental agreement, prepared under the auspices of the United Nations, to cover all dimensions of

¹[https://almeezan.qa/EnglishLaws//Law%20No.%20\(11\)%20of%202018%20on%20the%20Regulation%20of%20the%20Political%20Asylum.pdf](https://almeezan.qa/EnglishLaws//Law%20No.%20(11)%20of%202018%20on%20the%20Regulation%20of%20the%20Political%20Asylum.pdf)

international migration in a holistic and comprehensive manner. This agreement includes non-discriminatory access to services and the protection of economic, social and cultural rights for migrants based on respect for human rights, values of tolerance and cultural coexistence.²

- i. Commitment 16 of the agreement empowers migrants and communities to achieve full integration and social cohesion
 - ii. Commitment 17 promotes abolishing all forms of discrimination and promoting evidence-based public discourse to influence public perceptions of migration
- c. Qatar's Accession to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2009³, and Qatar's Memorandum of Understanding (MoU) and three cooperation agreements with the UNHCR⁴ also ensure Qatar's respect, protection, and promotion of cultural rights and norms, and allow for different members of local society to interact and develop with a dignified respect to their origins and backgrounds.
- d. Of the many cultural programs, Qatar has established the Year of Culture 10 years ago. The Cultural Years succeeded in achieving rapprochement and cultural exchange with different peoples and deepening diplomatic, social and cultural relations between the state and peoples of Qatar and many others. The Ministry of Culture also has also sponsored and opened many cultural centers that are

² https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/gcm_voluntary_national_report-_qatar-_en.pdf

³ <https://www.almeezan.qa/AgreementsPage.aspx?id=1442&language=ar>

⁴ <https://www.almeezan.qa/AgreementsPage.aspx?id=2449&language=ar>

available for all residents of Qatar to enjoin and participate in numerous cultural and artistic dialogue and activities.

- e. Many programs were also designed to promote and ensure cultural rights and cultural exchange, as shown with the Afghan refugee case. The Afghan Housing complex were provided access to different cultural centers and activities like the Theater Affairs Center, Music Affairs Center, Visual Art Center, and reading programs and initiatives. This has allowed the Afghans to practice their cultural norms, skills and hobbies in the artistic and cultural fields, and artistic exhibition were made specifically for their display and sale of artistic works (and they received the relevant remuneration for their works).
- f. Qatar has exercised many positive programs and practices for refugees all over the world and locally in Qatar. Qatar is among the top 10 donors of multi-year contributions to UNHCR, the UN Refugee Agency, especially in the Middle East, and is leading many humanitarian, economic, diplomatic and other missions to help refugees live dignified lives.⁵ An example is how Qatar launched the Qatar Afghan Scholarship Project (QASP) to support Afghan refugees' access to higher education. 250 displaced Afghan students, split equally among women and men, are funded to continue their education, grow their network, and explore new opportunities, particularly in US universities.⁶ Qatar also Launched the QUEST Initiative to Educate and Train 400,000 Syrian Refugees to ensure they have necessary education and skills that enable them to move to formal education and

⁵ <https://www.iloveqatar.net/news/general/qatar-top-donors-charity-unhcr-un-refugees>

⁶ <https://educationaboveall.org/media-centre/news/landmark-qatar-afghan-scholarship-project-qasp-launches-support-afghan-refugee>

find good jobs in the future to be active members of their community, to guarantee the protection of their rights and livelihoods.⁷

2. Do migrants have access to the cultural institutions and services of the host society? How about undocumented migrants, asylum seekers and refugees? How is such access ensured?
 - a. Yes, all residents in Qatar, including migrants, asylum seekers and refugees, have access to cultural institutions and services of Qatar. As Law No. 11/2018 on Organizing Political Asylum states, forced migrants are subject to the provisions of the law and regulations of Qatar. Cultural institutions are open for all as entities like Qatar Museums, which provide free entry for all those residing in Qatar, and like Katara Cultural Village which regularly hosts public exhibitions, festivals, and cultural, creative, intellectual and artistic activity. Qatar's accession to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2009 also ensures many rights of forced migrants, including their equitable access to a rich and diversified range of cultural expressions from all over the world. It is also important to note that there are no undocumented migrants in Qatar, as all migrants who enter the country are documented.
3. Are tangible artefacts belonging to migrants protected by the state? Does their use affect the cultural rights of migrants?
 - a. Yes, personal artifacts belonging to migrants are considered personal property and are thus protected by the Qatari Constitution, as Article 52 states "Every person

⁷<https://www.qna.org.qa/en/News-Area/News/2016-09/22/qatar-launches-quest-initiative-to-educate-and-train-400000-syrian-refugees>

who is a legal resident of the State of Qatar shall enjoy the protection of his person and property in accordance with the provisions of the Law.” And according to Law No. 11/2018 on Organizing Political Asylum, all migrants in Qatar including refugees and asylees are subject to the laws and regulations of Qatar. Thus, there would be no unconsented usage of personal artifacts or properties of migrants. When it comes to cultural/artistic assets, different entities may work with the forced migrants to protect and display them, as with Qatar Museums.

4. Which institutions have been successful in respecting and protecting the cultural resources and assets of migrants? Please provide examples when possible, including on how this was achieved.
 - a. Many local institutions, with support from international institutions like the UNHCR, have been successful in protecting the cultural rights, resources, and assets of migrants and ensuring the comfort and access to society. A permanent committee called “The Committee for Political Refugees Affairs” was established in the Ministry of Interior as per Law No. 11/2018 on Organizing Political Asylum, and it includes permanent members from the Ministry of Foreign Affairs, the Ministry of Justice, Qatar State Security, and The National Human Rights Committee. The Ministry of Culture also often collaborates with these entities for joint measures and projects.
5. What are the steps that relevant local and national authorities take to ensure that the rights of migrants to access, practice, maintain and transmit living cultural resources are protected, especially forced migrants?

- a. The Committee for Political Refugees Affairs is responsible for assembling and discussing different needs and interests of the forced migrants in Qatar, including their safety, their financial, educational and cultural needs, and many other aspects regarding their stability and development as a community in Qatar. After assembling and discussing different focal points, the Committee would then reach out to entities that can help in the implementation of the designated agreements for action, ranging from educational institutions like the Ministry of Education and Qatar Foundation, to cultural institutions like Qatar museums and Katara Cultural village, to many more authorities.
6. What is the position of governmental authorities when cultural practices of migrants are not in line with those of the majority of the population? Please provide examples of how the tensions have been handled in the past.
 - a. The government of Qatar respects different cultural practices of peoples and ensures their right to practice their cultures and religions, as expanded in the Qatari Constitution. Article 35 states all persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion. Article 36 states personal freedom shall be guaranteed and no person may be arrested, detained, searched, neither may his freedom of residence and mobility be restricted save under the provisions of the law. Article 50 states freedom to practice religious rites shall be guaranteed to all persons in accordance with the law and the requirements of the maintenance of public order and morality.⁸ Qatar's accession to the Convention on the Protection and Promotion of

⁸ <https://www.gco.gov.qa/wp-content/uploads/2016/09/GCO-Constitution-English.pdf>

the Diversity of Cultural Expressions in 2009 also ensures Qatar's respect of fundamental human rights, freedoms, equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples. Also, the Religious Complex in Qatar allows for migrants of different religious backgrounds to freely practice their religions.

7. How do the different sectors of the population learn about the cultures of the migrants, especially new and forced migrants? Please provide information about existing spaces, including media spaces, and opportunities for the host society to encounter and engage with cultural resources of migrants.
 - a. Since its accession to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2009, the State of Qatar has been working to promote cultural diversity and to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner. Different sectors of the population learn about the cultures of new migrants through a wide range of activities, including but not limited to media coverage through television programs and social media applications, cultural conventions, conferences and festivals, as well as the integration of migrants into schools, universities, workplaces, and cultural associations
 - b. Different cultural centers also host diverse events to discuss, introduce and bridge different cultures through professional academic dialogues and the translation of relevant and informative books and media. Many other programs also allow the space and opportunities for different migrant communities to participate in

national events and express their cultures and tradition like in the cultural expression events, museum events at the museum park, and events of Katara

8. What challenges do migrants face currently in practicing, maintaining and transmitting their culture, especially when they are new and/or forced migrants?
 - a. If the migrants' cultural practices go against the state's laws or constitution, then they will need to adapt to the local laws and regulations as the residents fall under the provision of Qatari law.
 - b. Also, due to their small population, forced migrants might face a challenge of feeling like a minority within the country. However, the regulations in place in Qatar ensures them equal treatment and access to rights (including cultural) like any other resident in Qatar. Furtherly, continuous active efforts to include these migrants in daily cultural, educational, and workplace spaces makes it easier for them to feel included in society as a part of the community.
9. Please share good practices in protecting the cultural rights of migrants to access cultural resources and services, to enjoy their heritage and that of others, to use their language in private and in public, to participate in cultural life, to freedom of artistic expression and to take part in decisions that impact their cultural life. Please focus more on new and/or forced migrants.
 - a. There have been many positive examples of joint intergovernmental efforts to protect migrant cultural rights, provide them with access to cultural institutions, and promote the diversity of cultures and languages in Qatari society. For example, the Museum of Islamic Art (MIA), in cooperation with the Ministry of Foreign Affairs, developed a cultural program for Afghan refugee families in

Qatar. Under this program, the department of education and community awareness at MIA organizes activities to support Afghan refugees in Qatar by facilitating art workshops, special lectures, and movie screenings in several languages, including Farsi, English, Arabic, and Urdu., to empower refugees to tell their stories through poetry and other creative means of expression.⁹ The Museum of Islamic Art (MIA) in collaboration with the Ministry of Foreign Affairs held an exhibition commemorating the experiences of Afghan refugees following their evacuation from their home country in 2021. The “Safar” exhibition displays Afghanistan’s history and culture and highlights the experiences and stories of Afghan refugees.¹⁰

10. Please advise how cultural rights of vulnerable and marginalised sections of migrants are protected.

- a. As stated before, the cultural rights of all migrants residing in Qatar are protected by the laws and Constitution of Qatar, as well as agreements adopted. These laws and agreements are summarized in the following: Articles 35, 36, and 50 of the Constitution, Law No. 11/2018 on Organizing Political Asylum, Qatar’s Accession to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2009, and Qatar’s Memorandum of Understanding (MoU) and three cooperation agreements with the UNHCR. All of these regulations and agreements protect and promote the cultural rights of all those residing in Qatar, including migrants and forced migrants.

⁹ <https://www.iloveqatar.net/news/community/qatar-mia-cultural-program-support-afghan-refugees>

¹⁰ <https://dohanews.co/qatars-mia-to-host-afghan-refugee-inspired-exhibition/>