

**Response to the questionnaire for the background paper on the Right to Education
for the Advisory Council of Jurists of the Asia Pacific Forum of National Human
Rights Institutions.**

**Terms of Reference on the Legal obligations of States for the implementation of
economic, social and cultural rights, with respect to the right to education.**

Part 1: Issues raised in the Terms of Reference

Article 25 of the Constitution of Qatar stipulates the right of Education.

“Article 25

Education shall be a significant foundation for the progress of the society. The State shall promote education.”

The compulsory stages of education is divided into two parts of Primary and Secondary schooling, depending on the age of the child.

There are 3 main types of funding for schools;

1. Governmental Schools receive full funding from the State and provide free compulsory education to all children for primary and secondary schooling.
2. Independent Schools are privately financed either by parents or by the government which subsidises the fee if the parents are Qatari or are employed by the Qatari government.
3. Private Schools are privately financed by parents.

Justiciability of economic, social and cultural rights with respect to the right to education

There has not been much case law with regards to the right to education particularly because the educational system put in place is compulsory for children and the State has provided good governmental schools available free to all children. The reported case of 2005 which is still pending, concerned a child who moved from one school to another. The child was in a higher academic year in the first school before the transfer, when she transferred to the other school the child was put in a lower academic year. Each school has its own set of academic standards as approved by the authorities which is the reason for the differentiation in the schooling year. The schools have the discretion to academically test the ability of the child/young person in order to assess which grade/year they are to put in.

There is a mechanism established whereby individuals who wish to voice their concern/complain about a particular issue with reference to education are directed to the relevant authority. If the concern is with reference to a Private School or an Independent School then the individual is directed to complain to the Supreme Education Authority, which oversees these types of schools. If the concern is with a Governmental School then the relevant authority is the Ministry of Education. The relevant authority will then investigate and make enquiries into the matter.

The right to receive an education: available, accessible, acceptable, and adaptable

Qatar accepts international assistance and works in cooperation to achieve the finest educational system. Qatar Joined the United Nations Educational, Scientific and Cultural Organization (UNESCO) on January 27, 1972. UNESCO has an office in Doha, Qatar which opened in 1976 and represents UNESCO in Bahrain, Kuwait, Oman, Saudi Arabia and Qatar.

Infrastructure, Teaching staff and Teaching facilities:

The schools have available to them the means to support the adequacy of the infrastructure. Most schools are modern or have been modernized and as such have these facilities as standard. The infrastructure includes the classrooms, library, sanitation facilities, safe drinking water, and also qualified teachers for all levels of education. The Supreme Education Authority and the Ministry of Education monitor these facilities and ensure that they are available. The relevant Authority sets the standards and ensures compliance in all aspects of the educational system in order to further promote the aim of Article 25 of the Constitution¹.

Non-Discrimination:

The governmental schools are available to every individual. There is no such discrimination based on the equality of the opportunity in education in this regard. The concept of non-discrimination is enforced by the Constitution itself, and specifically in Article 35.

Article 35:

“All people are equal before the law. There shall be no discrimination on account of sex, origin, language, or religion.

Accessibility:

There should be no physical prohibition to the access of educational institutions in particular because most governmental schools have a school bus.

Higher Education:

There are fees imposed for higher education.

Non-Formal Education:

There are community learning centers for an individual to take up. For the improvement of literacy there are free courses available to all individuals.

Quality Education and minimum standards

The Supreme Education Authority and The Ministry of Education are the authorities, which implement the right to education and the standards of the educational system.

¹ Article 25 of the Constitution of Qatar. As stated above in the document.

Education and work:

The secondary schooling is set to be six (6yrs) years or six grades. And as such the individual could conclude his/her studies at the age of 17/18yrs. However, the individual may not pass a grade/ year at school and this could have a consequential effect on when the individual completes his/her schooling.

Employment of Juveniles:

Is included in The Labour Law No. 14 of the Year 2004. The Act prohibits a child under the age of 16 from working as provided in Article 86.

Article 86²

“A child who has not attained the age of sixteen may not be employed in a work of whatsoever nature...”

The Act³ also restricts the employment of individuals who are between the ages of sixteen and eighteen. The Act defines a juvenile as *“Any natural person who has reached the age of sixteen but has not reached the age of eighteen”*.

The Act⁴ defines these individuals as juveniles and restricts their employment along with the hours, and other specifications of the employment.

Article 87⁵

“A juvenile may not be employed without the consent of his father or guardian and the issuance of a special permission from the Department.”

The above refers to the questionnaire that was submitted by the Asia Pacific Forum to the National Human Rights Committee of Qatar. The above is a brief guideline as to the situation with regards to Education in Qatar.

² Labour Law No. 38 of 2004

³ *ibid*

⁴ *ibid*

⁵ *ibid*

The above report has been edited by Yasmin Ali