

International Human Rights Law and Legal Principles
of Procedural Protection of Students' Rights in University
Administrative Disputes:
A Study in the GCC Region

Doctor of Philosophy by

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Abstract

This thesis examines the overlap between international human rights law and the legal concepts that govern the procedural protection of students' rights in university administrative disputes, in the GCC region with particular focus on the State of Qatar. Within modern academia, universities function within a dual structure consisting of external legal duties and internal restrictions. Adhering to both legislative regulations and institutional bylaws is crucial for guaranteeing academic integrity, protecting student rights, and maintaining financial accountability. The changing nature of university governance has seen a shift towards judicial oversight and the formalisation of the student-university relationship, highlighting the importance of fair procedures and the protection of human rights.

The study problem examines the sufficiency of legal channels for contesting university decisions and the degree to which human rights are upheld in university hearings. This raises concerns about the accessibility of judicial review and the extent to which due process rules are followed in administrative actions that impact students. This thesis analyses the legal framework in Qatar to evaluate how international human rights standards, principles of Islamic law, and constitutional requirements are used to protect students' rights in university settings.

This study seeks to find opportunities for enhancement in procedural fairness and justice at Qatar University by thoroughly investigating its laws, regulations, and policies. The research intends to provide recommendations for improving transparency and accountability in university decision-making processes by comparing them to international norms. The study aims to contribute to the establishment of a just and impartial academic

environment that promotes the comprehensive growth of students at Qatar University and within the GCC countries.

Abbreviations

AAC	Academic Appeals Committee
ACHPR	African Charter on Human and Peoples' Rights
AfCHPR	African Court on Human and Peoples' Rights
AHRC	Arab Human Rights Committee
BICI	Bahrain Independent Commission of Inquiry
CDHRI	Cairo Declaration on Human Rights in Islam
CBO	Community-Based Organisation
CRPD	Convention on the Rights of Persons with Disabilities
CRC	Convention on the Rights of the Child
ECHR	European Convention for Human Rights
EU	European Union
FERPA	Family Educational Rights and Privacy Act
GCC	Gulf Cooperation Council
GDHR	Gulf Declaration on Human Rights
ISNSC	Inclusion and Special Needs Support Center
HEI	Institute for Higher Education
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
LAS	League of Arab States
MDGs	Millennium Development Goals
NCECS	National Committee for Educational, Cultural and Scientific Affairs
NHRC	National Human Rights Commission
NGO	Non-Governmental Organisations
OIA	Office of Independent Adjudicator
QRCS	Qatar Foundation for Combating Human Trafficking, the Qatar Red Crescent Society
QNV	Qatar National Vision 2030
SEC	Supreme Education Council
UNESCO	The United Nations Educational, Scientific and Cultural Organization
UAE	United Arab Emirates
CONTEST	United Kingdom's Counter-Terrorism Strategy
UN	United Nations
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
UNDHR	Universal Declaration of Human Rights
UHC	University Health Committee
QF	University of Qatar and the Qatar Foundation for Education, Science and Community Development

Contents

CHAPTER 1	8
AN INTRODUCTION TO STUDENT/UNIVERSITY DISPUTES: PRINCIPLES & COMPARATIVE MODELS	8
1.1 THEORETICAL FRAMEWORK.....	9
1.2 BACKGROUND OF STUDY	13
1.2 RESEARCH ISSUES	14
1.3 RESEARCH AIMS AND QUESTIONS.....	17
1.3.1 RESEARCH QUESTIONS.....	17
1.3.2 RESEARCH AIMS	18
1.4 METHODOLOGY	18
1.5 LITERATURE REVIEW.....	20
1.6 AUTONOMY OF UNIVERSITIES.....	21
1.6.A AUTONOMY OF BRITISH UNIVERSITIES	23
1.6.B AUTONOMY OF US UNIVERSITIES	24
1.6.C AUTONOMY OF QATARI ACADEMIC INSTITUTION AND QATAR UNIVERSITY	24
1.7 THE RIGHT TO FAIR TRIAL AND IMPARTIALITY	25
1.8 THE CONCEPT OF HUMAN RIGHTS	27
1.9 EFFECTIVENESS OF INTERNATIONAL LAW IN THE PROTECTION OF HUMAN RIGHTS	29
1.10 LEGAL SYSTEM OF QATAR	34
1.11 STUDENTS' RIGHTS TO FAIR TRIAL	37
1.12 UNDERSTANDING THE CONCEPTS OF FAIRNESS, PROPORTIONALITY AND REASONABLENESS.....	41
1.12.1 PROPORTIONALITY	45
1.12.2 THE WEDNESBURY CONCEPT OF UNREASONABLENESS	46
1.12.3 IRRATIONALITY.....	46
1.12.4 FAIRNESS	48
1.13 CASE STUDY: NGOLE V THE UNIVERSITY OF SHEFFIELD.....	51
1.14 CONCLUSION	54
CHAPTER 2	55
THE RIGHT TO EDUCATION IN INTERNATIONAL HUMAN RIGHTS LAW	55
2.1 OVERVIEW OF ADMINISTRATIVE LAW AND ITS ROLE IN EDUCATION	56
2.2 RELATIONSHIP BETWEEN HUMAN RIGHTS AND ADMINISTRATIVE LAW.....	59

2.3 RIGHT TO EDUCATION IN THE UN COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS	62
2.4 RIGHT TO EDUCATION IN THE ARAB CHARTER ON HUMAN RIGHTS.....	67
2.5 THE CONSTITUTIONAL RIGHT TO EDUCATION IN THE CONSTITUTION OF QATAR.....	71
2.6 THE PRINCIPLE OF NON-DISCRIMINATION IN ADMISSION TO EDUCATIONAL INSTITUTIONS .	78
2.7 GENDER EQUALITY: RECONCILING INTERNATIONAL HUMAN RIGHTS LAW WITH HUMAN RIGHTS IN ISLAM AND THE NEED FOR AFFIRMATIVE ACTION	83
2.8 CONCLUDING OBSERVATIONS OF THE UN ON THE RIGHT TO EDUCATION IN THE STATE OF QATAR: PROPOSALS AND RECOMMENDATIONS.....	89
2.9 HUMAN RIGHTS IN ISLAMIC LAW.....	91
2.10 THE PRINCIPLE OF POSITIVE DISCRIMINATION IN ISLAMIC LAW AND THE ARAB CHARTER ON HUMAN RIGHTS.....	93
2.11 SCHOOL SEGREGATION IN EDUCATIONAL INSTITUTIONS IN QATAR.....	98
2.12 SPECIAL EDUCATION FOR STUDENTS WITH DISABILITIES.....	102
2.13 VIEWS OF THE UN SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION: IMPLICATIONS FOR THE STATE OF QATAR	111
2.14 CASES INVOLVING QUOTATIONS OF INTERNATIONAL HUMAN RIGHTS LAW FROM ARAB JURISDICTIONS	114
2.14.1 Customary Law and Peremptory Norms	114
2.14.2 National Courts and International Law	116
2.14.3 Humanitarian Values and Arab Nation	118
2.15 APPLICATION OF INTERNATIONAL PRINCIPLES RELATING TO EDUCATION RIGHTS IN NATIONAL COURTS	120
2.15.1 Education Rights in Domestic Context.....	120
2.15.2 Incorporation of International Human Rights in Domestic Setting	121
2.16 A DISCUSSION: UNIVERSITIES / STUDENTS DISPUTES	124
CHAPTER 3.....	144
PROCEDURAL PROTECTIONS OF THE RIGHTS OF STUDENTS IN LEGAL REGULATIONS AND CODES OF CONDUCT IN THE GULF REGION	144
3.1 INTRODUCTION	145
3.2 NATURAL JUSTICE	145
3.3 COMPARATIVE ANALYSIS FRAMEWORK	151
3.4 DISCIPLINE	157
3.5 THE UNIVERSITY'S RELATIONSHIP WITH ITS STUDENTS	158
3.6 OVERVIEW OF DISCIPLINARY ACTIONS	160

3.7	OVERVIEW OF ACADEMIC PROCEDURES IN PUBLIC UNIVERSITIES OF GULF STATES	166
3.7.1	UNIVERSITY OF THE UNITED ARAB EMIRATES PROCEDURES	166
3.7.2	SULTAN QABOOS UNIVERSITY PROCEDURES (OMAN)	170
3.7.3	AL AIN UNIVERSITY	171
3.7.4	Qatar UNIVERSITY PROCEDURES	173
3.8	ACADEMIC PROCEDURES IN PRIVATE UNIVERSITIES OF THE GULF STATES.....	178
3.8.1	AMERICAN CAMPUS (DUBAI).....	178
3.8.2	AMERICAN UNIVERSITY OF BAHRAIN	181
3.8.3	AMERICAN UNIVERSITY OF KUWAIT	183
3.8.4	ARABIAN GULF UNIVERSITY.....	186
3.9	AN ANALYSIS OF THE DUE PROCESS OF DISCIPLINARY ACTIONS IN CODES OF CONDUCT .	189
3.10	RECOMMENDATIONS AND ANALYSIS.....	195
3.10.1	COMPARATIVE ANALYSIS WITH ENGLAND AND WALES' UNIVERSITIES	195
3.10.2	THE ELEMENTS OF FAIRNESS IN PROCEDURES.....	197
3.10.3	INCORPORATING ELEMENTS OF FAIRNESS AND RIGHT TO FAIR TRIAL	198
3.10.4	THE OBSERVANCE OF ANONYMITY AND CONFIDENTIALITY	199
3.10.5	PREVENTING JUSTICE.....	199
3.10.6	OTHER PROCEDURES RELATING TO FAIRNESS	202
3.10.7	PANEL OR DISCIPLINARY HEARINGS	205
3.10.8	THE FORMAL STAGE	207
3.10.9	END OF THE APPEAL.....	207
3.10.10	NON-ACADEMIC DISCIPLINE PROCEDURES.....	208
3.10.11	BULLYING, HARASSMENT, AND OTHER FORMS OF VICTIMIZATION.....	209
3.11	CONCLUSION	210
	CHAPTER 4.....	212
	PROCEDURAL PROTECTIONS OF THE RIGHTS OF STUDENTS IN QATAR UNIVERSITY	
	ADMINISTRATIVE POLICIES	212
4.1	INTRODUCTION	213
4.2	PROTECTION OF HUMAN RIGHTS	213
4.3	POLICIES AGAINST DISCRIMINATION	218
4.4	RIGHT TO EDUCATION AND DISABILITY	223
4.5	ANTI-CORRUPTION MEASURES AND ENHANCING ACADEMIC INTEGRITY	229
4.6	CORPORATE SOCIAL RESPONSIBILITIES	236

4.7	ACADEMIC FREEDOM.....	242
4.8	MEASURES TO PREVENT RADICALISATION	248
4.9	POLICY REQUIREMENTS FOR THE MANAGEMENT OF ONLINE SOCIAL NETWORKS	254
4.10	SECURITY OF CONFIDENTIAL INFORMATION	260
4.11	CONSTRAINTS IN HUMAN STUDIES.....	262
4.12	VOLUNTEER WORK AND PARTICIPATION IN SOCIETY.....	267
4.13	ENVIRONMENT PROTECTION	273
4.1.4	DESIGNING CURRICULUM IN COLLEGES OF LAW: IS QATAR IN COMPLIANCE WITH INTERNATIONAL STANDARDS IN HIGHER EDUCATION?	278
	CHAPTER 5 – RECOMMENDATIONS AND CONCLUSION	287
5.1	INTRODUCTION	288
	Recommendation 1: Advocating for the principles of natural law and justice	289
	Recommendation 2: Adhering to international law in domestic courts.....	291
	Recommendation 3: Promoting Ethics and Fairness.....	294
	Recommendation 4: Improving Procedural Framework.....	297
5.2	CONCLUSION	299

CHAPTER 1

AN INTRODUCTION TO STUDENT/UNIVERSITY DISPUTES: PRINCIPLES & COMPARATIVE MODELS

1.1 THEORETICAL FRAMEWORK

University governance has transitioned from a model reliant solely on academic judgment to one increasingly influenced by legal oversight. This transition has highlighted the legal connection between universities and students, the degree of institutional autonomy, the principles of procedural justice, and the relevance of human rights norms in higher education. Comprehending these theoretical foundations is crucial for rectifying the current roles, regulations and principle in Qatar's university governance framework as well as the governance framework of other university within the GCC region and ensuring that institutional policies conform to legal requirements and exemplary governance practices.

A primary concern in university governance is the degree of legal authority over academic institutions and the equilibrium between institutional autonomy and judicial supervision.¹ Historically, universities have functioned as autonomous institutions with considerable latitude over internal affairs, including academic rules, disciplinary protocols, and administrative choices.² Courts have progressively interfered in university matters, acknowledging that students possess legal privileges. Judicial oversight of universities has evolved via case law, especially in common law jurisdictions, where courts have recognised that institutions must adhere to principles of natural justice and procedural fairness.³ Universities must adhere to national education regulations in countries with codified legal systems that mandate openness, accountability, and non-discrimination. Public universities in Qatar function under the overarching national laws that regulate education and administrative practices.⁴ Although universities possess a certain level of autonomy, this autonomy is not unconditional and it must be applied by legal standards that guarantee justice and due process in decision-making.

¹ Gugus Irianto, Khairul Shaleh and LR Rajafi, 'State Universities' Legal Entities toward Good Governance and Public Trust' [2022] *Urbanizing the Regional Sector to Strengthen Economy and Business to Recover from Recession* 71, 77.

² Adam Habib, Sean Morrow and Kristina Bentley, 'Academic Freedom, Institutional Autonomy and the Corporatised University in Contemporary South Africa' (2008) 34 *Social Dynamics* 140, 155.

³ Junbo Feng, 'A Study on Implementing "Due Process" in University Student Management' (2024) 14 *Sociology Mind* 15, 32.

⁴ Hira Amin and Logan Cochrane, 'The Development of the Education System in Qatar: Assessing the Intended and Unintended Impacts of Privatization Policy Shifts' (2023) 51 *British Journal of Middle Eastern Studies* 1091, 1111.

Legalising the student-university relationship has resulted in a growing acknowledgement of students as rights-bearing persons rather than just recipients of institutional rules.

The connection between students and universities has been extensively examined via the framework of contract theory and legal experts and courts have deliberated on whether a student's enrolment constituted a legally enforceable contract.⁵ It has been traditionally asserted that students, upon enrolment, agree to the terms and conditions established by the university, which include adherence to academic rules, disciplinary codes, and institutional policies. This contractual structure becomes problematic when institutions unilaterally modify regulations without consulting students or impose fines that students cannot effectively contest.⁶ The power disparity between colleges and students is most apparent in standard form contracts when the institution imposes stipulations without opportunity for discussion. The COVID-19 pandemic exposed these vulnerabilities, as numerous universities, including those in Qatar and other GCC region countries, enacted unilateral alterations that affected student rights, such as limitations on on-campus access, shifts to online learning, and policy changes that disproportionately affected international students.⁷ In these situations, the absence of legal protections prompts apprehension over the enforceability of students' contractual rights and the degree to which colleges may alter conditions without responsibility. A more equitable contractual framework necessitates colleges to provide explicit legal protections for students, including transparent regulations, dispute resolution systems, and procedural safeguards to avert capricious decision-making.

University governance has always adhered to one of two principal models: collegial and management models.⁸ The collegial approach emphasises collaborative governance, whereby teachers, administrators, and students make decisions via academic senates or

⁵ Max Schanzenbach and Kim Yuracko, 'What Is the University-Student Contract?' [2023] SSRN Electronic Journal 23, 49.

⁶ Amanda Fulford, 'Contracting with Students: Re-Thinking Higher Education as Invitation to Treat' (2019) 74 Higher Education Quarterly 63, 74.

⁷ John Setear, 'COVID, Contracts and Colleges' (2023) 126 West Virginia Law Review 2, 75.

⁸ Kerstin Sahlin and Ulla Eriksson-Zetterquist, 'Collegiality in Modern Universities – the Composition of Governance Ideals and Practices' (2016) 2016 Nordic Journal of Studies in Educational Policy 1, 10.

governance councils.⁹ This methodology fosters democratic decision-making and safeguards academic freedom. However, it may lead to protracted administrative procedures. Conversely, the managerial model perceives universities as corporate enterprises characterised by centralised decision-making frameworks, whereby power is consolidated within the administration.¹⁰ This strategy improves efficiency but often restricts student involvement in governance. The Qatari and GCC university system mostly adheres to a management style whereby decision-making is centralised among university leadership, with apparent opportunities for student participation.

Procedural fairness is essential to equitable governance and especially pertinent to university decision-making procedures.¹¹ This concept underscores that choices must be substantively equitable and derived from transparent, impartial, and inclusive processes. In university governance, procedural fairness mandates that students be afforded equitable disciplinary processes, transparent grievance procedures, and avenues to challenge decisions impacting their academic standing.¹² The tenets of natural justice, including the entitlement to a fair hearing and the need for impartial decision-making, are crucial for maintaining credibility in university disciplinary and administrative procedures.¹³ Numerous institutions, including Qatar University, have internal disciplinary rules regulating student behaviour.

The Universal Declaration of Human Rights¹⁴, and the International Covenant on Civil and Political Rights¹⁵ underscore the right to education and the ideal of equitable treatment for

⁹ Ulla Eriksson-Zetterquist and Kerstin Sahlin, 'Introduction: Revitalizing Collegiality: Restoring Faculty Authority in Universities' [2023] *Research in the Sociology of Organizations* 1, 26.

¹⁰ Rosemary Deem, "'new Managerialism" and Higher Education: The Management of Performances and Cultures in Universities in the United Kingdom' (1998) 8 *International Studies in Sociology of Education* 47, 70.

¹¹ Michal Głowczewski M and Stanislaw Burdziej, '(In)Justice in Academia: Procedural Fairness, Students' Academic Identification, and Perceived Legitimacy of University Authorities' (2022) 86 *Higher Education* 163, 184.

¹² Junbo Feng J, 'A Study on Implementing "Due Process" in University Student Management' (2024) 14 *Sociology Mind* 15, 32.

¹³ Olaniyi Olayinka, 'University Students' Right to Fair Trial: How Adequate Is Legal Protection' (2020) 7 *International Journal of Human Rights and Constitutional Studies* 247, 263.

¹⁴ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)), art 26.

¹⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

all persons, free from discrimination. These principles mandate that universities provide students with equitable and unbiased dispute resolution mechanisms, conduct disciplinary actions in alignment with due process standards, and ensure that institutional policies do not disproportionately affect particular student groups.¹⁶ In the Qatari setting, university policy must conform to international human rights responsibilities, safeguarding students' rights and ensuring that governance structures embody equity, openness, and accountability values. The omission of human rights issues in university governance undermines institutional credibility and exposes students to possible rights infringements. Aligning university governance with international human rights norms requires a commitment to procedural protections, non-discriminatory policies, and processes enabling students to contest decisions impacting their education and welfare.

A theoretical synthesis integrating contract law, governance theory, procedural justice, and human rights legislation highlights the need for restructuring university governance systems. Universities must formulate explicit contractual provisions that provide students with legal safeguards against capricious policy changes and guarantee that decision-making procedures include aspects of shared governance. Procedural protections, including independent review procedures and student legal counsel, ensure equity and mitigate institutional bias. Aligning university governance with international human rights norms enhances institutional accountability and guarantees that students are handled in line with principles of equity and due process.

This study integrates theoretical perspectives to analyse the effects of current governance rules, regulations, and principles on student rights and suggests reforms to align Qatar's higher education policies with global best practices. The study also examines the situation existing within GCC countries to provide a broader regional context. Therefore, it investigates the extent to which university roles, regulations, and policies adhere to international human rights principles and guidelines, and addresses the primary question of the procedural rights granted to students in administrative disputes with the university.

¹⁶ *ibid.*

Universities should transition from administrative entities with unchecked discretion to institutions governed by explicit legal frameworks that ensure fairness, transparency, and accountability. Enhancing legal safeguards for students, establishing collaborative governance frameworks, and guaranteeing adherence to international human rights commitments are vital measures for fostering a more fair and equitable higher education system in Qatar and other GCC countries.

1.2 BACKGROUND OF STUDY

Globally, universities must adhere to both external laws and their internal regulations. Institutions are governed by legal frameworks set by governments and their own internal rules and regulations, known as bylaws. Universities must comply with legislation to meet criteria established by regulating organisations, which include academic integrity, student rights, and financial management. Adhering to internal bylaws simultaneously promotes institutional autonomy and self-governance in universities. This allows them to customise their operations according to their unique missions and goals while ensuring responsibility and openness within their academic communities. This has occurred as a matter of ‘judicial control of universities,’ that is, through the common law and by way of statutory changes.¹⁷ More recently, we have seen references to the ‘legalisation’ of the student-university relationship. The university's "public" status means that it must act according to its rules and regulations to curb human rights violations.¹⁸

Universities are bestowed with autonomy by national law, allowing them to operate independently and shape their policies in line with their mission and values. Within this framework, students enter into a contractual relationship with the university. Consequently, students must adhere to the institution's rules and regulations. Even in cases where explicit

¹⁷ Calliope Spanou, "Judicial Controls Over the Bureaucracy" [2020] Oxford Research Encyclopedia of Politics.

¹⁸ Kris Gledhill, "Tertiary institutions and human rights obligations" (2019) 51 Educational Philosophy and Theory 1252, 1261.

contractual terms are lacking, students recognise an implicit agreement by enrolling in the institution.¹⁹ That said, this contractual issue faced a problem during the COVID-19 pandemic because, around the world, students were either deported or were invited to return to their respective countries since courses were no longer delivered on campus but online. One of the major problems identified was that universities made unilateral decisions without considering students' participation.

It was further identified that some students wanted to avoid returning to their homeland because the country where they were studying had fewer cases of COVID-19, and therefore, remaining in the country was quintessential for their health. This example demonstrates how students may sometimes have “low” bargaining power against the university’s decision. Students deserve the protection of the principles of natural justice,²⁰ mainly when the University of Qatar hears disciplinary issues brought against them or when students themselves get matters against the University or its representatives to foster fair treatment as an inherent principle in the governance of the University. This thesis will examine how the absence of legal procedural safeguards within university administration undermined Qatar’s commitment to fostering fair and equitable learning environments. The study examines how procedural justice ideas are applied in Qatar's university system, including codes of conduct and policies. It looks at how these methods safeguard students' rights in administrative proceedings.

1.2 RESEARCH ISSUES

The issue of where and why university decisions can be challenged is troubling. In general, such choices for public universities are made through judicial review. Ideally, internal processes and procedures should handle all such problems, but this is only sometimes true.²¹ This intricate relationship represents a legal hybrid, blending public and private law

¹⁹ Sam Middlemiss, "Legal liability of universities for students" (2000) 12 *Education and the Law* 69, 91.

²⁰ The concept of “natural justice” will be further discussed in Chapter 2.

²¹ Clive Lewis, "Procedural Fairness and University Students: England and Canada Compared" (1985) 9 *Dalhousie Law Journal* 313, 346.

elements. It encompasses the internal dynamics between students and academic institutions governed by statutory mandates or contractual agreements. Students can challenge university decisions through formal grievance procedures or legal avenues, ensuring accountability and fairness in administrative actions. The process may be legally complicated regarding their jurisdiction, method, nature of the assessment and redress or remedy that might be provided regarding university decisions such as academic admission, advancement, discipline, academic performance, and evaluation.

The main issue related to the University of Qatar concerns the fundamental problem of how much students' human rights are respected in university hearings. Do students have the right to challenge the university's administrative decisions? Can students appeal such decisions before the courts? Is due process observed in court proceedings?

The main contention in this argument concerns how making decisions without consulting students may lead to unfair outcomes. If the board making said decisions had considered the principles of fairness, proportionality, and reasonableness, then it would have been “fairer” for the students.²² Taking unilateral decisions deprives a student of his right to a fair trial, which gives the university a specific power, jeopardising the students’ rights and studies. Another alternative to alleviate the issue of fairness and fair trial would have been the judicial review of the administrative decisions issued by universities. The main contention in this argument is that for judicial review to happen, the legal system needs to recognise the said principle. To what extent does the Qatari legal system apply the elements of fairness, proportionality, and reasonableness in administrative decisions regarding student hearings? This thesis will assess the natural justice approach to student hearings at the University of Qatar.

International human rights provide the basis of numerous principles enshrined under the various international legal instruments; international law ensures procedural fairness; these rights include the right to be presumed innocent until proven guilty in a court of law,

²² Alexander W. Cappelen and Bertil Tungodden, "Fairness and the proportionality principle" (2017) 49 Social Choice and Welfare 709, 719.

the right against self-incrimination, or the right not to be forced to testify against himself or confess guilt, the right to be tried without undue delay, the right to cross-examine the witnesses against him, and the right to legal assistance, which includes the right to communicate freely and confidentially with his lawyer.²³ The right to a fair trial will be considered in the current context since it relates to students' fair hearing. So, one must address the fairness of student disputes in light of these international standards. The other question is whether Islamic law offers the same procedural safeguards. Therefore, this thesis will further consider the procedural fairness under Islamic Law, the State's official religion. In this context, the main principles of justice and equality enshrined in the constitution of Qatar will be examined. Consequently, the question of fairness, reasonableness and proportionality in university hearings shall be discussed in three dimensions: international standards, Islamic law principles and constitutional mandates.

A fundamental element of all legal systems is a fair judicial procedure managed by an impartial magistrate. This is one of the pillars of the rule of law.²⁴ The root of human rights may be regarded as a concept in the idea of natural law, which has evolved throughout the years and grown to its present condition. The participation of governments in the issue of human rights responsibilities has become particularly significant. It was commonly thought that if a country were shown to be treating its inhabitants so that their rights would be violated, the problem would eventually be seen as internal and hence, no action would take place.²⁵ Nonetheless, the increasing significance attached to international human rights in a given nation has a variety of significant human rights implications. It is well known that the claims of State sovereignty and its jurisdiction have gradually decreased due to the increasingly effective recognition of fundamental human rights.²⁶ At the same time, the rise of international institutions aimed at guaranteeing these rights, such as the Human Rights

²³ Surinder Kaur, "Historical Development of Human Rights" (2014) 6 Journal of Social Science Research 996, 999.

²⁴ Susana Galera, "El derecho a un juicio justo en el Derecho de la Unión Europea: luces y sombras" [2013] Revista de Derecho Político 46, 76.

²⁵ Nour Mohammad and Yasmin Farjana, "Participation as a Human Right: A Rights-based Approach to Development" [2018] Stakeholders, Governance and Responsibility 33, 45.

²⁶ Jack Donnelly, "State Sovereignty and International Human Rights" (2014) 28 Ethics & International Affairs 225, 238.

Council, has boosted governmental actions that are acknowledged to violate and infringe human rights.²⁷ Before then, the list of charters and treaties that focused on the defence of human rights and the restriction of the powers of the state were recognised. One of the essential components of the criminal process is the right to a fair trial and due process since it can fundamentally affect individual freedom.²⁸ The aim is, therefore, to guarantee that civil liberties are protected and that the rights of any person are not abused in a country during the proceedings and, thus, in a variety of legal fields, both internationally and domestically, everyone has the right to a fair trial.²⁹ This is reflected in the legislation given by the government and the writing of laws by the legal system, as seen by the former under the regional and international treaties.

1.3 RESEARCH AIMS AND QUESTIONS

1.3.1 RESEARCH QUESTIONS

This study focuses on thoroughly analysing the governance and decision-making processes of Qatar University. Investigating the current status of the right to a fair trial in the institution is essential for assessing its dedication to procedural justice. The research suggests improvement in decision-making by including ideas of fairness, natural justice, proportionality, and rationality. The study examines the adherence to due process in disciplinary procedures involving students, specifically in Arab universities in the Gulf region, with a specific emphasis on Qatar University. The study also examines the transparency and effectiveness of codes of conduct in dealing with academic and non-academic infractions. The research examines how university policies combine student interests and institutional imperatives. It also analyses how administrative courts incorporate international legal norms.

²⁷ Simon Hug, "Dealing With Human Rights in International Organizations" (2015) 15 *Journal of Human Rights* 21, 39.

²⁸ Simone Lonati, "Fair Trial and the Interpretation Approach Adopted by the Strasbourg Court" (2017) 25 *European Journal of Crime, Criminal Law and Criminal Justice* 52, 75.

²⁹ Jordan Daci, "Right to a fair trial under international Human Rights Law" (2008) 4 *South East European University Review* 95,110.

The following research questions will, therefore, guide the study:

1. How does procedural law impact students within the university environment?
2. How can principles of fairness, natural justice, proportionality, and reasonableness be included in Qatar University's decision-making process?
3. Is due process observed in disciplinary actions against students in hearings held by Arab universities in the Gulf region, especially Qatar University?
4. Do codes of conduct provide for clear rules that specify academic and non-academic violations?
5. How are the university's policies designed to balance student and university interests?
6. To what extent do administrative courts consider international legal standards, Islamic law principles, and constitutional mandates?

1.3.2 RESEARCH AIMS

This study aims to examine the laws, regulations, and policies of Qatar University with an emphasis on improving fairness and justice in its decision-making procedures. The project intends to provide ideas for incorporating worldwide standards of natural justice within the university's structure. The investigation will also examine the university's compliance with the right to a fair trial. The study aims to provide insights that will help create a fair and transparent environment at Qatar University by conducting a thorough assessment and comparing it with global trends.

1.4 METHODOLOGY

The thesis will utilise a doctrinal approach, thoroughly analysing texts derived from court and tribunal rulings, human rights treaties, draft articles, decisions made by national courts,

and secondary writings authored by prominent academics.³⁰ The availability of online sources and e-libraries makes it easy to gather data, which makes the doctrinal approach suitable for this study, considering the vast amount of online materials on the subject.

In addition, the study will include a comparative examination of the concept of university autonomy and its relationship with the right to a fair hearing. The chosen sample for comparison comprises the United Kingdom, the United States, and Qatar. The analysis will consider academic perspectives and other pertinent sources to evaluate the incorporation of fair hearing and natural justice components in Qatar University's decision-making procedure.

The thesis will primarily focus on a detailed scrutiny of the codes of conduct established by universities in the Gulf States, particularly Qatar, and a comprehensive evaluation of Qatar University's policies. These policies cover a wide range of areas, including the safeguarding of human rights, measures to prevent discrimination, ensuring access to education for individuals with disabilities, initiatives to combat corruption, enhancing academic integrity, promoting corporate social responsibility, protecting academic freedom, measures to counter radicalisation, regulations for managing online social networks, maintaining the confidentiality of information, limitations on human studies, promoting volunteer work, encouraging civic participation, and preserving the environment.

An essential element of the thesis will involve thoroughly examining judicial rulings issued by Qatari courts and other courts in the Arab region regarding conflicts between universities and students. The research seeks insights into the legal framework and previous cases that influence resolving these disputes. This diverse approach will enhance a thorough comprehension of the global principle of procedural safeguarding of students' rights in the distinct setting of administrative conflicts within Qatar's educational system. Through careful examination and analysis, the thesis aims to contribute significantly to the academic

³⁰ Ishwara Bhat, *IDEA and Methods of Legal Research* (Oxford University Press, New Delhi 2019).

discussion on the intersection of student rights, procedural protection, and university governance in Qatar.

1.5 LITERATURE REVIEW

CONCEPT OF ACADEMIC INTEGRITY

Several studies in academic integrity have addressed the extent to which students are entitled to procedural protection in cases of their commission of violations of the code of conduct designed by different universities to provide for the rules and regulations applicable to students' conduct.³¹ Most of these studies covered practices of American and English universities in cases such as sexual harassment. The question raised in such cases was whether the disciplinary actions should be subject to the traditional rules of the State's criminal law or whether an academic institution should be allowed more discretion in meeting the requirements of due process and fundamental fairness. Another issue raised is how these requirements should yield to a balancing test between the students' rights and the universities' interests in maintaining a good learning environment.

Students have lately initiated multiple lawsuits against universities, such as claiming refunds because of the coronavirus outbreak.³² The question in such scenarios has been whether the contract between the student and the university should be revised to include the event of a shift in the teaching medium, such as from face-to-face learning to move towards online learning and whether a university is deemed to fulfil its obligations in providing educational services to its students regardless of the delivery method. In most of these instances, universities have the upper hand by claiming that students pay tuition to cover the cost of education, which does not include a specific medium of instruction.

³¹ Linda Amrane-Cooper, Stylianos Hatzipanagos and Alan Tait, 'Developing Student Behaviours That Support Academic Integrity in Distance Learning' (2021) 13 Open Praxis 378, 384.

³² Tran LT and others, 'Covid-19, Geopolitics and Risk Management: Towards Framing a Reciprocal, Coordinated, Responsive and Empathetic International Education Sector' (2023) 21 Policy Futures in Education 423, 444.

Students believe that online learning could be a better substitute for classroom education.³³ In this instance, the courts are typically hesitant to delve into academic achievement quality or decide whether face-to-face and online education are equivalent.

Few studies or research have been conducted on university disciplinary procedures against students and safeguards to ensure a fair process in Qatar. Nonetheless, several articles have been written on academic corruption in Arab universities.³⁴ However, it was suggested that a more transparent framework should contain the fundamental concepts of human rights, corporate social responsibility, environmental standards, and anti-corruption measures, all mentioned in Qatar University's guidelines and regulations.³⁵

Other studies examined the culture of international students, particularly Saudis studying at universities in the United States of America. They mentioned incidents of Muslim harassment and Arab bias and concluded that US universities should pursue policies of cultural diversity, non-discrimination, and understanding of different heritages and traditions.

Conflicts between security personnel and students at Egyptian institutions have also been criticised, mainly because the legislation empowers university presidents to remove students who peacefully demonstrate because their activities supposedly impair the educational process or encourage violence. Other issues, such as refusing to salute the Egyptian flag in morning sessions or outlawing the wearing of the niqab, were also discussed.

1.6 AUTONOMY OF UNIVERSITIES

The notion of "university autonomy" is highly complicated and multi-dimensional since it includes many elements of universities' activities, from academic issues such as

³³ Byeongwoo Kang, 'How the COVID-19 Pandemic Is Reshaping the Education Service' [2021] *The ICT and Evolution of Work* 15, 36.

³⁴ Saladin Aljurf, Linzi Kemp and Paul Williams, 'Exploring Academic Dishonesty in the Middle East: A Qualitative Analysis of Students' Perceptions' (2019) *45 Studies in Higher Education* 1, 13.

³⁵ Gina Cinali, 'Middle Eastern Perspectives of Academic Integrity: A View from the Gulf Region' [2016] *Handbook of Academic Integrity* 113, 133.

curriculum creation and teaching methodology to internal financial management and the decision-making process that affects students positively and negatively.³⁶ University autonomy refers, among other things, to the connection between universities and the external world, such as state regulations, public and private funding organisations, partnerships with industry or non-governmental organisations, and international organisations.³⁷ As such, university autonomy concerns liberties, duties, and responsibilities. It is essential to note that the understanding and application of the concept of university autonomy are usually dependent on factors like the regional diversity of higher education, historical and cultural contexts, the traditions of higher education, or, in some cases, even the economic circumstances.³⁸ There is a strong opinion in Europe that supporting higher education is the duty of the State. However, at the same time, steps should also be implemented and aimed at strengthening institutional autonomy. In other words, the universities need to be granted greater authority to administer and grow themselves without substantial government involvement in financing higher education. In Europe, there are several methods towards the achievement and operationalisation, both on the state level and at the level of individual higher education institutions. Still, there is a general tendency for institutional autonomy to be expanding.³⁹

Conway's analysis of judicial review and administrative law principles enhances the discussion by highlighting the importance of oversight in upholding procedural integrity. According to Conway, judicial review serves as a vital mechanism to oversee administrative power even for the European Court of Justice thereby guaranteeing that decisions are made by the law and established procedures.⁴⁰ Therefore, having judicial review mechanisms in

³⁶ Pavel Zgaga, "Reconsidering University Autonomy and Governance: From Academic Freedom to Institutional Autonomy" [2012] *University Governance and Reform* 11, 22.

³⁷ Kai Ren and Jun Li, "Academic Freedom and University Autonomy: A Higher Education Policy Perspective" (2013) 26 *Higher Education Policy* 507, 522.

³⁸ Kata Orosz, "Interconnected Dimensions of University Autonomy in Europe" [2018] *European Higher Education Area: The Impact of Past and Future Policies* 639, 649.

³⁹ Thomas Estermann and Terhi Nokkala, "University Autonomy in Europe I - Exploratory Study" (European University Association 2009).

⁴⁰ Gerard Conway, 'The Limits of Legal Reasoning and the European Court of Justice' [2012] *Cambridge University Press* 1, 272.

place for university administrative decisions in Qatar can significantly improve the procedural safeguards for students. This oversight guarantees that universities comply with legal standards and offers students a means of redress if they believe their procedural rights have been infringed.

1.6.A AUTONOMY OF BRITISH UNIVERSITIES

British universities benefit from the world's highest degree of autonomy, and therefore, the State or any legislative measure shall not automatically affect their independence.⁴¹ It is founded on traditions and public opinion that universities are one of the most essential institutions in a civilised society and can prosper only in an atmosphere of complete freedom. Relations between governments and universities in England are based on mutual trust between parliament and the administration and between the executive and universities.⁴² Without comprehensive parliamentary supervision, the government significantly contributes to universities. Conventions have been progressively evolved to transfer the entire academic activity of the University to that of the "Senate," which is mainly an educational body. The tribunals recognise a limitation of the court's function in determining the legality of the use of its expert judgment by the entity involved.⁴³ In, for example, *R (on the Kwao application)*⁴⁴, it was noted that the Court was obliged to conduct an academic exercise for which it was not qualified in an appeal against a decision to grant a lower degree master's instead of a doctorate. However, this issue is not always entirely clear. In *R (on the application of Mustafa)*, the Court considered the issue of plagiarism and decided that this would not always require the exercise of an academic ruling.

⁴¹ Don Anderson and Richard Johnson, "University Autonomy in Twenty Countries" [1998] Centre for Continuing Education The Australian National University 1, 25.

⁴² Timothy Scott and Nathara Mhunpiew, "Impact of Government Policies and International Students on UK University Economic Stability" (2021) 14 International Education Studies 1, 6.

⁴³ Julie Rowlands, *Academic Governance in the Contemporary University* (Springer Singapore, Imprint: Springer 2017).

⁴⁴ *R (on the Kwao application) v University of Keele* [2013] EWHC 56 (Admin).

1.6.B AUTONOMY OF US UNIVERSITIES

The universities of the United States can be generally subdivided into (i) private and (ii) state/public. The first-class institutions include those established by religious organisations and private people and some of the oldest and richest American colleges, such as Harvard, Columbia and Yale. The State controls those in the 2nd category and depends on the same for funding, such as Michigan University. There is more flexibility for private colleges than state universities, as they do not rely on the goodwill of taxpayers or state intervention.⁴⁵ There is always a risk that the state legislature may interfere with a university's autonomy, but such intervention is unusual.⁴⁶ To the extent that a state university has to admit all students who leave any state high schools and can seek acceptance, its freedom to choose its students, which is a significant part of the college's autonomy, may be restricted. In contrast, a private university chooses every one of its students, which is generally based on its admission standards.

1.6.C AUTONOMY OF QATARI ACADEMIC INSTITUTION AND QATAR UNIVERSITY

Higher education is considered essential to become an information-based society and plays a significant role in the development of Qatar as a centre for education. In Qatar, the four main components include the Supreme Education Council (SEC), the Institute for Higher Education (HEI), the Qatar University (QU) and the Qatar Foundation for Education, Science and Community Development (QF). That said, the autonomy of Qatari universities is constrained by the Supreme Education Council in Qatar. Still, Western institutions' branch campuses under the patronages of the Qatar Foundation enjoy greater freedom.⁴⁷ The Foundation was initially intended in several vital fields to attract a foreign higher education institution considered to be in the top ten universities worldwide. The University of Virginia was considered, but it was determined that no acceptable university was the finest. Instead, the Qatar Foundation recruited several institutions, each with an area of specialisation. Six

⁴⁵ Richard J. Meyer, "Academic freedom in the United States" (1967) 15 British Journal of Educational Studies 28, 39.

⁴⁶ Robert C. Lowry, "The effects of state political interests and campus outputs on public university revenues" (2001) 20 Economics of Education Review 105, 119.

⁴⁷ Abdellatif Sellami and others, "A Path Analysis of Student Interest in STEM, with Specific Reference to Qatari Students" (2017) 13 EURASIA Journal of Mathematics, Science and Technology Education 6045, 6059.

US institutions, including Weill-Cornell Medical School and Texas A&M University, were located on the Education City branch campus in early 2010, offering a variety of engineering programming, and Carnegie Mellon University provides business and computer science programs.⁴⁸ This clear discrimination demonstrates that two different types of autonomy are afforded to universities in Qatar. For instance, “state” governed universities will have less independence or no autonomy since they are under the supervision of the Supreme Education Council; private universities are more likely to be equal to American and British universities.

Qatar University is a governmental institution, and the State provides the bulk of its resources for the latter to operate.⁴⁹ The Council of Regents was advisory (but non-governmental) to the University in previous years but was suspended in 1995. The general allowances for particular objectives of the University budget, like any further modifications or reallocations to budgeted amounts, had to be authorised by the Ministry of Finance. For all but the lowest spending, even within previously authorised budgets, specific Ministry of Finance clearance was necessary. The faculty claimed that the central government was usurping the customary faculty and academic department authorities, such as recruiting, retaining, and promoting professors, developing curricula, and maintaining educational standards.

1.7 THE RIGHT TO FAIR TRIAL AND IMPARTIALITY

Judicial Review

Administrative decisions refer to various determinations made by government agencies, departments, or other administrative organisations while fulfilling their tasks and obligations.⁵⁰ The connection between administrative decisions and judicial review is

⁴⁸ Pamela Walsh, "Establishment of an American branch-campus model of higher education: Qatar's early goals, rationales, and challenges" (2019) 6 Athens Journal of Education 271, 290.

⁴⁹ Joy S Moini and others, *The reform of Qatar University* (RAND Corporation 2009).

⁵⁰ Chris Backes and Mariolina Eliantonio, 'Administrative Law' [2017] Introduction to Law 201. 227.

essential to the foundations of administrative law and the rule of law.⁵¹ Likewise, judicial review protects against abuse of power. It guarantees accountability in the administrative process by upholding transparency, consistency, and predictability in the administration of authority, enhancing the general stability and equity of the legal system.⁵²

The principles of natural justice and judicial review are essential elements of Qatar's legal system, demonstrating the country's dedication to maintaining fairness, transparency, and accountability in the administration of justice. These principles are based on constitutional and legal frameworks and play a fundamental role in protecting individual rights and ensuring the effective operation of the legal system.

Judicial review is a legal procedure in which a court assesses the legality of government or administrative bodies' actions, decisions, or policies.⁵³ Judicial review aims to guarantee that public authorities operate within the boundaries of their legal authority, uphold principles of equity, and abide by the rule of law. It grants individuals or entities harmed by administrative decisions the opportunity to contest those decisions in a court of law.⁵⁴ Judicial review commonly entails evaluating the decision-maker's jurisdiction to render a specific decision, conformity with the law, and adherence to appropriate procedures.⁵⁵ Standard bases for judicial review frequently encompass illegality, irrationality, and procedural impropriety.

Judicial review, the examination of the legality of administrative actions by the courts, is an essential component of the Qatari legal system. The Constitution grants the judiciary the authority to engage in judicial review, which allows them to evaluate the legality of

⁵¹ James Grant, 'Reason and Authority in Administrative Law' (2017) 76 *The Cambridge Law Journal* 507, 536.

⁵² Doreen Lustig and J H Weiler, 'Judicial Review in the Contemporary World—Retrospective and Prospective' (2018) 16 *International Journal of Constitutional Law* 315, 372.

⁵³ *ibid.*

⁵⁴ Chris Backes and Mariolina Eliantonio, 'Administrative Law' [2017] *Introduction to Law* 201. 227.

⁵⁵ Allan TRS, 'Deference, Defiance, and Doctrine: Defining the Limits of Judicial Review' (2010) 60 *University of Toronto Law Journal* 41, 59.

administrative decisions and actions.⁵⁶ The Administrative Court, tasked with resolving administrative issues, plays a crucial role.

In Qatar, the grounds for judicial review encompass illegality, irrationality, and procedural impropriety. Illegality refers to actions beyond the legal authority given to the decision-maker. In contrast, irrationality pertains to decisions so unreasonable that no reasonable authority could have made them.⁵⁷ Procedural impropriety refers to fairness violations, mistakes in following procedures, and failure to adhere to prescribed protocols.

The strength of Qatar's judicial review mechanisms demonstrates its unwavering dedication to upholding the rule of law. The Administrative Court serves as a regulatory mechanism to oversee the implementation of administrative powers, guaranteeing that public authorities comply with legal requirements and uphold the principles of fairness and due process.⁵⁸ Individuals who perceive their rights as violated by administrative decisions can seek a remedy through the court, which possesses the power to nullify or modify decisions that fail to meet the criteria of legality, rationality, and fairness.

1.8 THE CONCEPT OF HUMAN RIGHTS

Human rights are inherent to all individuals by their humanity and are considered universal and fundamental entitlements independent of nationality, ethnicity, or any other differentiating trait.⁵⁹ Human rights are consistent regardless of differences in cultural backgrounds and legal systems between countries.⁶⁰ Assigning distinct human rights to

⁵⁶ Emily Hammond, 'The Constitution's Guarantee of Legal Accountability for Jurisdictions' (2021) 49 Federal Law Review 528, 533.

⁵⁷ Roger Masterman, 'Judicial Review of Administrative Action: Grounds for Review' [2022] Constitutional and Administrative Law 622, 684.

⁵⁸ Carol Harlow C, 'Global Administrative Law: The Quest for Principles and Values' (2006) 17 European Journal of International Law 187, 214.

⁵⁹ Pablo Gilabert, 'Understanding Human Dignity in Human Rights' [2018] Human Dignity and Human Rights 113, 140.

⁶⁰ Helen Quane, 'Legal Pluralism and International Human Rights Law: Inherently Incompatible, Mutually Reinforcing or Something in Between?' (2013) 33 Oxford Journal of Legal Studies 675, 702.

individual countries is fundamentally incorrect and goes against the universal principles that underpin human rights. Geographical barriers or national identities should not be used to create unfair differences against human rights' universal and inherent nature.⁶¹

Since the United Nations was established to promote order and peace inside nations and beyond the borders of the whole world, the rights of all individuals, regardless of their race, gender, religion, nationality, or any other characteristic, have had a positive impact on the world.⁶²

The UN General Assembly adopted the Universal Declaration of Human Rights (hereinafter referred to as "UDHR") on December 10, 1948.⁶³ It outlines most of the fundamental rights now protected by signatory countries.⁶⁴ To date, the UDHR remains the cornerstone declaration in human rights law.

The International Covenant on Civil and Political Rights is one of the most widely ratified treaties, and, as of the 30th April 2025, has 174 State parties.⁶⁵ The Covenant guarantees the right to self-determination and other fundamental human rights.⁶⁶ Humans can independently determine their political status, pursue economic activities and cultural and social development, and dispose of their wealth.⁶⁷ There is a right to life and legal protection as well as a right against torture or cruel, degrading treatment or punishment in this international treaty. Freedom and personal security are reaffirmed in Article 9. It extends the right to liberty to include freedom of movement, subject to limits imposed by legislation on national security, public order, public health or morality. The right to liberty in Article 12 includes the right to freedom of movement. It further reaffirmed the importance of equality

⁶¹ Vera Shikhelman V, 'Geography, Politics and Culture in the United Nations Human Rights Committee' (2017) 28 *European Journal of International Law* 845, 869.

⁶² Kseniya Oksamytna and John Karlsrud, *United Nations peace operations and International Relations theory* (Manchester University Press 2020).

⁶³ UNGA 'Universal Declaration of Human Rights' (10 December 1948) UNGA Res 217 A (III).

⁶⁴ Surinder Kaur, "Historical Development of Human Rights" (2014) 6 *Journal of Social Science Research* 996, 999.

⁶⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

⁶⁶ Martin Scheinin and others, "The International Covenant on Civil and Political Rights" [2007] *Making Treaties Work* 48, 69.

⁶⁷ Paul Taylor, "Article 1: Self-determination" [2020] *A Commentary on the International Covenant on Civil and Political Rights* CUP 36,57.

before the law, privacy, the right to start a family, the freedom of speech and association, the right against discrimination, and the right to equal opportunity. As a result, every state's self-determination rights are covered in detail by the Covenant.

1.9 EFFECTIVENESS OF INTERNATIONAL LAW IN THE PROTECTION OF HUMAN RIGHTS

The entitlement to education is protected by various global instruments, such as the Universal Declaration of Human Rights (UDHR)⁶⁸, the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as “ICESCR”)⁶⁹, and the Convention on the Rights of the Child (hereinafter referred to as “CRC”)⁷⁰. These instruments establish the legal basis for the entitlement to education, delineating the principles of impartiality, availability, and the duty of states to gradually achieve this entitlement.

These accords are crucial in establishing and protecting the universal human right to education. The UDHR, ICESCR, and CRC develop a comprehensive framework for safeguarding and advancing education as a fundamental human right.⁷¹ The accords specify the right to education and the principles for its fulfilment, and they value fairness and strive to make education available to everyone without discrimination.⁷² Furthermore, they emphasise that states must ensure that education is provided and becomes increasingly reachable for all individuals, irrespective of socio-economic status or other obstacles. These agreements are crucial legal tools that support global efforts to improve educational fairness and accessibility. By establishing a standard framework and systems of

⁶⁸ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)), art 26.

⁶⁹ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, arts 13.

⁷⁰ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 art 28.

⁷¹ Monisha Bajaj, Beniamino Cislighi and Gerry Mackie [2016] Advancing Transformative Human Rights Education: Appendix D to The report of the global citizenship commission 1, 4.

⁷² Jane Kotzmann, ‘The Human Right to Higher Education’ [2018] Oxford Scholarship Online 17, 60.

accountability, they pressure countries to prioritise education as an essential human entitlement, aiding in the progress of individuals, communities, and societies globally.⁷³

Harmonising the right to education entails incorporating these international standards into states' domestic legal frameworks, guaranteeing that national laws and policies align with the responsibilities outlined in international treaties.⁷⁴ By integrating these principles into federal legislation, states pledge to defend and safeguard the right to education within their territories. This alignment simplifies holding individuals accountable and ensuring adherence to rules by establishing a well-defined legal structure for handling infractions and tracking advancements. Furthermore, it encourages uniformity and logical connection in educational programmes, advocating for fairness and availability for all individuals, irrespective of their background or circumstances.

The objective is to establish a comprehensive legal structure that efficiently safeguards and advances the universal right to education. Although the international community acknowledges the importance of aligning the right to education, there are still obstacles to effectively incorporating international standards into domestic legal frameworks.⁷⁵ These challenges encompass cultural disparities, resource limitations, and divergent understandings of the entitlement to education. States must address these challenges to establish a cohesive legal framework incorporating their cultural context and adhering to international human rights standards.

A practical approach to addressing these challenges involves enhancing the capabilities and knowledge of policymakers, legislators, and the general public.⁷⁶ Education campaigns and training programmes can effectively communicate the significance of the right to education and offer guidance on harmonising national legislation with global benchmarks.

⁷³ Todd Jennings T, 'Human Rights Education Standards for Teachers and Teacher Education' (2006) 17 Teaching Education 287, 298.

⁷⁴ Adrian Zancajo and Xavier Bonal, 'Education Markets and School Segregation: A Mechanism-Based Explanation' (2020) 52 Compare: A Journal of Comparative and International Education 1241, 1258.

⁷⁵ Amartya Sen, 'Elements of a Theory of Human Rights' (2004) 32 Philosophy & Public Affairs 315, 356.

⁷⁶ Sheila Siar, 'The Challenges and Approaches of Measuring Research Impact and Influence on Public Policy Making' (2023) 26 Public Administration and Policy 169, 183.

In addition, cooperation among governments, civil society organisations, and international entities can promote the exchange of the most effective methods and technical support, encouraging a joint endeavour to achieve harmonisation.⁷⁷

Within the Qatari context, the entitlement to education is deeply ingrained in the nation's dedication to human rights, as evidenced by its constitution and adherence to international treaties. Qatar has signed and ratified critical global agreements, such as the International Covenant on Economic, Social and Cultural Rights in 2018 and the Convention on the Rights of the Child in 1995,⁷⁸ demonstrating its commitment to safeguarding the right to education for its population. However, that does not mean the country would not adhere to the international conventions.

States often fail to uphold the right to education for their populations despite their commitment to international treaties such as the ICESCR⁷⁹ and the CRC^{80,81}. Disparities in education access are a significant concern. Although these treaties prioritise non-discrimination and the right to education for all, marginalised groups frequently encounter obstacles when trying to obtain high-quality education.⁸² Children from low-income households, rural areas, ethnic minorities, or with disabilities in many nations face challenges such as inadequate facilities, skilled teachers, and financial support. These inequalities maintain patterns of poverty and unfairness, going against the ideals set out in ICESCR and CRC.

⁷⁷ Annan-Aggrey E and others, 'Mobilizing "Communities of Practice" for Local Development and Acceleration of the Sustainable Development Goals' (2022) 37 *Local Economy: The Journal of the Local Economy Policy Unit* 219, 229.

⁷⁸ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ratified by Qatar in 2018); Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (ratified by Qatar in 1995).

⁷⁹ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

⁸⁰ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

⁸¹ Kurt Willems K and Jonas Vernimmen, 'The Fundamental Human Right to Education for Refugees: Some Legal Remarks' (2017) 17 *European Educational Research Journal* 219, 232.

⁸² Tristan McCowan, 'Reframing the Universal Right to Education' (2010) 46 *Comparative Education* 509, 525.

For example, in Nigeria, despite being a signatory to both ICESCR and CRC⁸³, access to education is still a barrier for millions of children, especially in rural areas and among marginalised communities.⁸⁴ Despite notable advancements in increasing educational opportunities, countries like South Africa still face obstacles in providing high-quality education for all.⁸⁵ Other examples, such as the violence in Syria, have caused the destruction of schools, displacement of millions of students, and disruption of educational services.⁸⁶

In girls' education in Afghanistan following the Taliban's downfall, gender inequalities persist, especially in rural regions and traditional societies.⁸⁷ Insecurity, poverty, and cultural barriers are factors that lead to low enrollment and high dropout rates among females, which restrict their educational chances and sustain gender inequities. Patriarchal practices and limited resources are obstacles to achieving gender equality in education for all Afghan children despite constitutional and international commitments.⁸⁸

The Taliban's comeback into governmental control in 2021 has significant ramifications for the rights of girls' education in Afghanistan. During their former administration, the Taliban imposed stringent prohibitions on female education, which led to the exclusion of girls from educational possibilities beyond a certain age and curriculum restrictions that maintained gender inequalities.⁸⁹ The recurrence of this issue raises worries regarding the long-term viability of the gains achieved in girls' education following the Taliban's ouster in 2001. The

⁸³ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976, ratified by Nigeria 29 July 1993) 993 UNTS 3.; Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990, ratified by Nigeria 19 April 1991) 1577 UNTS 3.

⁸⁴ Elijah Taiwo and Avinash Govindjee, 'The Implementation of the Right to Education in South Africa and Nigeria' [2012] *OBITER* 203, 235.

⁸⁵ Theodor Hanf, 'Education in the New South Africa: An Obstacle to Social Justice?' [2007] *Kulturen und Konflikte im Vergleich. Comparing Cultures and Conflicts* 452, 460.

⁸⁶ Oudai Tozan, 'The Evolution of the Syrian Higher Education Sector 1918-2022: From a Tool of Independence to a Tool of War' [2023] *Globalisation, Societies and Education* 1, 15.

⁸⁷ Golnar Mehran, 'The Paradox of Tradition and Modernity in Female Education in the Islamic Republic of Iran' (2003) 47 *Comparative Education Review* 269, 286.

⁸⁸ Stefan Schütte, 'Living with Patriarchy and Poverty: Women's Agency and the Spatialities of Gender Relations in Afghanistan' (2013) 21 *Gender, Place & Culture* 1176, 1192.

⁸⁹ Mashaell Al-Shammari, 'Women's Education: Cultural and Religious Solutions from the Heart of Afghanistan' [2023] *Middle East Council on Global Affairs* 1, 15.

Taliban's orthodox view of Islamic law may result in the reinstatement of discriminatory practices, impeding girls' ability to obtain education and constraining their future opportunities.⁹⁰ The international community's reaction to this crisis will play a vital role in protecting the rights of Afghan girls. Urgent measures are necessary to guarantee ongoing backing for educational endeavours, encompassing monetary assistance, promotion endeavours, and the creation of secure learning settings for girls. In the absence of continuous pressure and intervention, there is a potential for regression, which might undermine the progress made in girls' education and perpetuate cycles of poverty and inequality in Afghanistan.

As demonstrated above, states may ratify international treaties such as ICESCR and CRC. Still, they often fail to adequately defend the right to education for all, leading to discrepancies in access, quality, protection during emergencies, and gender equality. Resolving these ongoing issues necessitates collaborative actions from governments, civil society, and the international community to guarantee that every individual has access to education according to the principles outlined in critical human rights agreements.

Qatar is working to synchronise its domestic laws and policies with international standards to ensure the right to education. The nation acknowledges the significance of education in social and economic progress and has undertaken several initiatives to improve its availability and standard.⁹¹ Qatar's National Vision 2030 prioritises education as a crucial catalyst for sustainable development and details plans to enhance educational achievements and infrastructure.

Furthermore, Qatar demonstrates its dedication to achieving harmonisation by actively tackling cultural diversity and inclusivity issues in education. The country has implemented measures to accommodate varied student demographics, acknowledging the significance of modifying global benchmarks to suit its distinct cultural milieu.

⁹⁰ Abdul Noury and Biagio Speciale, 'Social Constraints and Women's Education: Evidence from Afghanistan under Radical Religious Rule' (2016) 44 *Journal of Comparative Economics* 821, 841.

⁹¹ Tamader Althani and Michael Romanowski, 'Neoliberalism and Qatari Preschools: A Comparative Study of England and Qatar' (2013) 2013 *Near and Middle Eastern Journal of Research in Education* 2, 11.

People who question the legitimacy of international law on the issue of human rights protection are concerned because the treaties were negotiated by government officials who did not necessarily represent the popular opinion in the member countries.⁹² Before they are approved by their member states and implemented by legislative measures in line with the country's Constitution, international conventions or treaties, declarations, or protocols are promises on paper. The path from the declaration stage in international agreements to actual enforceable rights has been long and arduous in each country. Regarding execution, each country has taken a different tack on the issue. The mere statement of an existing right in the country's internal legislation is insufficient. As a result, it must be backed up with effective machinery that can enforce the rights, bring those who violate them to justice, and punish those responsible. Rights are implemented in various ways throughout different countries. Simply including rights in national legal systems is insufficient; strong enforcement measures are necessary. These institutions must adequately deal with violations carried out by individuals within a country and breaches committed by states, whether against their citizens or other independent nations.

1.10 LEGAL SYSTEM OF QATAR

The Qatari legal system is sophisticated and elaborate, firmly based on civil law principles. It exemplifies the country's dedication to upholding law and order, ensuring fairness, and abiding by established legal standards.⁹³ To understand how the Qatari legal system works, it is crucial to examine its organisational structure. This includes the arrangement of courts and the procedures they follow, which ultimately shape the country's legal framework.

The Qatari legal system is based on a hierarchical structure of courts, each with specific jurisdiction and responsibilities.⁹⁴ The main subdivisions comprise the Court of Cassation,

⁹² Heping Dang, *International Law, Human Rights and Public Opinion* (Routledge 2016).

⁹³ Hassan Al-Sayed, 'Qatar's Constitutional and Legal System' [2016] *Policy-Making in a Transformative State* 37, 63.

⁹⁴ [2011] OECD Guidelines for Multinational Enterprises, 2011 edition.

the Court of Appeal, and the Court of First Instance. The Court of Cassation is the supreme judicial body responsible for guaranteeing consistent interpretation and implementation of the law.⁹⁵ It functions as the ultimate court of appeals, focusing on matters of law rather than reassessing factual details.⁹⁶ The decisions rendered by the Court of Cassation hold considerable influence, establishing legal precedents and providing guidance to subordinate courts, although Qatar does not adopt the doctrine of stare decisis.

The Court of Appeal, situated below the Court of Cassation, is vital to the Qatari legal system. It serves as an intermediate appellate court, adjudicating cases appealed by the Court of First Instance.⁹⁷ The Court of Appeal thoroughly analyses legal and factual aspects, offering a comprehensive assessment of the legal matters under consideration. The decisions significantly shape the body of legal principles and precedents within Qatar's legal system.

The Court of First Instance serves as the fundamental pillar of the judicial process in Qatar. This court is the initial venue for resolving legal conflicts and has jurisdiction over various legal issues, including civil and criminal cases.⁹⁸ The court is where evidence is presented, witnesses are heard, and preliminary judgements are made. This court's rulings can be challenged at higher levels, guaranteeing a system of oversight and accountability within the Qatari legal structure.⁹⁹

The Qatari legal system is known for its meticulous and systematic approach to court procedures. The process usually begins with submitting a lawsuit to the Court of First Instance.¹⁰⁰ The involved parties present their arguments, substantiated by evidence and witnesses. The court thoroughly scrutinises the submitted material, ensuring strict

⁹⁵ Nisreen Mahasneh, 'Standard Terms Contracts: The Approaches of Qatari Civil Law and Unidroit Principles 2016. A Comparative Study' (2018) 32 Arab Law Quarterly 462, 482.

⁹⁶ Bantekas I and Al-Ahmed A, *Contract Law of Qatar* (Cambridge University Press 2023).

⁹⁷ Andrew Dahdal and Francis Botchway, 'A Decade of Development: The Civil and Commercial Court of the Qatar Financial Centre' (2020) 34 Arab Law Quarterly 59, 73.

⁹⁸ Hassan Al-Sayed, 'Qatar: Constitutional Challenges' (2022) 70 Al-Abhath 111, 140.

⁹⁹ Dziedzic A and M. YSN, *The Cambridge Handbook of Foreign Judges on Domestic Courts* (Cambridge University Press 2023).

¹⁰⁰ Nathalie Najjar, 'Autonomy of the International Arbitrator' [2017] Arbitration and International Trade in the Arab Countries 660, 841.

compliance with legal principles and procedural requirements. The judgement issued at this stage is the foundation for subsequent legal remedies.

The appeal process adds an extra level of examination to the Qatari legal system. Individuals or groups unsatisfied with the decision made by the Court of First Instance can address their grievances by submitting an appeal to the Court of Appeal.¹⁰¹ During this phase, the case's legal and factual elements are thoroughly reviewed. The Court of Appeal can uphold, overturn, or alter the original verdict, thereby influencing the development of legal precedent in Qatar.

The Court of Cassation represents the highest point in the appellate process. Individuals or groups unsatisfied with the Court of Appeal's rulings can submit a formal request for a conclusive reassessment.¹⁰² It is important to emphasise that the Court of Cassation primarily concentrates on legal issues rather than reassessing the factual aspects of the case. This establishes it as the supreme authority for interpreting laws within the Qatari legal system.

The Qatari legal system is fundamentally based on the civil law tradition. Civil law systems are distinguished by the practice of codification, which involves creating and organising laws into comprehensive legal codes.¹⁰³ The legal system in Qatar is based on the civil law tradition, where statutes and regulations are the primary sources of law. However, the influence of Islamic law, also known as Sharia, significantly shapes the Qatari legal system and adds a distinct dimension to its foundation based on civil law.¹⁰⁴

The civil law system significantly emphasises the role of statutes and legal codes in regulating legal relationships. The legislative branch is crucial in passing laws governing

¹⁰¹ Alyssa King and Pamela Bookman, 'Traveling Judges' (2022) 116 American Journal of International Law 477, 533.

¹⁰² Gaber Mahgoub G, 'The Announcing of the Preemptor's Desire to Take Preemption (Commentary on Qatar Court of Cassation Ruling in Appeal No. 314 of 2015, Session January 19, 2016)' (2020) 2019 International Review of Law 1, 20.

¹⁰³ '2013' (2013) 2 International Review of Law 2. دراسة مقارنة) القطري: القانون المدني القطري

¹⁰⁴ Abdullah Abdullah, 'The Legal Impact of Islamic Law in the Identity and Provisions of Qatari Legal System: Conceptual Frame and Legislative Directions' (2020) 58 Al-Jami'ah: Journal of Islamic Studies 451, 482.

different aspects of life, from business transactions to family affairs.¹⁰⁵ The clarity and precision of legal provisions enhance a foreseeable and organised legal framework, promoting impartiality and equality. The Qatari legal system's dependence on codified laws is supplemented by the judiciary's rulings, which aid in evolving legal principles.¹⁰⁶ Although judicial decisions in Qatar do not have the same binding precedent as standard law systems, they still hold persuasive authority and play a role in shaping the development of legal interpretation. The interaction between written laws and court rulings generates a flexible legal environment that adjusts to societal shifts and legal advancements.

Ultimately, the Qatari legal system, deeply grounded in the civil law heritage, exhibits a hierarchical arrangement of courts with clear-cut roles and responsibilities. The hierarchical structure of the judiciary, ranging from the Court of Cassation to the Court of First Instance, guarantees a systematic and graduated approach to dispensing justice. The court procedures are characterised by thoroughly scrutinising legal and factual elements, allowing parties to seek a remedy through the appellate process. The Qatari legal system, which is based on civil law and influenced by Islamic law, creates a legal framework that is both well-organized and flexible. By combining tradition and evolution, the Qatari legal system plays a crucial role in maintaining justice and order in the nation.

1.11 STUDENTS' RIGHTS TO FAIR TRIAL

Legislation, protocols, and regulations create, establish, and govern every institution. In addition to being a public institution, a university is created by legislation to disseminate knowledge. That said, private universities also serve general purposes. Because the university is a public institution, it must operate by its enabling law and may uphold human rights. Natural justice concepts such as hearing the opposing side and impartiality of a Judge

¹⁰⁵ Nathan Brown, 'The Legal System and the Rule of Law in Kuwait and Qatar' [1997] *The Rule of Law in the Arab World* 157, 186.

¹⁰⁶ Marie Claude Najm, 'Codification of Private International Law in the Civil Code of Qatar' [2009] *Yearbook of Private International Law* 249, 266.

are emphasised in fair trial proceedings.¹⁰⁷ Suppose a student was accused of having flouted the rules and regulations of a university but was not given a proper forum to be heard and defend himself. In that case, there is a problem with the system since even though there is no real specific mention of the right to a fair trial for students under the law or international law, the principle of “fair trial” should still prevail since there are no differences between a criminal facing proceedings and a student facing the board.

Therefore, the procedural aspect of a fair trial should be examined to determine what defence options are open to the student. Justifications for appropriate trial rights include allowing students to remain enrolled till graduation and guaranteeing academic freedom. A student’s trial aims to determine and assess both sides’ points of view regarding the dispute and to examine the witnesses and documents that may prove that one side is wrong. Subsequently, a conclusion should be given by a Judge. Therefore, it is clear that a student must appear in front of the university's internal disciplinary body. However, this is not always the case, and the student may have to turn to the court to get access to judgment. In other words, if a student is not treated fairly by the disciplinary committee and the appeal board, he may bring a judicial review action in the law court. More so, if a student is dismissed from the university because of unfair trial procedures, this can have catastrophic repercussions, the academic equivalent of a death sentence. This might spell the end of a student's career aspirations. Suspended students are denied academic freedom regarding access to library facilities and modern teaching with a free exchange of ideas between professors and students and general guidance in their studies.

Fair trial protection for students is multi-faceted. For example, a university can only suspend or expel a student for violating any clearly stated regulation that merits such severe punishment. Secondly, it is essential to understand the university's obligation to establish that the student violated its rules and regulations and how the student might defend himself. As a result of the student's right to a fair trial's substantive and procedural dimensions, his right to an education is protected. Appropriate trial procedures are recognised as natural

¹⁰⁷ Olaniyi Felix Olayinka, "University students' right to fair trial: how adequate is legal protection" (2020) 7 International Journal of Human Rights and Constitutional Studies 247, 260.

justice principles or procedural fairness. Courts and impartial tribunals in some jurisdictions are further empowered to examine administrative acts and give effect to organisational justice rights under the act. There should be no space for arbitrariness after it is proven that judgments taken by administrative authorities are in line with the objective for which the power was granted accordingly. The *S v Makwanyane*¹⁰⁸ ruling established the notion of procedural fairness and highlighted the substantive aspects of fair trial rights. Within educational environments, students are entitled to appropriate trial safeguards throughout disciplinary procedures, which include the right to be notified of accusations, provide a defence, and participate in a just and unbiased decision-making procedure.¹⁰⁹

In other regions of the world, such as in the Republic of South Africa, the principles of *audi alteram partem* and *nemo judex in causa* support the procedural dimension's criteria of natural justice and establish that the relevant international and regional treaties are respected and that the right to a fair trial would apply in all circumstances which technically covers students' right to a fair hearing.¹¹⁰ Other examples can be found in different countries, such as the United States, where the Fifth Circuit overturned the argument that attendance at a university was not a fundamental right and that the university had the due right to expel students, which demonstrated that due process had been neglected in *Dixon v Alabama State Board of Education*¹¹¹. Before the Courts of Nigeria, it was seen in *Garba and others v the University of Maiduguri*¹¹² that the students further had the right to complete their studies and, therefore, expulsion or suspension from school should be exercised judicially in such a way that the student is not devoid of any access to both justice and education. In the said case, it was seen that the students were expelled without any disciplinary hearing, which was arbitrary since it went against the principles of natural justice.

¹⁰⁸ *S v Makwanyane and Another* [1995] ZACC 3.

¹⁰⁹ Anel Boshoff A, 'Ethics and the Problem of Evil : S v Makwanyane' (2007) 11 SABINET 47, 55.

¹¹⁰ Jason Brickhill and Tembeka Ngcukaitobi, "A Difficult Boundary: Public Sector Employment and Administrative Law" (2021) 28 Industrial Law Journal 769, 792.

¹¹¹ *Dixon v Alabama*, 294 F.2d 150 (5th Cir. 1961).

¹¹² *Garba and others v University of Maiduguri* (1986) 1 NWLR (Pt. 18) 553.

Critical judgements such as *Liversidge v Anderson*¹¹³ and *Associated Provincial Bank Houses v Wednesbury Corporation*¹¹⁴ Demonstrate the evolution of legal precedents that define the limits of administrative discretion and criteria for assessing the legality and rationality of administrative judgements. The examination offers insights into the historical backdrop and legal concepts that have influenced the formation of administrative law, especially judicial review and administrative discretion.

The Judge or the panel must be impartial to achieve the stated justice outcomes. Without impartiality, having a forum where someone could defend himself would be futile since his fate has already been decided through bias. This sometimes raises concern about whether the disciplinary panel is genuine enough to give the student the right to a fair hearing. It is not argued that all disciplinary panels are the same, but what can be contended is that the disciplinary panel would mainly consist of the university staff; in contrast, the principle of fair hearing further extends to impartiality. In other words, the staff sitting on the disciplinary panel shares a connection with the parties, and therefore, in such circumstances, there would be the presumption of bias. This can be seen in the case of *Emmanuel Egwumi v The State*,¹¹⁵ whereby it was held that any judge accused of bias must disqualify himself from hearing a case. This was further demonstrated by the Nigerian Court of Appeal in *Nnamdi Azikiwe University v. Nwafor*,¹¹⁶ which overturned the respondent's suspension for examination malpractices since the Examining Committee, which apprehended and accused the respondent, had actively participated in the senate's discussions. As a result, the rules and regulations of most African institutions do not specify what constitutes misbehaviour. On the other hand, African universities maintain the parameters of the student-university relationship, under which misbehaviour is penalised, and the same is spelt out in the universities' regulations. However, It can be observed that in academic challenge cases, most of the contract claims made by students are based on the fact that universities extend students' duties beyond what is stated in their catalogues and other

¹¹³ *Liversidge v Anderson* [1942] AC 206.

¹¹⁴ *Associated Provincial Picture Houses Ltd. v Wednesbury Corporation* [1948] 1 KB 223.

¹¹⁵ *Emmanuel Egwumi v State* (2013) JELR 36106 (SC).

¹¹⁶ *Nnamdi. Azikiwe University v. Nwafor* (1999) 1 NWLR (Pt.585) 116.

official documents at the time of enrollment. In some circumstances, the admission requirements for some students were altered after they were admitted and registered based on the initial requirements.

1.12 UNDERSTANDING THE CONCEPTS OF FAIRNESS, PROPORTIONALITY AND REASONABLENESS

Fairness in the right to education entails equitable access and treatment of individuals in the educational system.¹¹⁷ Globally, the principle of non-discrimination is of utmost importance, underscoring the need for education to be universally accessible to all individuals, irrespective of their race, gender, religion, or other prohibited factors.¹¹⁸ Qatar, a party to international human rights conventions, has integrated these principles into its legal system to guarantee equitable educational opportunities for all individuals, including women, migrants, and minority groups.

Equity in education ensures that individuals have fair access and treatment within the educational system; this idea states that all individuals, irrespective of their history, socio-economic status, or personal traits, should have equal opportunity to acquire and benefit from education.¹¹⁹

Equitable access involves physical access to educational institutions, the availability of resources and support services, and eliminating barriers to participation. It guarantees equal access for all pupils to enrol in schools, irrespective of their geographic location or socio-economic status.¹²⁰ This consists of tackling infrastructure inequalities by offering

¹¹⁷ Jung-Sook Lee and Meghan Stacey, 'Fairness Perceptions of Educational Inequality: The Effects of Self-Interest and Neoliberal Orientations' [2023] *The Australian Educational Researcher* 1215, 1237.

¹¹⁸ Bronagh Byrne, 'How Inclusive Is the Right to Inclusive Education? An Assessment of the UN Convention on the Rights of Persons with Disabilities' Concluding Observations' (2019) 26 *International Journal of Inclusive Education* 301, 318.

¹¹⁹ Mel Ainscow, 'Promoting Inclusion and Equity in Education: Lessons from International Experiences' (2020) 6 *Nordic Journal of Studies in Educational Policy* 7, 16.

¹²⁰ Monicah Chemulwo and Ali Fakandu, 'Equitable Access to Education and Development in a Knowledgeable Society as Advocated by UNESCO' (2019) 14 *Educational Research and Reviews* 200, 205.

transport choices for students in isolated regions and guaranteeing the presence of facilities that cater to those with impairments.

Equitable treatment in education entails fostering inclusivity and tackling systemic discrimination or bias.¹²¹ a learning environment that honours and acknowledges diversity must be established to achieve this. This will ensure that every student is appreciated and assisted, irrespective of race, ethnicity, gender identity, sexual orientation, religion, or socio-economic status.¹²² This may include inclusive curricula that represent other populations' experiences and viewpoints while promoting a culture of respect and acceptance among students and educators.

Furthermore, fairness in education involves rectifying discrepancies in educational achievements and chances and targeted initiatives are needed to assist marginalised populations and tackle systemic inequities that sustain educational disadvantage.¹²³ This may include offering extra resources and support services to students from underprivileged backgrounds, enacting affirmative action measures to encourage diversity and inclusivity, and tackling socio-economic obstacles that impede educational achievement.¹²⁴

Ensuring fairness in the right to education is crucial for equal access to educational opportunities and fair treatment within the educational system. Proactive steps are needed to overcome obstacles to access and participation, promote inclusivity and diversity, and tackle systemic disparities to ensure that every individual can achieve their educational potential.

Furthermore, equity in education goes beyond mere availability. It encompasses educational quality, ensuring institutions offer a supportive and inclusive environment that

¹²¹ Meira Levinson, Tatiana Geron and Harry Brighouse, 'Conceptions of Educational Equity' (2022) 8 AERA Open 233285842211213.

¹²² Ciuffetelli Parker D, 'Narrative Understandings of Poverty and Schooling: Reveal, Revelation, Reformation of Mindsets' (2013) 4 International Journal for Cross-Disciplinary Subjects in Education 1117, 1123.

¹²³ Elizabeth Anderson, 'Fair Opportunity in Education: A Democratic Equality Perspective' (2007) 117 Ethics 595, 622.

¹²⁴ Micahel Lung and others, 'Equality, Diversity and Inclusion in Education' (2022) 33 Journal of Information Systems Education 1, 6.

meets students' diverse needs.¹²⁵ The Qatari government has implemented policies and initiatives that adhere to international standards. These measures aim to improve the quality of education, foster inclusivity, and remove obstacles that could prevent marginalised groups from accessing education.

The principle of proportionality in the right to education highlights that limitations on this right should be commensurate with the legitimate objective being pursued.¹²⁶ Within the Qatari context, any restrictions placed on the right to education must be rational and essential to accomplish a valid goal, such as upholding public order or safeguarding the rights of others. For instance, any rules or limitations on the content of educational materials or the behaviour within educational institutions should be reasonable about the desired objectives. They should not excessively violate the right to education.¹²⁷

The legal framework in Qatar recognises the significance of proportionality in protecting the right to education. The nation's dedication to maintaining a balance between the concerns of individuals and the wider society is evident in its laws and policies. This ensures that any restrictions on the right to education are thoroughly examined and justified according to international human rights norms. The principle of reasonableness in the right to education necessitates that government actions and educational policies exhibit rationality, logical coherence, and justifiability.¹²⁸ Reasonableness plays a crucial role in evaluating the sufficiency of educational resources, the execution of educational policies, and the overall efficacy of the education system in Qatar. The Qatari government, aware of these principles, has implemented measures to improve the fairness of its educational practices,

¹²⁵ Mel Ainscow, 'Promoting Inclusion and Equity in Education: Lessons from International Experiences' (2020) 6 *Nordic Journal of Studies in Educational Policy* 7, 16.

¹²⁶ Gebhard Bücheler, 'Proportionality as a General Principle of Law' [2015] *Proportionality in Investor-State Arbitration* 28.

¹²⁷ Peter Serdyukov, 'Innovation in Education: What Works, What Doesn't, and What to Do about It?' (2017) 10 *Journal of Research in Innovative Teaching & Learning* 4, 33.

¹²⁸ Anders Schinkel, 'Compulsory Autonomy-promoting Education' (2010) 60 *Educational Theory* 97, 116.

considering factors such as infrastructure, teacher-student ratios, and curriculum development.¹²⁹

Furthermore, reasonableness also encompasses the provision of appropriate accommodations and support for students with disabilities, ensuring that educational institutions are adequately prepared to meet these students' diverse learning needs.¹³⁰

Qatar demonstrates its dedication to inclusivity through its endeavours to establish an academic setting that caters to the requirements of all students, cultivating a climate of appreciation for diversity and advancing the comprehensive growth of each learner.

Ultimately, the Qatari government is guided by international law in safeguarding the right to education, emphasising fairness, proportionality, and reasonableness principles. This commitment ensures the provision of high-quality education for all individuals. The country's adherence to global human rights norms demonstrates a commitment to establishing an educational system that is both accessible and characterised by equity, proportionality, and reasonableness. Qatar ensures that its education system promotes the comprehensive growth of individuals and cultivates a society that appreciates diversity, inclusivity, and the essential right to education.

To better understand the element of having a good “fair” balance when reaching a decision, it is essential to take the United Kingdom as a reference.¹³¹ Firstly, the doctrine of judicial review restricts the scope of the government or public universities to reach confident decisions that may go against public order. Secondly, the principles of fairness, proportionality and reasonableness coerce the decision-makers to review their own decision before implementing the same to avoid prejudice. Finally, recent case law

¹²⁹ Wadha Al-Thani, Ibrahim Ari and Muammer Koç, ‘Education as a Critical Factor of Sustainability: Case Study in Qatar from the Teachers’ Development Perspective’ (2021) 13 Sustainability 11525.

¹³⁰ Mairin Boland, Leslie Daly and Anthony Staines, ‘Methodological Issues in Inclusive Intellectual Disability Research: A Health Promotion Needs Assessment of People Attending Irish Disability Services’ (2007) 21 Journal of Applied Research in Intellectual Disabilities 199, 209.

¹³¹ Swati Jhaveri, "Transforming "fairness" as a ground of judicial review in Hong Kong" (2013) 11 International Journal of Constitutional Law 358-381.

demonstrates the advantage of an excellent internal procedure to prevent ultra vires problems.

1.12.1 PROPORTIONALITY

When making an administrative decision, it is sometimes essential to consider the notion of “proportionality.” The element of proportionality is often coined with the doctrine of reasonableness, though there may be some distinction.¹³² Nevertheless, the principle of proportionality is a reasonably new concept since the courts' approach was different. In cases of subjective authorisation of an entity, the courts employed the hands-off method to intervene, as they reticently interceded in these administrative procedures, as seen in *Liversidge v Anderson*.¹³³ However, a certain amount of control over choices at the four corners of the public body's power under the doctrine of proportionality did not consider whether the decision was justified.

led and reasonable. This is the reason why the element of reasonableness is significant. The seminal decision of *Associational Provincial Bank Houses v Wednesbury Corporation*¹³⁴ It was used as an opportunity to reaffirm and develop the fundamental concepts of irrationality and unreasonableness. In his ruling, Lord Greene further considered the extent of the court's power to intervene in such cases. In doing so, the rationale of the case provided for the doctrine of irrationality, which stated that if an authority behaved or reached a judgment in a way that was so illogical that it would never have been possible for any reasonable authority, then the said decision was to be vitiated.¹³⁵ If the Court does not intervene in such cases, unfair outcomes may be reached since the power would be vested in the public body, which goes against the principle of natural justice.

¹³² Carl Baudenbacher, *The fundamental principles of EEA law* (Springer Link 2017).

¹³³ *Liversidge v Anderson* [1941] UKHL 1.

¹³⁴ *Associated Provincial Picture Houses v Wednesbury Corporation* [1948] 1 KB 223.

¹³⁵ Paul. Craig, "The Nature of Reasonableness Review" (2013) 66 Current Legal Problems 131, 167

1.12.2 THE WEDNESBURY CONCEPT OF UNREASONABLENESS

The test of unreasonableness has always been challenging to determine since it is a subjective concept, and views may differ significantly in terms of whether or not a particular decision was reached reasonably or not. In the case of *British Airways Board v Laker Airways*,¹³⁶ It was further reiterated that there are some linkages between higher political levels and constitutional concerns, and the courts would have considerable difficulty taking action based on unreasonableness. Furthermore, the courts have concluded that the unreasonableness test does not adequately protect human rights.¹³⁷ During the wave of integration of the European Convention for Human Rights (ECHR), in instances involving essential citizens' Rights, the domestic courts began to establish a more stringent application of the test of unreasonableness.¹³⁸

1.12.3 IRRATIONALITY

According to Lord Diplock, irrationality is a decision that defies logic that a reasonable person would not have reached. The term irrationality is a crucial element associated with *ultra vires*.¹³⁹ Conversely, an excellent critique would focus on the “redefinition” of the term irrationality, which should not be solely related to the illogicality of a decision but also immorality. There is, however, considerable question if Wednesbury's unreasonableness and unreasonableness are the same concepts. In *Ex Parte Handscomb*¹⁴⁰, the Court examined whether a judgment may be contested on the grounds of both unreasonableness and under the Wednesbury principle. Despite many concerns regarding the superiority of the word irrationality as a reasonableness test of Wednesbury, the latter is certainly much below what public organisations require.

¹³⁶ *British Airways Board v Laker Airways Ltd* [1984] UK.

¹³⁷ *R v Ministry of Defence, ex parte Smith* [1996] 1 All ER 256.

¹³⁸ *R v Secretary of State for the Home Department, ex p Bugdaycay* [1987] AC 514.

¹³⁹ Ian Turner, "Judicial Review, Irrationality, and the Legitimacy of Merits-Review" (2008) 29 Liverpool Law Review 309, 333.

¹⁴⁰ *The Home Secretary, Ex parte Handscomb* (1987) 86 Cr.App.R. 59.

This highlights the importance of irrationality and unreasonableness in administrative law concerning the judicial review of administrative judgements. Analysing legal experts' viewpoints and studying significant cases like *Ex Parte Handscomb* provides a valuable understanding of the intricacies involved in defining and evaluating the rationality of administrative decisions. This approach enhances comprehension of the changing standards of judicial review and the principles that regulate administrative discretion. It also emphasises the current discussion on whether the existing legislative structures are sufficient to guarantee accountability and justice in managerial decision-making.¹⁴¹

In addition to the Wednesbury unreasonableness, derived from the principle of proportionality, there is also an international perspective.¹⁴² Nevertheless, even though the European Union adopted this principle due to its efficacy, the principle of irrationality is slightly different due to the civil nature of the latter.¹⁴³ The English courts, for instance, are hesitant to recognise that proportionality is a distinct basis for review in matters subject exclusively to domestic law unless in circumstances where community law rights or responsibilities are implicated.¹⁴⁴ Therefore, there was a matter of whether proportionality would be used as an independent head of review in instances that did not include an element of Community law.

Shifting judicial attitudes regarding fundamental rights is the primary reason for development, particularly following the inclusion of the European Convention on Human Rights.¹⁴⁵ In situations when the charges are the punishment or penalty unrelated to the offence committed, the second reason why proportionality may seem to be an independent review head. The third reason proportionality may develop as a different concept in

¹⁴¹ Ian Leigh and Roger Masterma, 'The Continuation of Politics, by Other Means: Judicial Dialogue under the Human Rights Act 1998' [2013] The United Kingdom's Statutory Bill of Rights 51, 80.

¹⁴² Veena Srirangam, "A Difference in Kind – Proportionality and Wednesbury" (2016) 4 IALS Student Law Review 46, 66.

¹⁴³ Daniel Wei L. Wang, "From Wednesbury Unreasonableness to Accountability for Reasonableness" (2017) 76 The Cambridge Law Journal 642, 670.

¹⁴⁴ Martin Thomas and Andrew Thompson, *The Oxford Handbook of the Ends of Empire* (Oxford 2018).

¹⁴⁵ Robert Kolb, *Research handbook on human rights and humanitarian law* (Elgar 2013).

domestic administrative legislation is that it has a more organised procedure for determining if discretion should be used compared to *Wednesbury's* blunt instrument.

While in instances concerning fundamental rights recognised by common law, the court has modified *Wednesbury*, this approach was fundamentally unique. However, the concept of proportionality might transform this "exception" into "the rule" if ECHR points emerge. With the inclusion of the ECHR, a far higher standard of scrutiny in domestic legislation was necessary to address fundamental rights concerns. For instance, in the case of *Lustig-Prean and Beckett* the court found that the ban on homosexuals serving the British armed forces was an infringement of Article 8 and agreed that Article 13 had not been violated in that case because of the threshold set for irradiance evidence by the domestic courts in that case, the JR did not provide an effective domestic remedy in respect of Convention Rights. As it seemed, the *Wednesbury* test turned out to be almost futile about fundamental rights, and the irrationality would not look strong enough to deal with this higher perception of the law; it was eventually for the courts to acquire the long-awaited principle of proportionality to promote irrationality.

1.12.4 FAIRNESS

The element of fairness is mainly derived from the old principle of natural justice, expressed by McCarthy. The definition of natural justice meant, "justice must not only be done but be seen to be done, which is an equitable principle." To do this, British common law has created specific criteria that are typically relevant to decision-makers.¹⁴⁶ Often, they have to explain why their conclusion has to be reached, consult other stakeholders before such decisions are made, and enable oral hearings in their defence (in more adversarial situations). In the current context, if the principle of fairness is applied within the internal board of Qatar University, the latter should first consult the stakeholders, such as the students, and explain why they made certain decisions. This fairness approach is essential, especially when dealing with the delicate subject of deportation during a pandemic.

¹⁴⁶ Angus Morrison-Saunders and Gerard Early, "What is necessary to ensure natural justice in environmental impact assessment decision-making?" (2008) 26 *Impact Assessment and Project Appraisal* 29, 42.

However, it is unreasonable that these criteria should apply uniformly, and public authorities are burdened with requirements like reasoning. It may be claimed that this is the notion of procedural fairness approach. As shown in the *ex parte Doody*, the fairness standards have evolved mainly in context, with specific circumstances needing more robust procedural protection than others. Although there has been a procedural fairness theory, fairness examination has traditionally been highly complex. The judges took an "analytical" approach, as noted for *Nakkuda Ali v Jayaratne*, in which they were to assess whether the decision-maker made a 'judicial' or 'administrative' decision. In their opinion, court decisions were more protected by legislation in proceedings. By contrast, the management decisions were not covered, and authorities were allowed to experiment with various types of social organisation.

The case of *Ridge v Baldwin*¹⁴⁷ was a milestone as it deviated from prior case law, setting up procedural fairness criteria dependent on the nature of authority and the impact on the subject. More so in *Doody* (supra), the scope of such a method has been defined, which derives the citation in the question—at *Doody*, examining the case on all elements that the fairness needed (by Lord Mustill) and, ultimately, an intuitive conclusion. This dependency on intuition implies that case-by-case examination is the best method to grasp the contextual approach. *McInnes*¹⁴⁸ and *ex parte Wilson's*¹⁴⁹ instances are an excellent illustration. *McInnes* found that the applicant was not given much procedural fairness when his application for a boxing management permit was refused; the authorities were ultimately not required to explain why he was denied.

On the other hand, the Court of Wilson found that the prisoner was entitled to know why he had previously been rejected release by imposing a prize for a discretionary life sentence. He could not prepare sufficiently for his subsequent parole hearing if he had decided otherwise. In the current context, it can be seen that in some instances, Qatar University

¹⁴⁷ *Ridge v Baldwin* [1964] AC 40.

¹⁴⁸ *McInnes v Onslow Fane and another* [1978] 3 All ER 211.

¹⁴⁹ *R v Parole Board, ex parte Wilson* [1992] QB 740.

would have to explain why the students were or will be deported and failing, which would not provide for a fair and proportional decision towards the aggrieved students.

The second criterion for natural fairness (and thus procedural fairness) is often neglected; impartiality is necessary. The case of *Porter v Magill*¹⁵⁰ tests the appearance of partiality. The court established that the authority should set aside the judgment if there is a true potential of partiality according to a fair and educated observer. The necessity to assess from a "fair-minded and knowledgeable observer" standpoint, however, has created problems.¹⁵¹ However, specific procedural fairness has not been susceptible to the contextual approach, which is the need for consultation. In *R(Luton BC) v Education Secretary* it was found that there was no broad consultative obligation, and the procedural protection was only engaged in consultation by the government by the agreement. On the one hand, a contextual approach to consultation is likely necessary; as the European Commission pointed out, the consultation offers the public more access to government policymaking. However, the lack of growth is partially justified, and frivolous disputes are often carried out since there is little consultation, and governmental action is hindered. A contextual strategy in this field has, therefore, yet to materialise.

In conclusion, although procedural revision burdens the administrative process, British administrative law has created a contextual approach to procedural fairness. Indeed, a system like this is obligatory if justice is to be implemented. What fairness is required will always depend on the circumstances of the case and will have to be weighed up by conflicting considerations. However, it may be necessary to adjust the concept further.

As the law's introduction on criminal justice and courts implies, proceedings are being reviewed, and the most insignificant instances are unprocedural. However, the Act was only in operation for a few months; it still has to demonstrate its precise impact on procedural review. On the other hand, the Qatari legal system is different but does not entirely preclude Qatar University from implementing the said principles before making a decision. The main

¹⁵⁰ *Porter v Magill* [2001] UKHL 67.

¹⁵¹ Remus Valsan, "The No-conflict Fiduciary Rule and the Rule against Bias in Judicial Review" (2019) 6 European Journal of Comparative Law and Governance 233, 272.

contention is that the students were not fully consulted before making the decision; therefore, some were aggrieved.

Overall, within the British legal system, a detailed and situation-specific focus on procedural fairness has become a crucial aspect of administrative law amidst the complex procedural changes.¹⁵² This approach, which must be followed to guarantee the fair application of the law, states that the necessary degree of procedural fairness depends on the specific circumstances of each case. This contextual approach involves balancing conflicting perspectives, highlighting the administrative process's dynamic nature.¹⁵³ However, this conceptual framework needs to be improved and clarified more.

On the other hand, the Qatari legal system, albeit unique, does not automatically prevent the use of identical ideas in its administrative procedures. At Qatar University, implementing fairness principles in decision-making is under scrutiny; an important issue is the belief that students were not thoroughly consulted before decisions were made, causing dissatisfaction among those affected.¹⁵⁴ The variation in procedural norms and commitment to fairness principles highlights the intricate relationship between legal systems and the possibility of universal standards of procedural fairness influencing administrative procedures in different jurisdictions.¹⁵⁵ This research contributes to a more profound knowledge of the contextual intricacies that affect administrative law and procedural fairness in British and Qatari legal systems.

1.13 CASE STUDY: NGOLE V THE UNIVERSITY OF SHEFFIELD

Since the current subject concerns university and fairness, examining the case of *R (Ngole) v University in Sheffield* is essential.¹⁵⁶ The matter included an appeal against the dismissal of the judgment that Felix Ngole, a student in social work, had been removed from his

¹⁵² D. J Galligan, *Due Process and Fair Procedures: A Study of Administrative Procedures* (Clarendon Press 2004).

¹⁵³ Giacinto Della Cananea, 'Judicial Oversight of Procedural Fairness and Propriety in Europe: Diversity within Commonality' [2021] *Judicial Review of Administration in Europe* 339, 366.

¹⁵⁴ Mohamed Mattar, 'Combating Academic Corruption and Enhancing Academic Integrity through International Accreditation Standards: The Model of Qatar University' (2021) 20 *Journal of Academic Ethics* 119, 146.

¹⁵⁵ Joe Tomlinson and others, 'Whose Procedural Fairness?' (2023) 45 *Journal of Social Welfare and Family Law* 278, 293.

¹⁵⁶ *R (Ngole) v University of Sheffield* [2019] EWCA Civ 1127.

course. The Court of Appeal granted the appeal and forwarded it to the disciplinary body of the institution for an oral hearing of the facts. In doing so, the Court offered advice on the permissible purposes for regulating the expression of professionals. It further stated that restricting the public from voicing unpopular opinions would not be an appropriate penalty. The Court emphasised the value of maintaining public trust regarding universities, which could justify limiting the expression of a person.

The concept of legislative priority is the basis for judicial examination. The courts cannot make laws invalid but ensure that people who perform public responsibilities operate within their boundaries. Some scholars claim that the principle of *supra vires* is the constitutional basis for judicial review. The judicial review jurisdiction of the courts ensures that the public authorities comply with the intentions of Parliament as laid out in the Statute. The competence of the courts is supervision; the judiciary focuses on the legality and not on the merits of the public authority's decision.

As a result of the separation of powers, the courts are unwilling to examine some judgments. The courts have always been cautious about national security, defence, and foreign affairs questions. The National Security Consideration rejected the trade union's claim before a decision had been taken to remove members' rights to belong to a trade union in the *Civil Service Council v Ministry*.¹⁵⁷ However, there are instances in which the courts have considered national security considerations. The case of *Zahid v The University of Manchester*¹⁵⁸ highlighted how students might seek justice for their university grievances. They thought that Students are, to a certain degree, customers with enforceable consumer rights under the law. They can also approach the Office of the Independent Adjudicator ("OIA"), an ombudsman system designed to remedy shortcomings in the previous visitor system.¹⁵⁹ As universities are somewhat public organisations, they may also seek judicial

¹⁵⁷ *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374.

¹⁵⁸ *R (Zahid) v The University of Manchester* [2017] EWHC 188.

¹⁵⁹ Richard Kirkham, "Judicial review, litigation effects and the ombudsman" (2018) 40 *Journal of Social Welfare and Family Law* 110, 125.

review at the High Court when they think a university is behaving illegally or abusing its powers.

This might provide difficulty for students. Do they need to go to court or challenge a decision by judicial review, which may be costly and complicated? However, for the students, the difficulty is that if they follow the OIA path and achieve an unsatisfactory conclusion, they may be out of time to review the case. An important decision has made the interplay between the roles of the courts and the role of OIA more transparent to students and institutions. Both students and institutions should be helped by the judgment to handle the problem better. Similarly, in the UK, judicial review may not always be sought. That said, the legal system of Qatar is slightly different, and it may be contended that adjudication/arbitration or litigation may still be available. The only problem would relate to whether the outcome of challenging the decision of the University would be adequate for the student. In the same regard, the student from Qatar University may have to incur additional costs when seeking litigation, which may take time. As identified, to avoid such problems, Qatar University should mainly focus on fairness when reaching a decision.

In particular, there was a possible remedy in the judicial review of the case of *Zahid v Manchester University*. Judicial review was developed to contest public entities' improper use of power as a procedure for individuals. Universities lie under their sphere of responsibility. The reasons for a challenge under judicial review are always limited: non-compliance with legislative standards, fair processes, or judgments so irrational that they could not have been reached by a reasonable body (the "Wednesbury unreasonableness"). But these are typically why students want to debate how the university has dealt with their case, particularly in situations with significant ramifications for their future. Unsurprisingly, all three of Zahid's related examples included students studying medicine, where students have invested in their future careers particularly significantly.

1.14 CONCLUSION

This introductory chapter has been designed to provide insight into the scope of this thesis's study, focusing on student/university disputes. The main issue raised throughout the thesis is whether the students have the procedural rights to a fair hearing in a university/student dispute. This fairness is defined initially to mean proportionality and impartiality. This concept was addressed in comparative models, especially in the UK and the USA, as a background to the Qatari model, which will be examined later in detail, particularly by analysing the code of conduct of Qatar University and its policies, rules and regulations. These texts will be discussed in light of the international standards embedded in international human rights law, which will be the next chapter's subject. References will also be made to the concepts of Islamic law and the constitutional mandate of the state of Qatar.

In the subsequent chapter, the procedural rights of students in university disputes will be thoroughly analyzed using international law. This will involve a thorough examination of international norms based on human rights law and judicial review in higher education. In addition, the exploration will encompass an examination of Islamic law and the constitutional framework of GCC countries, enhancing the discussion with a wide range of legal viewpoints.

CHAPTER 2

**THE RIGHT TO EDUCATION IN INTERNATIONAL HUMAN RIGHTS
LAW**

2.1 OVERVIEW OF ADMINISTRATIVE LAW AND ITS ROLE IN EDUCATION

Administrative law plays a fundamental role in education governance in the GCC states as it establishes the functions, obligations, and authorities of different administrative entities responsible for formulating and executing educational policies.¹⁶⁰ At the core of this legal structure lie ministries or governmental entities specifically responsible for education supervision. These entities are commonly headed by ministers or high-ranking officials appointed by the governing authorities. The responsibilities of these administrative entities encompass the development of national educational strategies, establishing curricular standards, allocating resources, and monitoring academic institutions' performance to ensure adherence to established norms and objectives.¹⁶¹

The core of administrative law within the GCC's educational landscape is centred around centralisation, underscoring the importance of top-down governance structures prioritising consistency and alignment with national development agendas.¹⁶² The use of a centralised approach in decision-making and implementation processes offers enhanced efficiency, but it also raises significant concerns regarding inclusivity, local autonomy, and the ability to address the diverse educational needs within individual states.¹⁶³ The administrative mechanisms in the GCC states exhibit a notable degree of adaptability and resilience. These mechanisms have evolved to effectively respond to various internal and external pressures, such as globalisation, technological advancements, and changes in socio-economic dynamics.

¹⁶⁰ Mhamed Biygautane, Paula Gerber P and Graeme Hodge, 'The Evolution of Administrative Systems in Kuwait, Saudi Arabia, and Qatar: The Challenge of Implementing Market Based Reforms' (2016) 26 Digest of Middle East Studies 97, 126.

¹⁶¹ Roger Masterman and Colin Murray [2022] Constitutional and administrative law 622, 684.

¹⁶² Bassam Alhamad and Rama Aladwan, 'Balancing Centralization and Decentralization Management at University of Bahrain' (2019) 27 Quality Assurance in Education 237, 250.

¹⁶³ 'III: Governmental and Administrative Institutions/Institutions Politiques et Administratives' (2016) 66 International Political Science Abstracts 570, 598.

One prominent characteristic of administrative law concerning education in the GCC states is the unwavering emphasis on fostering educational excellence and competitiveness at regional and global levels.¹⁶⁴ This focus is evident in efforts to improve academic standards, promote innovation, and foster a culture of continuous learning to provide citizens with the necessary skills and knowledge to succeed in the contemporary world. Furthermore, the administrative law in the GCC emphasises the importance of inclusivity and equity in education, and its primary objective is to tackle the existing disparities in access to and quality of education among various segments of society.¹⁶⁵

Expansion of educational infrastructure, provision of financial assistance to disadvantaged students, implementation of special education programmes for individuals with disabilities, and advancement of gender equality in educational opportunities are among the measures undertaken to promote inclusivity.¹⁶⁶ Furthermore, administrative mechanisms assume a crucial function in overseeing and resolving instances of prejudice, guaranteeing that educational establishments align with principles of equity and impartiality.

The legal framework for education in the GCC states demonstrates a dedication to safeguarding cultural identity and advancing national values while embracing international educational trends and exemplary methodologies.¹⁶⁷ Administrative regulations frequently include provisions integrating cultural heritage, Islamic principles, and national identity themes into curricula to cultivate students' sense of belonging and pride.¹⁶⁸ Concurrently, endeavours are undertaken to globalise education through the promotion of foreign language acquisition, the endorsement of cross-cultural exchange initiatives, and the facilitation of partnerships with esteemed educational institutions worldwide.

¹⁶⁴ Khalid Arar K, 'Educational Administration in the Middle East' [2020] Oxford Research Encyclopedia of Education 186, 204.

¹⁶⁵ Ellen Goldring and others, 'School Context and Individual Characteristics: What Influences Principal Practice?' (2008) 46 *Journal of Educational Administration* 332, 352.

¹⁶⁶ Giulio Napolitano, 'Conflicts and Strategies in Administrative Law' (2014) 12 *International Journal of Constitutional Law* 357, 369.

¹⁶⁷ Miriam Lowi, 'Identity, Community and Belonging in GCC States' (2018) 6 *Sociology of Islam* 401, 428.

¹⁶⁸ Alexander Wiseman and Naif Alromi, 'The Intersection of Traditional and Modern Institutions in Gulf States: A Contextual Analysis of Educational Opportunities and Outcomes in Iran and Kuwait' (2003) 33 *Compare: A Journal of Comparative and International Education* 207, 231.

Administrative law in the GCC states establishes the authority and obligations of different entities in the education sector, such as government agencies, educational institutions, teachers' associations, parent-teacher councils, and non-governmental organisations, regarding governance structures.¹⁶⁹ These stakeholders are vital in developing, executing, and assessing policies, enhancing the educational system's efficiency and accountability. Furthermore, it is common for administrative mechanisms to include provisions for public participation and feedback, enabling stakeholders to express their concerns, contribute to decision-making procedures, and ensure that authorities are held responsible for their actions.¹⁷⁰

The administrative framework that governs education in the GCC states faces ongoing challenges. These challenges encompass various aspects, including quality assurance, teacher training, the incorporation of technology in teaching methods, and the effective management of rapid demographic shifts.¹⁷¹ Furthermore, successfully executing administrative regulations necessitates resolving bureaucratic inefficiencies, promoting transparency, and mitigating corruption within educational establishments.¹⁷² Moreover, educational administrators in the region face a continuous challenge in reconciling the goals of modernisation and globalisation with the need to safeguard cultural values and traditions.

Protecting the right to education in the GCC states is supported by a comprehensive administrative structure that influences policies, oversees institutions, and promotes inclusiveness while safeguarding cultural heritage. Administrative law assumes a crucial function in the governance of educational systems, as it establishes accountability and fosters a culture of excellence in teaching and learning. Despite encountering numerous obstacles, the GCC states maintain their dedication to promoting education as an essential entitlement and a pivotal catalyst for socio-economic progress within the region. These nations aim to provide their citizens

¹⁶⁹ Ahmar Mahboob and Tariq Elyas, *Challenges to Education in the GCC during the 21st Century* (Gulf Research Centre Cambridge 2017).

¹⁷⁰ Shurair Amal and Shaligram Pokharel (2019) 27 Stakeholder's perception of service quality: a case in Qatar 493, 510.

¹⁷¹ Khalid Alshahrani, 'Transforming Education in the Gulf Region' [2016] Education 1.

¹⁷² Linzi Kemp, Megan Mathias and Maryam Raji, 'Representative Bureaucracy in the Arab Gulf States' (2019) 32 International Journal of Public Sector Management 230, 246.

with the necessary knowledge, skills, and values to navigate a more interconnected and competitive global landscape through efficient administrative governance.

2.2 RELATIONSHIP BETWEEN HUMAN RIGHTS AND ADMINISTRATIVE LAW

The interconnection between the right to education, human rights, and administrative law is a crucial foundation of legal conversation and societal progress in the ever-changing socio-legal environment of the GCC states. Central to this complex network is the fundamental acknowledgement that education is not solely a privilege but rather an inherent and inalienable entitlement that is inherent to each person, encapsulating the essential nature of human dignity and capacity.¹⁷³

The fundamental principle of human rights is embodied in the right to education, protected by various international instruments such as the Universal Declaration of Human Rights¹⁷⁴, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child¹⁷⁵.¹⁷⁶ This symbolises empowerment and social unity in the GCC states, surpassing geographical limitations and cultural subtleties to promote inclusive progress and fair opportunities for everyone.¹⁷⁷ Acknowledging education as an essential entitlement of every person requires the availability of educational establishments and the guarantee of excellence, pertinence, and fairness in educational delivery, guaranteeing that each person can fully actualise their cognitive, societal, and financial capabilities.¹⁷⁸

The enactment of the right to education in the GCC states is closely linked to the principles and mechanisms of administrative law. It serves as the legal structure that regulates the conduct and

¹⁷³ Petra Kleindienst P, 'The Role of Education on Human Dignity: Fostering Peace and Diminishing Violence' (2024) 15 Religions 1, 20.

¹⁷⁴ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)).

¹⁷⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ratified by Qatar in 2018); Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (ratified by Qatar in 1995).

¹⁷⁶ Tristan McCowan T, 'Reframing the Universal Right to Education' (2010) 46 Comparative Education 509, 525.

¹⁷⁷ Mariam Lowi, 'Identity, Community and Belonging in GCC States' (2018) 6 Sociology of Islam 401, 428.

¹⁷⁸ Christiane Spiel C and others, 'The Contribution of Education to Social Progress' [2018] Cambridge University Press 753, 778.

choices made by administrative entities.¹⁷⁹ It assumes a crucial function in protecting and advancing the entitlement to education by establishing the responsibilities, authorities, and mechanisms for holding educational authorities accountable. Administrative law plays a crucial role in implementing legal requirements for education in the GCC states. It encompasses various aspects such as developing educational policies, allocating resources, regulating educational institutions, and resolving disputes.¹⁸⁰ It ensures that the right to education is not just a theoretical concept but a practical reality for all individuals.

Furthermore, the interdependent connection between the entitlement to education and administrative law highlights the essential significance of human rights principles in influencing and enlightening administrative behaviours and regulations. Fundamental human rights, such as the right to education, guide the assessment of the legitimacy and legality of administrative actions, and these rights establish normative standards that imbue the administrative process with ethical imperatives and moral obligations.¹⁸¹ Including human rights standards in administrative law improves governance's responsibility and openness while promoting a policy-oriented approach to policy development and execution.¹⁸² This approach prioritises individuals' dignity, autonomy, and welfare as crucial factors in administrative decision-making procedures.

Moreover, it is crucial to acknowledge that the interaction among the right to education, human rights, and administrative law surpasses mere legal principles and institutional structures, intricately influencing the social structure and moulding shared perspectives, attitudes, and actions about education.¹⁸³ In the GCC states, where rapid economic growth and social change combine with long-standing cultural traditions and values, ensuring the right to education

¹⁷⁹ Abdelhaif Belarbi and others, 'Transnational Education in the Gulf Cooperation Council Countries: The Challenges of Internationalisation and Quality in Higher Education' (2016) 11 International Journal of Economics and Business Research 120, 129.

¹⁸⁰ Hira Amin, Alina Zaman and Evren Tok, 'Education for Sustainable Development and Global Citizenship Education in the GCC: A Systematic Literature Review' [2023] Globalisation, Societies and Education 1, 16.

¹⁸¹ Walter Schweidler, *Human Rights and Natural Law an Intercultural Philosophical Perspective* (Academia-Verl 2013).

¹⁸² Richard Stewart, 'The Normative Dimensions and Performance of Global Administrative Law' (2015) 13 International Journal of Constitutional Law 499, 506.

¹⁸³ Jesse Bazzul, *An Intense Calling: How Ethics Is Essential to Education* (University of Toronto Press 2023).

requires a comprehensive approach that tackles legal and institutional obstacles as well as socio-cultural barriers and inequalities.¹⁸⁴

Within this framework, the conversation surrounding human rights catalyses societal conversation and action, enabling individuals and communities to assert their rights and advocate for responsibility, openness, and inclusiveness in educational policies and practices.¹⁸⁵ Civil society organisations, academic institutions, and grassroots movements in the GCC states have played a crucial role in promoting educational reforms, advancing gender equality, and advocating for the rights of marginalised and vulnerable populations.¹⁸⁶ Through human rights advocacy, these entities have effectively used their transformative potential to foster a culture of rights consciousness and social justice within the region.

Furthermore, incorporating human rights principles into administrative law bolsters the normative underpinnings of governance. It fortifies the rule of law, augmenting the credibility and legitimacy of governmental establishments and cultivating public trust and assurance.¹⁸⁷ By aligning administrative practices with human rights standards, the GCC states can ensure the right to education for all individuals, regardless of their background, status, or identity. This will reduce the likelihood of arbitrary decision-making, abuse of power, and systemic discrimination in the education sector.¹⁸⁸ This will create a conducive environment for the realisation of this right.

Notwithstanding the intrinsic interconnectedness of the right to education, human rights, and administrative law, the GCC states continue to face persistent challenges and obstacles that impede the complete attainment of educational rights and aspirations. Access to quality education remains hindered by various factors such as structural inequalities, resource

¹⁸⁴ Khalid Al-Horr, 'Adaptation in Educational Management for International Students in Hosting Countries: An Overview of Gulf Countries' (2023) 2 American Journal of Interdisciplinary Research and Innovation 58. 66.

¹⁸⁵ Ignacio Calderón-Almendros and Gerardo Echeita-Sarrionandia G, 'Inclusive Education as a Human Right' [2022] Oxford Research Encyclopedia of Education 58, 66.

¹⁸⁶ D Keane and Tenia Kyriazi T, '7 the Emergent Right to Human Rights Education in GCC States' [2018] The Asian Yearbook of Human Rights and Humanitarian Law 205, 244.

¹⁸⁷ Michael Addaney M, Michael Nyarko and Elsabe Boshoff, *Governance, Human Rights, and Political Transformation in Africa* (Palgrave Macmillan 2020).

¹⁸⁸ Hanan Malaeb, 'The "Kafala" System and Human Rights: Time for a Decision' (2015) 29 Arab Law Quarterly 307, 342.

limitations, linguistic obstacles, and cultural stereotypes.¹⁸⁹ These challenges disproportionately affect marginalised and vulnerable groups, including women, individuals with disabilities, migrants, and refugees.

The relationship between the right to education, human rights, and administrative law encompasses various legal, moral, and socio-political aspects within the GCC states. This portrayal highlights the intricate interaction among legal standards, institutional procedures, and societal dynamics. To achieve a fair, inclusive, and sustainable educational system that empowers individuals, promotes social cohesion, and nurtures the inherent potential of every member of society, the GCC states should adopt a comprehensive and integrated approach. This approach should recognise the intrinsic value of education as a fundamental human right, uphold principles of human dignity, equality, and non-discrimination, and strengthen the normative foundations of administrative law.

The subsequent sections of this Chapter shall explore the inherent entitlement to education as a fundamental right of every individual. They will demonstrate the interconnectedness between principles of natural justice and administrative law, highlighting their importance. The present investigation will function as the fundamental basis for subsequent sections, establishing a structure in which the convergence of human rights, legal principles, and administrative procedures influences the domain of educational governance and accessibility.

2.3 RIGHT TO EDUCATION IN THE UN COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Human rights refer to those rights that society has decided are essential to individuals worldwide, such as the right to life, the right to live without tyranny, and equal opportunities.¹⁹⁰ Several institutions have since specialised in defending people's rights. As for the right to a just trial, the UDHR refers directly to the fair trial in Article 10. It provides

¹⁸⁹ David Chapman and Suzanne Miric, 'Education Quality in the Middle East' (2009) 55 *International Review of Education* 311, 344.

¹⁹⁰ Surinder Kaur, "Historical Developments of Human Rights" (2014) 6 *Journal of Social Science Research* 996, 999.

that everyone has complete rights, by determining his rights and responsibilities and by any criminal charges against him, to have a fair and public hearing by an independent and impartial court.¹⁹¹ The same applies in the current context since the right to a fair hearing is inherently related to student fair hearing, that is, the right to be heard when decisions are taken against the students. It might be true that the concepts of fair trial are based on Articles 10 and 11 of the UDHR.¹⁹²

Ssenyonjo's contribution further enriches the discussion by linking procedural protection to broader human rights frameworks. He argues that the 'right to a fair hearing' is protected in global human rights agreements like the ICCPR¹⁹³ and emphasises the importance of adhering to these global standards in domestic settings, including educational institutions.¹⁹⁴ In Qatar, incorporating international human rights standards is challenging and necessary, given the influence of civil law and Sharia principles on the legal system. As a result, procedural safeguards in conflicts between students and universities should consider local legal customs and global obligations to preserve students' right to a fair trial.

Education is a fundamental right in and of itself, but it is also an essential method for achieving other human rights. *Education* is the primary mechanism by which economically and socially oppressed individuals and children may escape poverty and get the tools to participate in their communities as empowering rights.¹⁹⁵ Women's empowerment is critical to protecting children from harmful and exploitative labour, advancing human rights and democracy, conserving the environment, and limiting population increase.¹⁹⁶ Education is increasingly considered one of the states' most substantial financial investments. In addition to the practical benefits of education, an educated, enlightened and active mind,

¹⁹¹ Amal Clooney and Philippa Webb, *The Right to a Fair Trial in International Law* (Oxford University Press, Incorporated 2021).

¹⁹² Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)), art 10, 11.

¹⁹³ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

¹⁹⁴ Manisuli Ssenyonjo, *Economic, Social and Cultural Rights* (1st edn, Routledge 2011).

¹⁹⁵ Jo Walker and others, *The Power Of Education To Fight Inequality* (Oxfam International 2019).

¹⁹⁶ Shirley Anne Porter, 'Girls' Education, Development And Social Change' (2016) 14 Policy Futures in Education 517, 538.

able to roam freely and extensively, is one of the greatest delights and rewards of human life.

When considering education as one of the best social expenditures, we typically consider children and young people. However, we should not forget adults who must be inspired to continue their education for the rest of their lives. The primary goal of any country's educational policies is to fulfil every citizen's right to education and ensure adequate academic levels for all, with the understanding that education is a robust investment in the development of one's personality and, in turn, the character of a successful and economically powerful state.¹⁹⁷ These policies should also ensure that residents have the information, skills, and attitudes required to meet the labour market demands.

The right to education is a fundamental human right, a vital tool, and an essential component for realising other human rights because human rights are interrelated, and the realisation of one right strengthens the other.¹⁹⁸ The right to education is the driving force in enhancing individual and social human potential. Through education, individuals learn to take responsibility for their own and others' futures, actively participate in social activities, and influence governmental actions toward them, including any rights or injustices that may arise.¹⁹⁹

Education is both a human right and a moral obligation. In most countries, primary education is compulsory, and the state should protect this right. There are certain nations where secondary education is mandatory, whereas, in others, it is open and accessible to all students. In certain countries, higher education is regarded as a public benefit, while others are considered a privately owned good. Whether postsecondary education should be viewed as a fundamental human right has long been debatable. Some academics attribute

¹⁹⁷ Fazilah Idris and others, 'The Role of Education In Shaping Youth's National Identity' (2012) 59 *Procedia - Social and Behavioral Sciences* 443, 450.

¹⁹⁸ Carol Robinson, Louise Phillips and Ann Quennerstedt, 'Human Rights Education: Developing A Theoretical Understanding of Teachers' Responsibilities' (2018) 72 *Educational Review* 220, 241.

¹⁹⁹ Ashley Davis and Devon Reber, 'Advancing Human Rights and Social And Economic Justice: Developing Competence In Field Education' (2016) 1 *Journal of Human Rights and Social Work* 143, 153.

it to a person's aptitude to learn, while others attribute it to their socioeconomic background.²⁰⁰ Since the Universal Declaration of Human Rights ensures everyone the right to an education, anybody may attend college. In the European Union, higher education is seen as a public benefit and a governmental obligation.²⁰¹

States with varied education policies, including mandatory secondary education or viewing higher education as a public good, must comply with international law and meet their legal commitments for the right to education.²⁰² The UDHR clearly states that everyone has the right to education, including primary and higher education, and this international legal instrument obligates states to guarantee that education is accessible, available, and of good quality without discrimination.²⁰³ States that have ratified international treaties such as the ICESCR must gradually work towards ensuring the right to education for all citizens under their authority. This involves offering free and mandatory primary education and guaranteeing equitable secondary and higher education access.²⁰⁴ States should implement strategies to overcome socioeconomic obstacles that could impede educational access, including offering financial aid and scholarships to underprivileged students. Higher education is considered a public good and a government responsibility within the European Union, and member states must fulfil their obligations under EU law by ensuring accessibility, equity, and quality in higher education.²⁰⁵ States with different education systems need to conform their policies and practices to international legal norms to ensure that the right to education is effectively realised for all citizens.

²⁰⁰ Gareth W. Williams, 'Higher Education: Public Good Or Private Commodity?' [2016] *London Review of Education* 132, 142.

²⁰¹ Johannes Giesinger, 'Education, Fair Competition, and Concern for The Worst Off' (2011) 61 *Educational Theory* 41, 54.

²⁰² Gerison Lansdown and Ziba Vaghri, 'Article 28: The Right to Education' [2022] *Monitoring State Compliance with the UN Convention on the Rights of the Child* 247, 261.

²⁰³ Aurelija Pūraitė, 'Accessibility of Higher Education: The Right to Higher Education in Comparative Approach' (2011) 4 *Baltic Journal of Law & Politics* 27, 51.

²⁰⁴ Jane Kotzmann, 'The Human Right to Higher Education' [2018] *Oxford Scholarship Online* 17, 60.

²⁰⁵ Liviu Andreescu, 'Individual Academic Freedom and Aprofessional Acts' (2009) 59 *Educational Theory* 559, 578.

Many additional human rights agreements, ratified in line with processes specified by legislation in different member states, connect the right to an education and the avoidance of discrimination in employment or education.²⁰⁶ United Nations General Assembly adopted the ICESCR in 1966²⁰⁷, which went into effect the following year.²⁰⁸ It was introduced to give the Universal Declaration of Human Rights²⁰⁹ legal effect. Education is included in the Covenant's right to education, which states that nations who are signatories respect everyone's right to free education (for the elementary level and "the gradual introduction of free education" for the higher levels). Those countries that have not yet implemented a free primary education system are obligated under Article 14 of the Covenant to do so "within a reasonable number of years," as the provision states.²¹⁰

ICESCR Articles 13 and 14 define the right to education as including four components: availability, accessibility, acceptability, and flexibility.²¹¹

1. The availability of educational institutions with suitable capacity is essential for developing a network of schools at all levels. The state's legal obligations for compulsory education are not being met if primary school admittance capacity is less than that required.²¹²
2. Accessibility implies that educational institutions must be accessible to everyone, regardless of age or gender, and follow their ability. The physical and constructive parts must be considered to provide equal access to educational

²⁰⁶ Pablo Meix-Cereceda, 'Educational Values In Human Rights Treaties: UN, European, And African International Law' (2020) 21 Human Rights Review 437, 461.

²⁰⁷ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

²⁰⁸ Manisuli Ssenyonjo, 'The Influence of the International Covenant On Economic, Social and Cultural Rights In Africa' (2017) 64 Netherlands International Law Review 259, 289.

²⁰⁹ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)).

²¹⁰ Lucyline Nkatha Murungi, 'Inclusive Basic Education In South Africa: Issues In Its Conceptualisation And Implementation' (2015) 18 Potchefstroom Electronic Law Journal 3159, 3180.

²¹¹ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, art 13, 14.

²¹² Bede Sheppard, 'It's Time To Expand The Right To Education' [2022] Nordic Journal of Human Right 96, 117.

institutions.²¹³ For example, institutions should be involved in establishing appropriate settings for old and disabled people while avoiding stereotypical conceptions like the roles of males and females.

3. For parents and teachers (caretakers) to be able to select what their children learn, education must be acceptable. Therefore, families are not obligated but can send their children to schools that match the state's educational policies, such as religious or traditional education.
4. This means that education must be flexible and adaptive, keeping in mind the best interests of the kid and the social growth and advancement of the country as a whole.²¹⁴ Students and instructors should have access to a network of schools with a scholarship programme to better their financial status.

Two articles are devoted to the right to education in the ICESCR. Article 13, the Covenant's most extended provision, is the most extensive article on the right to education in international human rights laws. The Committee has previously approved general comment No. 11 on article 14 (plans of action for elementary education); available comment No. 11 and the current public comment are complimentary and should be assessed together.

2.4 RIGHT TO EDUCATION IN THE ARAB CHARTER ON HUMAN RIGHTS

The international community is making efforts to protect and promote women's rights, as well as ensure that these rights are equal to those of men, in light of the numerous instances in which women's rights have been violated, most notably in developing countries. The rights specified in a variety of international treaties and conventions, including those about

²¹³ Aušrinė Pasvenskienė and Milda Žaliauskaitė, 'The Right To Education For Learners With Special Educational Needs In Lithuanian Higher Education' (2020) 25 Białostockie Studia Prawnicze 233, 255.

²¹⁴ María Dalli, 'The Content And Potential Of The Right To Social Assistance In Light Of Article 13 Of The European Social Charter' (2020) 22 European Journal of Social Security 3, 23.

domestic violence, sexual abuse, slavery, and servitude, continue to be discriminated against and persecuted for the benefit of men. Both Western and Arab intellectuals are divided on the issue of whether or not women should have complete freedom. For instance, they are opposed to the idea of providing women with full work opportunities on par with males, full inheritance rights, and the freedom to dress however they see fit.

Debates on women's equality in Western societies have been affected by legal milestones like the *Ledbetter*²¹⁵ in the United States. In Arab countries, implementing legal precedents such as women's suffrage in Kuwait in 2005 represented a significant advancement towards gender equality and political involvement.²¹⁶ Although progress has been made in achieving gender equality, resistance remains in Western and Arab countries about some areas of women's liberties. Within Western discourse, discussions on reproductive rights, such as those seen in *Roe v Wade*²¹⁷ in the United States, still provoke controversy and create division in public opinion regarding topics like abortion availability and women's bodily autonomy. In Arab contexts, legal precedents such as implementing dress codes or modesty laws in nations such as Saudi Arabia demonstrate societal norms and state rules restricting women's right to dress as they choose.²¹⁸

The instances highlight the intricate nature of negotiating women's rights and freedoms across various cultural and legal systems, where societal norms, religious beliefs, historical traditions, and legal precedents converge to influence attitudes and laws. Activists, policymakers, and civil society organisations in Western and Arab nations are working together to question gender stereotypes, campaign for women's rights, and promote gender equality and opportunities for women worldwide.²¹⁹

²¹⁵ *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007),

²¹⁶ Yamani M, 'Saudi Youth: The Illusion of Transnational Freedom' (2010) 3 Contemporary Arab Affairs 7.

²¹⁷ *Roe v. Wade*, 410 U.S. 113 (1973).

²¹⁸ Maryam Aldossari and Susan Murphy, 'Inclusion Is in the Eye of the Beholder: A Relational Analysis of the Role of Gendered Moral Rationalities in Saudi Arabia' [2023] *Work, Employment and Society* 1244, 1266.

²¹⁹ Thomas Elliott and Jennifer Earl, 'Organizing the next Generation: Youth Engagement with Activism inside and Outside of Organizations' (2018) 4 *Social Media + Society* 205630511775072.

Many international conventions, such as the Convention on Elimination of All Forms of Discrimination against Women (hereinafter referred to as “CEDAW”)²²⁰, have been established to affirm women's rights. The statement that "the basis of human rights is that all persons are created equal" can be found in the preamble of the United Nations Charter. This statement serves as the foundation for human rights. They reaffirm that all humans are created free and equal regarding their rights and dignity. They were each other's source of reason and conscience, and they were expected to conduct themselves in the direction of one another in the spirit of brotherhood, according to the first paragraph of the UDHR.²²¹ According to the ICCPR²²² and the ICESCR²²³, it is against the law to engage in any form of discrimination based on a person's gender (The Higher Committee of Human Rights, 2014). Article 3 of the International Covenant on Civil and Political Rights states that the state parties have agreed to protect the equal rights of men and women and fully enjoy all civil and political rights stated in the present Covenant. This commitment was made to protect the rights outlined in the present Covenant. Article 26 of the same Covenant states, *"The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against any discrimination on any ground such as race, colour, sex or gender; language; religion; political or other opinions and national and social origins; property; birth or other status articles."* The law shall guarantee to all persons equal and effective protection against any discrimination on any ground such as race, colour, sex or gender, language, religion, political or other opinions and national and social origins. By Article 3 of the International Covenant on Economic, Social, and Cultural Rights, all nations must provide men and women with equal economic, social, and cultural rights.

The Arab Charter of Human Rights²²⁴ and Islamic law both condemn discrimination against women and affirm the equality of men and women, except for the natural differences that

²²⁰ CEDAW (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

²²¹ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)).

²²² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

²²³ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

²²⁴ Arab Charter on Human Rights (adopted 15 September 1994, entered into force 15 March 2008).

exist between the sexes in terms of their physical, mental, emotional, and psychological characteristics and tendencies. In numerous aspects of Islamic law (Sharia), men and women are acknowledged as distinct entities (positive discrimination).²²⁵

Gender-based discrimination is a prevalent issue in most Arab countries, especially concerning admittance to educational institutions.²²⁶ Gender discrimination continues in admission processes despite international norms set by the UN Convention on the Elimination of all Forms of Discrimination against Women and constitutional provisions supporting gender equality.²²⁷

In these countries, societal conventions and cultural traditions frequently prioritise educating males over females, leading to unequal opportunities for men and women. Gender bias is evident in admission procedures favouring males over girls despite both genders having equal rights to education as outlined in international agreements and state laws.²²⁸

The main obstacle leading to gender discrimination in admissions is the well-established patriarchal structure that influences society's attitudes and behaviours.²²⁹ This system typically regards males as the leading providers and decision-makers in families while assigning females to subservient positions. As a result, resources and opportunities, such as access to school, are unfairly distributed in favour of males.

Gender discrimination in admissions has effects beyond individual rights, affecting societal progress and development on a larger scale.²³⁰ Arab countries hinder their progress by

²²⁵ Mohamed Mattar, 'Article 43 Of The Arab Charter On Human Rights: Reconciling National, Regional, And International Standards' (2013) 26 Harvard Human Rights Journal 91, 147.

²²⁶ Shehab Almelhem and others, 'Factors Affecting Gender Balance in Higher Education in Northwest Syria: Challenges and Potential Actions' (2022) 3 International Journal of Educational Research Open 1, 9.

²²⁷ Marsha Freeman, 'The Convention on the Elimination of All Forms of Discrimination Against Women' [2019] International Human Rights of Women 1, 21.

²²⁸ Grace Chisamya and others, 'Gender and Education for All: Progress and Problems in Achieving Gender Equity' (2012) 32 International Journal of Educational Development 743, 753.

²²⁹ Liisa Husu, 'Gender Discrimination in the Promised Land of Gender Equality' (2000) 25 Higher Education in Europe 221, 228.

²³⁰ Anais Llorens A and others, 'Gender Bias in Academia: A Lifetime Problem That Needs Solutions' (2021) 109 Neuron 2047, 2074.

depriving women of equal educational opportunities, therefore excluding half of their population from making valuable contributions.²³¹ This sustains a pattern of inequality, impeding economic progress, social mobility, and sustainable development.

Article 3 of the Arab Human Rights Charter²³² states that no individual should be subjected to discrimination on account of their race, colour, sex, language, religion, belief, or thought, nor should they be denied their fundamental human rights on account of their economic status or social standing; nor should they be denied their right to life on account of a physical or mental disability. The fact that this article compelled nations to take the necessary steps to promote effective equality in the enjoyment of all human rights and freedoms, including the right to be free from any discrimination, is one of the positive aspects of the right to non-discrimination.²³³ It is the responsibility of the states to ensure that men and women have equal opportunities and absolute equality so that they can fully enjoy the rights outlined in the Arab Charter. This declaration also stated that all people are equal before the law and that all people have the right to enjoy the protection of the law without being subject to discrimination in any form.

2.5 THE CONSTITUTIONAL RIGHT TO EDUCATION IN THE CONSTITUTION OF QATAR

According to Article 49 of Qatar's Permanent Constitution, adopted in 2004, all citizens have the right to education. This means the government must work to make it mandatory and accessible in accordance with the country's laws and regulations.²³⁴ Elementary school is to be mandated. Therefore, all students should have equitable access to technical and professional education and higher education based on their merits. The goal of education

²³¹ Najib Mozahem NA, 'Gender, Education, and Career in the Arab World: A Literature Review' (2021) 111 Research in Education 141, 163.

²³² Arab Charter on Human Rights (adopted 15 September 1994, entered into force 15 March 2008), art 3.

²³³ Vijay Ghormade Ghormade, 'Analytical Framework of the Protection of Human Right under the Arab Charter on Human Rights' [2012] SSRN Electronic Journal 1.

²³⁴ Zahra Babar, 'The Cost of Belonging: Citizenship Construction In The State Of Qatar' (2014) 68 Middle East Journal 403, 420 .

should be to help students reach their full potential as individuals while also instilling a deeper appreciation for and adherence to fundamental liberties and rights. All countries, races, and religions are encouraged to work together harmoniously, and the United Nations' efforts to keep the peace will be aided.

ICESCR, the Convention on the Elimination of All Forms of Discrimination Against Women,²³⁵ and other sources of international law and human rights law guarantee the right to education as one of the most essential rights.²³⁶ As a part of Qatar's National Vision 2030, education is given high priority to ensure that all citizens have access to a high-quality education that respects diversity while also celebrating national traditions and religious values and allowing different communities to pursue the education adopted in their own countries so that they can maintain their identity.²³⁷ The State of Qatar also welcomed praise from HE Special Rapporteur on the right to education and the state's aim at prioritising quality education for all and its strong participation in regional and international cooperation to promote the right to education, particularly within the framework of the Education Above All Foundation and Qatar Foundation's work, which has had a positive impact.²³⁸

It is worth noting that the government of Qatar has taken notable steps and adopted several measures since June 5, 2017, when the blockade and other coercive measures were imposed on the State of Qatar and its citizens, especially for Qatari students who were forced to leave school and were denied their right to education as a result.²³⁹ For this

²³⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3; CEDAW (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

²³⁶ Claire Lougarre, 'The Protection Of Non-Nationals' Economic, Social And Cultural Rights In Un Human Rights Treaties' [2022] International Human Rights Law Review 252, 290.

²³⁷ Planning and Statistics Authority, 'Qatar Voluntary National Review 2021' (Planning and Statistics Authority 2021).

²³⁸ 'Qatar Affirms Great Importance Attached To Education At National, Regional And International Levels' (*Mofa.gov.qa*, 2020) <<https://mofa.gov.qa/en/all-mofa-news/details/1441/11/12/qatar-affirms-great-importance-attached-to-education-at-national-regional-and-international-levels>> last accessed 30 April 2025.

²³⁹ 'How Qatar-Gulf Crisis Developed Up To The GCC Summit' (*Aljazeera.com*, 2017) <<https://www.aljazeera.com/news/2018/2/18/qatars-blockade-in-2017-day-by-day-developments>> last accessed 30 April 2025.

purpose, Qatar's educational system has prioritized promoting equality and combating all forms of prejudice, including those based on gender. Qatari women have earned a prominent position in receiving an excellent education and progressing through all phases of the educational process because of their efforts.²⁴⁰ Increasing participation in higher education has resulted in more Qatari women entering the workforce. Qatari women comprise the largest share of those working in education, health care, and social services.

According to Article 25 of the Qatari constitution, education is at the heart of societal growth. Educational opportunities must be made available to all citizens. Article 49, on the other hand, states that people have the right to education and that the state should strive to complete general education obligatorily and free of charge in line with existing laws and regulations. New paragraphs were inserted in the Compulsory Education Law No. 25 of 2001 to define the methods and mechanisms for enrolment in schools and the entities responsible for implementation.²⁴¹ Article 2 of the legislation above mandates free public education for all students from the start of elementary school to the conclusion of the preparatory stage, whichever comes first.

Ministerial Resolution No. 47 established the National Committee for Education 2030. (47) of 2016 to oversee the implementation of goal number four of the 2030 sustainable development goals and develop an implementation plan, overarching framework, and set of guidelines for developing data roadmaps to support sustainable development.²⁴² Goal 4 was confirmed, including ensuring that all children, regardless of gender, have access to excellent early childhood and secondary education, resulting in relevant and useful learning outcomes by 2030, as part of the plan's seven goals.

²⁴⁰ Alexis Antoniadis, Rafia Al-Jassim and Khaliq Gharatkar, 'The Blockade Against Qatar: A Blessing In Disguise?' (2021) 11 Journal of Arabian Studies 81, 99.

²⁴¹ United Nations Educational, Scientific and Cultural Organization, 'Implementing The Right To Education' (2010).

²⁴² 'Ministry Of Foreign Affairs Organizes Training Workshop On International, Regional Human Rights Mechanisms' (*Mofa.gov.qa*, 2020) <<https://www.mofa.gov.qa/en/all-mofa-news/details/1441/07/08/ministry-of-foreign-affairs-organizes-training-workshop-on-international-regional-human-rights-mechanisms>> last accessed 30 April 2025.

The Ministry of Education has further released the 2018-2019 school entrance policy related to guidelines; public schools must follow this policy regarding admissions, registration, and student transfers. Students enrolled in morning public schools must comply with the policy's admissions and registration criteria and the rules regulating senior education students (those in the homeschooling system). Non-Qataris working for the government and other public institutions and non-Qataris working in private, charitable organisations are allowed to send their kids to public schools, according to the policy—children of private-sector employees in areas and villages without private schools are also entitled to attend. Parents and guardians who cannot pay the costs for books and transportation may ask for an exemption via the Ministry of Education and Higher Education.

The issue of paying for the private school tuition of an employee's children may be worked out between the company and the employee. This problem does not impact children's right to education since the State guarantees that school fees vary to suit the requirements of various social groups. With the help of the Ministry of Education and Higher Education and the National Committee for Educational, Cultural and Scientific Affairs (NCECS), the Education Above All Foundation established a new "Together" initiative.²⁴³ The Education Above All Foundation drove the program's conception, development, and implementation. Children not enrolled in or are not continuing basic education programmes are the initiative's target. Families and communities are trying to persuade parents to enrol their children in school following the Special Rapporteur's proposal No. 1.

To that end, the Qatar National Vision 2030 seeks to enhance women's talents and allow their full involvement in the country's political and economic life, particularly in decision-making positions.²⁴⁴ Qatar's permanent constitution also has a fundamental component: all citizens have equal opportunities. Due to the absence of any gender-based discrimination

²⁴³ Ziad Al-Gsim, Aslan Amat Senin and Mohd Effandi Bin Yusoff, 'A Review And Comprehensive Analysis Of The Performance Of University – Construction Industry Collaboration' (2021) 7 *Civil Engineering Journal* 763, 774.

²⁴⁴ 'Equality And Empowering Women Is Central Pillar In Qatar National Vision' (*Gulf-Times*, 2022) <<https://www.gulf-times.com/story/711372/Equality-and-empowering-women-is-central-pillar-in-Qatar-National-Vision>> last accessed 30 April 2025.

and no distinctions in education or employment, Qatar's labour legislation has taken the permanent constitutional approach. A good example of discrimination is Law No. 15 of 2016, promulgating the Civil Human Resources and its executive regulation published by Cabinet Resolution No. 32 of 2016, which regulates Qatar's public office requirements. Employers may support women in various ways, including, but not limited to, allowing them to bring family members to official business or training sessions.

Qatar's national educational curriculum has been designed in collaboration with several partners representing all sectors of society, including the UNESCO Regional Bureau for Education in Beirut, according to the Ministry of Education and Higher Education.²⁴⁵ Global dimensions were incorporated into the State of Qatar's national educational curriculum, which was designed to cover general history from third grade to twelfth grade based on understanding the causes of events in world history and the role of historical figures in shaping history, as well as making sure that there was a proper balance to be maintained between different periods.²⁴⁶ Various events and civilisations must be addressed locally, nationally, and globally. As history progresses, geographic discoveries, the Industrial Revolution, international wars, liberation and independence movements, the emergence of the United Nations and its efforts to bring lasting peace between peoples, the promotion of human rights, and globalisation all contribute to the richness of historical, political, economic, social, and cultural contrasts and diversity. The history of Qatar is taught to instil national ideals.

Non-Muslim students in public (government) schools do not have to take Islamic studies lessons since they are not compelled by law.²⁴⁷ Educators are directing them to develop new action plans to help these pupils further their linguistic and creative abilities. If their parents

²⁴⁵ Adnan Badran, Elias Baydoun and John R Hillman, *Major Challenges Facing Higher Education In The Arab World* (Springer Nature Switzerland 2019).

²⁴⁶ Ramzi Nasser, 'Qatar'S Educational Reform Past And Future: Challenges In Teacher Development' (2017) 4 Open Review of Educational Research 1, 19.

²⁴⁷ Engy Abdelkader, 'Muslims And Islam In U.S. Public Schools: Cases, Controversies And Curricula' (2020) 17 Hastings Race and Poverty Law Journal 491, 506.

or guardians approve, non-Muslim students at Qatari and Muslim private schools can take Islamic studies as an elective. This scenario is similar in public schools, where students of all faiths must take Islamic studies.

It also aims to ensure the preservation of Qatari values and traditions while enhancing understanding and respect for other cultures through several objectives, including the assurance of the consolidation of Qatari values and culture while understanding different cultures among all students in public and private schools at various academic stages. This reaffirms Qatar's commitment to cooperating with the Special Rapporteur on the right to education and the Human Rights Council to recognise the significance of such collaboration.

GCC university staff and students have suffered from Saudi Arabia, the United Arab Emirates (UAE), Bahrain and Egypt's embargo on Qatar on their employment and academic interests. As soon as the boycott began, Saudi Arabia and Bahrain recalled 12 and 11 faculty members from Qatar's institutions.²⁴⁸ Egyptian university academics and staff have been permitted to stay in the State of Qatar because of this policy, which the Qatari government has reaffirmed. However, the nations enforcing the blockade have expelled students who choose to spend the summer in Doha.

An appeal has been made to the United Nations Educational, Scientific and Cultural Organization by Qatar's National Human Rights Committee (NHRC). They have filed a dossier to the UN body accusing the three GCC countries of initiating action against Doha of wrongdoing against Qatari students and "severe breaches of various civil, economic, social and cultural rights, including the right to education."²⁴⁹ Since the crisis began last month, the study claims several infractions have been committed against Qatari students in the UAE, Saudi Arabia, and Bahrain. Students' rights to an education were violated by

²⁴⁸ Sri Wahyuni and Shireen Baharuddin, 'The Impact Of The GCC Boycott On Qatar Foreign Policy' (2018) 4 Jurnal Transformasi Global 491, 505.

²⁴⁹ Arab (ACW), 'The GCC Crisis At Three Years: No Lessons Learned' (*Arab Center Washington DC*, 2020) <<https://arabcenterdc.org/resource/the-gcc-crisis-at-three-years-no-lessons-learned/>> last accessed 30 April 2025.

preventing them from taking final exams, withholding their graduation certificates, closing their educational accounts, and arbitrarily terminating their registration without giving reasons, according to the NHRC chairman, who filed this report with UNESCO.²⁵⁰ For Arab monarchs in the Persian Gulf region, accusing a fellow GCC member of failing to uphold human rights is new ground for the region monarchies.

Shah's examination of the constraints of the Afghan constitution in safeguarding women's rights, despite its dedication to global benchmarks, underscores the urgent requirement for legal modifications to harmonise Islamic law with human rights principles. This viewpoint emphasises the need for Qatari universities to synchronise their procedural safeguards with global principles to guarantee equitable and impartial treatment of students.²⁵¹ This recognition requires an approach that aims to bring these systems into harmony. Qatar's legal system poses a distinctive difficulty in reconciling the various components of civil law, Islamic law, and customary law within university administrative procedures. Shah emphasises the significance of establishing adaptable procedural frameworks incorporating different legal traditions while guaranteeing uniformity and equity in resolving disputes.

In keeping with the GCC members' goals of diversifying their economies away from hydrocarbons, each member has contributed to developing its own higher education system, although to various degrees. Increasing the number of GCC institutions is intended to improve the quality of higher education in the region and lessen dependency on foreign labour.²⁵² Qatar's Education City is a model for drawing world-renowned professors and students from the West, Arab world, and beyond for the other GCC nations.

²⁵⁰ 'UNESCO Receives Qatari Students' Violation Report' (*Aljazeera.com*, 2017) <<https://www.aljazeera.com/news/2017/7/7/unesco-receives-qatari-students-violation-report>> last accessed 30 April 2025.

²⁵¹ Niaz Shah, 'The Constitution of Afghanistan and Women's Rights' (2005) 13 *Feminist Legal Studies* 239, 258.

²⁵² Asharf Mishrif, 'Introduction To Economic Diversification In The GCC Region' [2017] 1 *Economic Diversification in the Gulf Region*, 1, 26.

2.6 THE PRINCIPLE OF NON-DISCRIMINATION IN ADMISSION TO EDUCATIONAL INSTITUTIONS

As noted earlier, ICCPR and ICESCR²⁵³ came into force for Qatar in 2018. Aside from making a few formal reservations on some articles, such as Article 8(1)(a) and 8(1)(b), Qatar also noted how it would interpret some sections in line with Islamic law, the national constitution, and other national legislation while signing up for these treaties.²⁵⁴ Restrictions on women's and migrant workers' rights have prompted concern from civil society.

Articles 49 and 27 of the ICCPR²⁵⁵ and the ICESCR²⁵⁶ provide that Qatar's ICCPR and ICESCR admission will take effect three months from the date of accession on August 21, 2018, respectively. The ICCPR safeguarded an extensive list of fundamental freedoms under international law, including protections for life, liberty, and security; privacy and secrecy; religious liberty; freedom of speech; freedom of association; and freedom from torture and other cruel, inhuman, or degrading treatment. Many fundamental rights are protected by the ICESCR²⁵⁷, including the freedom to work, the right to join trade unions and the right to a decent standard of life.

Qatar made further declarations indicating how it would interpret various clauses of the ICCPR²⁵⁸. The term "punishment" in Article 7 on the prohibition of torture, cruel or degrading

²⁵³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR); International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

²⁵⁴ Kali Robinson, 'Understanding Sharia: The Intersection Of Islam And The Law' (*Council on Foreign Relations*, 2021) <<https://www.cfr.org/background/understanding-sharia-intersection-islam-and-law>> last accessed 30 April 2025.

²⁵⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 49.

²⁵⁶ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 art 27.

²⁵⁷ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

²⁵⁸ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

punishment, Article 18(2) on freedom from coercion to adopt religion or belief, and Article 23(2) on the right of men and women of "marriageable age" to get married and establish a family will all be interpreted by Islamic Law.²⁵⁹ According to the country's official statement, the rule on trade unions must conform with current labour laws and other Qatari national legislation and would be appropriately implemented by Qatar. Even if a person's religious beliefs conflict with "public order and public morality, preservation of public safety and health, or basic freedoms of others," this clause protecting religious freedom shall safeguard them.

State parties to international treaties have not recognised Qatar's complaint system, allowing people to claim that Qatar isn't meeting its duties under the convention—Ratification Status for Qatar, Office of the High Commissioner for Human Rights. Doha has agreed to allow the Committee Against Torture to conduct its independent investigations into claims of systemic torture within the terms of Article 20 of the Convention Against Torture.²⁶⁰ During the investigation process, the State in issue undertakes to assist the Committee and may comment about investigating the charges.

Several objections accompanied Qatar's 2009 accession to the CEDAW²⁶¹. The CEDAW ensures that men and women have equal access to all of life's fundamental freedoms and rights, including marriage and family.²⁶² When Qatar joined the United Nations, it made several reservations to rights deemed inconsistent with Islamic Law, including Article 15 on the equality of men and women before the law and Article 16 on eliminating discrimination in marriage and family relations, which were included in the country's accession document.

²⁵⁹ Jeremiah J. Bowden, 'Marriageable Age In Islam: A Study On Marriageable Age Laws And Reforms In Islamic Law' (2013) 2 LUX 1, 13

²⁶⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85, art 20.

²⁶¹ CEDAW (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

²⁶² CEDAW (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

To advance and safeguard human rights, there must be a practical regional human rights framework.²⁶³ Without national remedies, an efficient regional human rights system offers accessible procedures, enhancing governments' responsibility to respect and ensure human rights. States are more likely to comply with regional efforts than international ones, which improves the enforceability of regional judgments over international ones.²⁶⁴ As long as the restricted definition of human rights norms does not become too unique to the area, regional human rights systems enable regional values to be considered when human rights standards are created.

Regional human rights systems may better serve localised enforcement mechanisms than a worldwide, universal enforcement system. Due to the established precedent and good performance of the regional human rights systems in the Americas, Africa, and Europe, these regional systems are well-established in the international human rights sector.²⁶⁵ Individuals have recourse to seek justice and compensation for human rights breaches perpetrated by a state party via each system's enforcement and complaint processes. As a result, regional human rights commissions and tribunals adjudicate whether the state is at fault and what steps it should take to make amends.

Members of the LAS recognised the necessity of respecting human rights in Arab society by adopting the Charter.²⁶⁶ The preamble mentions religious beliefs that recognise the right to a life of dignity based on freedom, justice, and peace as the foundation of the Declaration of Independence. For example, the Arab Charter's preamble reaffirms universal human rights concepts like freedom of expression and freedom from oppression found in international

²⁶³ Alberto Quintavalla and Klaus Heine, 'Priorities And Human Rights' (2019) 23 *The International Journal of Human Rights* 679, 697.

²⁶⁴ Raffaella Kunz, 'Judging International Judgments Anew? The Human Rights Courts Before Domestic Courts' (2019) 30 *European Journal of International Law* 1129, 1163.

²⁶⁵ George William Mugwanya, 'Realizing Universal Human Rights Norms Through Regional Human Rights Mechanisms: Reinvigorating the African System' (1999) 10 *IND. INT'L & COMP. L. REV* 36, 50.

²⁶⁶ Junxiang Mao and Ammar Ahmad Ahmad Gady, 'Arab Charter On Human Rights; International Conventions' (2021) 12 *Beijing Law Review* 425, 446.

treaties like the UNDHR.²⁶⁷ This is because the preambles of international agreements have a significant role in formulating law and policy and interpreting existing laws. As a result, confirming the universally recognised status of the UDHR, ICCPR, and ICESCR²⁶⁸ is critical. Several people, notably Islamic jurists, have raised serious concerns about the Cairo Declaration and the UDHR's compatibility regarding universality and cultural-religious relativism.²⁶⁹

The treaty only grants religious minorities a subservient position and forbids Muslims from converting to other faiths. It is also blatantly anti-feminist, giving freedom of movement and the ability to marry solely to males. The Declaration's flaws make it worthless at best and potentially damaging to human rights at worst. Critics of Islam who use the text to demonstrate that Islam is incompatible with human rights take it very seriously.

Experts, NGOs, academics, and others have increasingly criticised the Arab Charter for its shortcomings, claiming it is primitive due to its inadequate monitoring structure and the absence of civil society organisations and independent experts.²⁷⁰ For the first time, there was no individual or state petition system for the Expert Committee if a state party violated a Charter clause with substantial consequences.²⁷¹ Civil society groups in Europe and the Arab world held several meetings and conferences to pressure Arab governments to amend the Charter.

²⁶⁷ Armis Sadri, 'The Arab Human Rights System: Achievements And Challenges' (2019) 23 *The International Journal of Human Rights* 1166, 1182.

²⁶⁸ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)); International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171; International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

²⁶⁹ Mashood A. Baderin, 'Islam And The Realization Of Human Rights In The Muslim World' *Research Handbook on International Human Rights Law* 1, 25.

²⁷⁰ Ahmed Almutawa, 'The Arab Court Of Human Rights And The Enforcement Of The Arab Charter On Human Rights' (2021) 21 *Human Rights Law Review* 506, 532.

²⁷¹ International Commission of Jurists, 'The Arab Court Of Human Rights: A Flawed Statute For An Ineffective Court' (International Commission of Jurists 2015).

States Parties must overcome illiteracy following Article 41, which ensures everyone the right to education. Free elementary education is provided as part of this legislation. Human rights education is mentioned as one of the goals of education. It also ensures the continuation of education and the training of adults.

The United Nations General Assembly passed a resolution in November 2014 calling for an end to early, child and forced marriages. Child, early, and forced marriages affect girls more than any other group, especially those who have had no formal education and those who have been forced to leave school early because of marriage or childbirth.²⁷² The Resolution also states that educational opportunities for girls and young women are directly linked with women and girls' empowerment and employment and economic opportunities.

The CEDAW²⁷³ conducted a general discussion to begin developing a general recommendation on girls' and women's right to education.²⁷⁴ An authoritative suggestion of this kind might guide countries in ensuring that the educational rights of women, girls, and young people are respected, safeguarded, and fulfilled. The Chair of the CEDAW Working Group stated in her introduction that an evaluation of state practice under Article 10 of CEDAW revealed that education provision was narrowly interpreted.²⁷⁵ There was a lack of attention paid to other parts of education, such as the rights that students have inside and via their education, by governments in most cases. The fact that Periodic Reports are silent on ways in which the gender regime of schools, marked as it is by entrenched patriarchal ideologies, practises and structures, shapes the daily experience of girls in school, exposing them, as it does, for as many as ten years, to an environment, which can be physically,

²⁷² Valeria Pelayo, 'Child Marriage: Addressing The Challenges And Obstacles In The Post-2015 Agenda' [2015] SIT Graduate Institute/SIT Study Abroad SIT Digital Collections 2105, 2130.

²⁷³ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

²⁷⁴ Andrew Byrnes, 'The Committee on the Elimination Of Discrimination Against Women' [2013] Women's Human Rights 27, 40.

²⁷⁵ 'The Committee On The Elimination Of Discrimination Against Women' (*United Nations Human Rights (Office of the High Commissioner)*, 2014) <<https://www.ohchr.org/en/events/days-general-discussion-dgd/2014/day-general-discussion-girls-and-womens-right-education>> last accessed 30 April 2025.

emotionally and sexually abusive, thereby denying them the enjoyment of their rights within the education arena.

Both public and private education providers are under scrutiny by the treaty organisations due to the lack of standardisation and inadequate monitoring and regulating systems.²⁷⁶ Privatisation also has the unintended consequences of excluding marginalised children and women, allowing for less oversight of educational standards in private institutions and perhaps transferring more responsibility to the private sector. As the Committee on the Rights of the Child points out, the fast growth of private schools, particularly at the basic level, might jeopardise free universal primary education for everyone as a minimum necessary level of the right to education.

2.7 GENDER EQUALITY: RECONCILING INTERNATIONAL HUMAN RIGHTS LAW WITH HUMAN RIGHTS IN ISLAM AND THE NEED FOR AFFIRMATIVE ACTION

To promote social progress, the State of Qatar is committed to protecting and nurturing healthy, cohesive families. Several factors contribute to the success of Qatar's approach to women's development. Still, the most important is a deep-seated belief in the link between women's progress and advancing health, education, and economics sectors. It is, therefore, clear that every effort has been made to ensure that women's needs are met and that they are involved in these areas at all levels. There is an emphasis on developing women's capacities and empowerment in Qatar's 2030 Vision 2030.

The Qatari constitution prevents all types of discrimination against women. It grants women equal chances to develop their skills, safeguard and cultivate their rights, and participate

²⁷⁶ Natasha Ridge, Soha Shami and Susan Kippels, 'Private Education In The Absence Of A Public Option: The Cases Of The United Arab Emirates And Qatar' (2016) 3 FIRE: Forum for International Research in Education 41, 59.

constructively in the development of society. Article 34 of the constitution states as a general concept that "Citizens must be equal in respect of public rights and obligations."

A further indication of Qatar's desire to offer Qatari women a worldwide role is the country's participation in the CEDAW.²⁷⁷ Fortress of teaching and learning, the educational environment is a protective barrier for students and educators. Education leaders were concerned about providing this environment in terms of material and physical resources, as well as the psychological aspects or school environments that were most conducive to curricular and extracurricular educational activities to help students succeed.

This focus was evident in the previous Ministry of Education's 2003 national EFA strategy and the Education and Training Sector Strategy 2011-2016.²⁷⁸ An essential part of the national EFA plan is ensuring all students feel safe and secure at school. They are establishing kindergartens and schools that satisfy the standards and requirements of healthy and safe school buildings. Students' needs are met by providing equal access to teaching-appropriate programmes and acquiring various skills. This is what we do here.

Making curriculum, schools, and educational settings better ensures all students receive an excellent education and achieve their full potential. As part of the Education and Training Sector Strategy, there were various projects and programmes aimed at creating safe and healthy learning environments. All schools should implement the national values programme:

- putting in place a brand-new, top-notch national curriculum
- Investigation into the quality of education provided to kids with special needs
- Teaching excellence in private schools and enticing high-performing schools to open their doors in Qatar.

²⁷⁷ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

²⁷⁸ Rehab Kazem Ahmed, 'Global Influences On Educational Plans In The Arab World' (Department of Education 2018).

To recognise the importance of teachers in the educational process, Qatar made it a point to improve their physical and moral well-being and enhance their professional skills.²⁷⁹ Throughout the educational process in Qatar, the instructor carries this passion with them. As part of the Education and Training Sector Strategy, the government set goals to improve teachers' and administrators' financial and social standing in light of recent educational and technological developments.

Reaffirmation of the EFA concept may be seen in the Qatar National Vision 2030 and other educational and development papers. The Dakar Framework of Action, Education for All (April 2000) urged all nations to develop national EFA plans based on the six EFA goals, given the EFA current roles, regulations and principle in many countries.²⁸⁰

Since adopting EFA objectives, Qatar has worked hard to meet them. The National EFA Plan (2003) was designed to cooperate with other national education programmes and complement them.²⁸¹ A national EFA coordinator was chosen, and national teams were created to develop and implement plans and reports. The strategy and its initiatives have made significant changes and additions to Qatar's education system. A worldwide framework for achieving educational goals and exchanging cutting-edge skills and educational experiences is being developed for all UNESCO member nations²⁸². Significance of creating, promoting and achieving worldwide standards of quality by highlighting the importance of ensuring accountability, monitoring and supervision

Accuracy, timeliness, and data documentation are more important than ever, and their use in local, regional, and international education reports and Human Development Reports is becoming increasingly commonplace. The reporting team and international meetings and

²⁷⁹ Pearson, 'Qatar: What Makes An Effective Teacher?' (Pearson Education Inc 2016).

²⁸⁰ Gilles Carbonnier, Michel Carton and Kenneth King, 'International Education And Development: Histories, Parallels, Crossroads' (2014) 5 *Revue internationale de politique de développement* 3, 26.

²⁸¹ Department for Democracy and Social Development Education Division, 'Education For All: A Human Right And Basic Need' (Elanders Novum AB 2003).

²⁸² Wadha A Al-Thani, Ibrahim Ari and Muammer Koç, 'Education As A Critical Factor Of Sustainability: Case Study In Qatar From The Teachers' Development Perspective' (2021) 13 *Sustainability* 1, 32, .

seminars allow for increased involvement and the exchange of expertise on the national and international levels regarding education quality and quality development.²⁸³ As it turns out, EFA's goals aligned well with those of Qatar's Vision 2030, which aims to improve educational outcomes, build infrastructure and enact free and compulsory education. As a result, Qatar's National Vision 2030 is even more ambitious, focusing on values and heritage preservation and encouraging young people to innovate and create while also connecting education with sports and culture. Also included are public-private partnerships for scientific research and finance with internationally renowned research institutes and specialist international organisations.

Qatar ensures that human rights are established and developed as part of an all-encompassing plan for the country's social development. These steps include the implementation of necessary legislative, legal, administrative, and other preparations. This concern is based on the national standards of the country, which include Qatar's permanent constitution, Qatar's national vision 2030, and Qatar's first and second national development strategies (2011–2016 and 2018–2022). These standards provide a supportive and stable environment, which is necessary to put the platform of action on human rights established by international conventions and accords into action.

The achievement of gender parity is a fundamental objective for the development of society. It establishes a set of legal, social, economic, and environmental rights to guarantee that everyone has access to the resources necessary to satisfy their fundamental needs and benefit from the opportunities offered by progress. More so, as a consequence of the CEDAW²⁸⁴, Qatar possesses a well-established legal framework that safeguards the constitutional rights of its citizens and satisfies the requirements of international treaties to ensure that both men and women can fully participate in the process of change and benefit

²⁸³ Karine Tremblay, Diane Lalancette and Deborah Roseveare, 'Assessment Of Higher Education Learning Outcomes' (2012) 1 Feasibility Study Report 15, 192.

²⁸⁴ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

from it in a manner that was equitable to both, gender issues were adequately addressed in national public policies.²⁸⁵ This was done to ensure that gender equality was achieved.

In recent years, legislative attention has shifted toward women's social standing. Doha's laws and regulations have been crafted to support the Qatari family, safeguard its members, and preserve its fundamental values while keeping pace with current events.²⁸⁶ This is especially true in human rights legislation and legislation that introduces and develops measures to protect women's rights. In addition, Doha's laws and regulations have been crafted to preserve Doha's fundamental values.

To put it another way, it was only possible for women to make significant progress in Qatar's workforce because of the state's development efforts and goals, which stemmed from its laws encouraging women's employment and opening up all possible avenues for their well-being.²⁸⁷ To put it another way, it was only possible for women to make significant progress in Qatar's workforce because of the state's development efforts and goals. To ensure that all its citizens have the same level of access to their human rights, the state of Qatar has enacted preventative and protective policies. This can be seen through Qatar Vision 2030, which has enhanced women's capabilities and empowerment as one of its goals. This policy also reflects Qatar's firm belief that advancing women's human rights is linked to a solid commitment to family values. This belief is reflected in Qatar's stance that this policy should be implemented. This fundamental social unit is one of the most critical factors in determining whether or not long-term progress is made.

The empowerment of women on social and economic fronts, as well as the empowerment of families, has been given top priority in the state's development agenda, which has helped contribute to achieving gender equality and women's empowerment. In this regard, the

²⁸⁵ Samar El-Masri, 'Challenges Facing CEDAW In The Middle East And North Africa' (2012) 16 The International Journal of Human Rights 931, 946.

²⁸⁶ OHCHR, 'The Second Periodic Report Of Qatar On The Implementation Of The Convention On The Elimination Of All Forms Of Discrimination Against Women' (OHCHR 2018).

²⁸⁷ Btool H. Mohamed and others, 'Investigation On Human Development Needs, Challenges, And Drivers For Transition To Sustainable Development: The Case Of Qatar' (2022) 14 Sustainability 2, 26.

government has made significant strides in universalising access to education and health care, resulting in an overall improvement in the quality of life of the typical citizen. According to the International Human Development Report published by the United Nations in 2016, Qatar was ranked first in terms of human well-being. Doha, which is in the Middle East, had the best overall ranking of any Arab country, at number 33 in the world rankings.²⁸⁸ One hundred thirty-seven countries' educational systems, infrastructure, training, competence, and labour market volume, as well as the development of the capital market and the business environment, technology, and other factors, all played a role in driving the production cycle and prosperity in Qatar, which was ranked twenty-fifth worldwide and third in the Arab world in the 2017-2018 competitive index.

The State of Qatar has made every effort to ensure that women's rights and freedoms are protected and that they progress in all spheres of society, including the political, economic, social, and cultural spheres. As a result, the State of Qatar guarantees women's rights and freedoms. It is necessary to have a driving mechanism in place that is aware of the needs of this progress and has the data required to implement and monitor its programmes and address its issues while also ensuring their long-term sustainability to ensure that women can exercise their fundamental rights and freedoms on an equal footing with men. This is necessary to ensure that women can exercise their fundamental rights and freedoms on an equal footing with men.

The promotion of gender parity and the emancipation of women has attracted attention and support from people worldwide, which has led to various victories in various regions of the world. The international community has committed, as part of the Sustainable Development Goals, to maintain its efforts to advance gender equality and empower women and girls all over the world. This obligation will be fulfilled by the year 2030. To accomplish other long-term development goals, such as eradicating poverty and making improvements in health

²⁸⁸ Hend Al-Muftah, 'Human Development In Qatar' [2017] Global Encyclopedia of Public Administration, Public Policy, and Governance 19.

and education, gender equality and the empowerment of women are both essential components.

2.8 CONCLUDING OBSERVATIONS OF THE UN ON THE RIGHT TO EDUCATION IN THE STATE OF QATAR: PROPOSALS AND RECOMMENDATIONS

The United Nations General Assembly mandates that each country establish a National Human Rights Committee for Education and Human Rights, which should include a broad coalition of governmental and non-governmental actors related to human rights. The committee will be responsible for developing and carrying out an extensive, long-term, comprehensive plan for human rights education.

Under the Decree-Law No. (17) of 2010, the National Human Rights Committee (NHRC) of Qatar has fulfilled this responsibility in line with the Decree-Law²⁸⁹:

- Human rights must be made more widely known,
- the culture of human rights must be strengthened, and
- the concepts of human rights must be solidified on both an intellectual and a practical level.

Already, the Committee has seized control of a comprehensive national human rights strategy and formed a coalition with the Council of Ministers and various civil society organisations; the Committee coordinated its meetings with these bodies, implemented business logistics and put together a comprehensive national human rights strategy, which is currently awaiting approval by the Council of Ministers.²⁹⁰

²⁸⁹ Alkaram Foundation, 'Qatar: National Human Rights Committee' (Alkaram Foundation 2015).

²⁹⁰ Augustin Loada and Ornella Moderan, 'Civil Society Involvement In Security Sector Reform And Governance' [2015] DCAF 1, 49.

The international community's understanding of the long-term benefits of human rights education has increased since the United Nations Decade for Human Rights Education, based on the foundations created during that time. Human rights education and dissemination are a national priority in Qatar because they are a mechanism to prevent human rights violations. On the other hand, it is the government's responsibility under international agreements and instruments, particularly those approved by the state.²⁹¹

Working to disseminate the human rights culture started a decade ago, with specific educational and training programmes aimed at vulnerable populations and anyone who may impact human rights. The Qatar Foundation for the Protection of Women and Children, the Qatar Red Crescent Society (QRCS), and the Qatar National Human Rights Committee (NHRC), created in 2002, are all involved in these activities. Qatar's Ministry of Education is responsible for formulating educational policies, devising programmes, training educators, and creating instructional materials. Thus, the National Human Rights Committee has worked to include human rights in the country's school curricula. Curricula should follow the handbook's objectives using a democratic system that relies on student engagement, and all textbooks should be compatible with human rights principles.

²⁹¹ Felipe Gomez and Koen de Feyter, 'International Human Rights Law In A Global Context' [2009] HumanitarianNet 1, 49.

2.9 HUMAN RIGHTS IN ISLAMIC LAW

Coulson claims that Islamic law has no concept of individual rights or defined liberties of the individual and that formulating a list of specific personal freedoms against the state in the manner in which the American constitution operates.²⁹² Coulson also claims that the Supreme criteria of the law would be the state's interests rather than the individual's when it comes to Islamic law. He claims that individual liberty is 'subordinate' to the public interest and welfare principle. Ann Mayer makes a similar point, arguing that Islamic jurisprudence mostly neglects individual rights.²⁹³

Islamic jurists differentiate between three categories of interests (Maslehah), based on which certain rights and freedoms can be classified.²⁹⁴ These are Islam's five 'objectives' (Maqasid) or essentials, principles, and needs (Daruriyyat). They include religious freedom, the right to self-expression, the freedom of thought, experience, and knowledge, the right to procreate, and the property right. Islamic law allows for what Muslim jurists refer to as 'complementariness' or 'conveniences' to help in the execution and fulfilment of these requirements or fundamentals (Hajiyyat).²⁹⁵ Enhancements or 'refinements' (Tahsiniyyat) are the third type of interest that refers to interests that can lead to the perfection and refinement of human action and its appropriate realisation.²⁹⁶

It is understood that universities from the Gulf States tend to emphasise cultural matters. However, cultural issues do not mean that human rights should be curtailed. For instance, at Sohar University, a student cannot enter the university or attend lectures if the latter does not wear formal dresses and clothes. Exploring how cultural norms and human rights intersect in educational environments goes beyond Sohar University to other institutions. At

²⁹² Noel J Coulson, *A history of Islamic law* (Routledge 2017).

²⁹³ Ann Elizabeth Mayer, *Islam and human rights* (Routledge 2012).

²⁹⁴ Sartini Wardiwiyo, "Six Years in Achieving Maqasid Ash-Shariah: The Case of Islamic Commercial Banks in Indonesia" [2020] Proceedings of the 1st International Conference on Science, Health, Economics, Education and Technology (ICoSHEET 2019) 20, 24.

²⁹⁵ Louay Safi, "The Maqasid approach and rethinking political rights in modern society" (2010) 18 Intellectual Disclosure 211, 233.

²⁹⁶ Muhammad Adib Samsudin and Salasiah Hanin Hamjah, "Confusion Concerning the Use of Maqasid Al-Shari'ah in some Social Issues in Malaysia" (2015) 6 Mediterranean Journal of Social Sciences 185, 202.

Cultural norms connect with human rights at educational institutions beyond the Gulf area. Japan values conformity and uniformity, which results in stringent adherence to dress regulations and behavioural standards in schools and institutions.²⁹⁷ Academic pressure and rivalry in South Korea are fundamental cultural values that significantly impact educational procedures and priorities.²⁹⁸

The examples demonstrate the intricate relationship between cultural norms and human rights in educational environments worldwide. Cultural traditions should not violate people's fundamental rights, such as education and freedom of expression, even though they may influence institutional rules and practices. Studying these interactions allows scholars to understand the obstacles and possibilities in advocating for human rights and cultural diversity in educational settings.

Uniforms are crucial for forming young students; however, the university is mainly filled with adults, which questions these decisions. From the point of view of British and American universities, it seems that these types of decisions are manifestly harsh and excessive since Westerners tend to be more open regarding human rights, and a simple deviation of the same will indeed lead to constitutional redress actions. In the worst-case scenario, a student would file a lawsuit before the administrative Courts of the Gulf states should the latter be willing to challenge the university's decision. Various avenues are available in the UK and the US regarding decision-makers undertaking unreasonable choices. For instance, a judicial review would be amongst the first avenues of redress, as would a mediation forum or arbitration to settle issues. Within the Gulf states, those avenues of redress are available. The question is how the judiciary fully and effectively applies principles of procedural justice. Would a student be wasting time and money filing a lawsuit before the administrative Courts when a simple mediation or arbitration would have been easier and faster?

²⁹⁷ William Cummings, 'From Knowledge Seeking to Knowledge Creation: The Japanese University's Challenge' (1994) 27 Higher Education 399, 415.

²⁹⁸ Jonathan Jarvis and others, 'Too Much of a Good Thing: Social Capital and Academic Stress in South Korea' (2020) 9 Social Sciences 1, 14.

2.10 THE PRINCIPLE OF POSITIVE DISCRIMINATION IN ISLAMIC LAW AND THE ARAB CHARTER ON HUMAN RIGHTS

Numerous works on the subject of human rights have, about the purported universality of human rights, investigated the concept of cultural relativism.²⁹⁹³⁰⁰³⁰¹ However, some of these works have glossed over the complexities of the Islamic law's legal code, one of its defining characteristics.³⁰² Most academic writing on universalism or cultural relativism appear to favour one over the other without answering whether universal human rights and Islamic cultural sensitivity can be reconciled realistically and practically. This section examines the theories of cultural relativism and the universality of human rights, providing a contextual framework for comprehending these concepts through discussion. Cultural relativism has been utilised extensively in human rights to emphasise the inherent dignity of every body of customs and the requirement for tolerance toward beliefs that may differ from one's perspective.³⁰³ Even though this section of the article emphasises cultural relativism and the universality of human rights in Islamic states, this does not automatically mean that non-Islamic traditions agree with this idea.

According to several Arab governments, human rights are no longer universal because the concept of human rights was a colonial inheritance.³⁰⁴ These governments say that human rights no longer apply to everyone. In the eyes of a relativist, the West's long-standing desire to see its ideologies and religious faiths as universal and to strive to universalise them may be seen as hubris or "cultural imperialism" by these tools and their pretence to

²⁹⁹ Michael Perry, 'Are Human Rights Universal? The Relativist Challenge And Related Matters' (1997) 19 Human Rights Quarterly 461, 509.

³⁰⁰ Richard Mullender, 'Human Rights: Universalism and Cultural Relativism' (2003) 6 Critical Review of International Social and Political Philosophy 70, 103.

³⁰¹ Edna Hogemann, 'Human Rights beyond Dichotomy between Cultural Universalism and Relativism' [2020] The Age of Human Rights Journal 19, 36.

³⁰² R. Michael Feener, 'Social Engineering Through Shari'A: Islamic Law And State-Directed Da'Wa In Contemporary Aceh' (2013) 3 Indonesia Law Review 285, 310.

³⁰³ Nico Horn, *Human Rights And The Rule Of Law In Namibia* (Macmillan Namibia 2009).

³⁰⁴ Jeremy Gunn, 'Do Human Rights Have A Secular, Individualistic & Anti-Islamic Bias?' (2020) 149 Religion & Democracy 148, 169.

universality.³⁰⁵ Furthermore, the West's desire to see its ideologies and religious faiths as universal has been seen as cultural imperialism. In today's world, some activists see the pursuit of cultural homogeneity as a pathway toward standardising and harmonising standards across cultural groups.

Even before the United Nations was established, the Arab governments were willing to cooperate in addressing common concerns.³⁰⁶ Even though some Arab republics are situated on continents other than their own, the fact that they all share a common language, religion, history, and culture was the primary force that brought them together (Asia-Africa). Egypt took the initiative in 1941, and the other Arab nations followed suit, forming the first regional organisation, the League of Arab States (hence referred to as the "LAS"), whose Constitutive Charter took effect on May 10, 1945.³⁰⁷ It includes a lengthy article on the prohibition of discrimination based on race, colour, sex, language, religion, opinion, or thought. It also asks all member states to implement appropriate measures to ensure effective equality in the enjoyment of all of the rights and freedoms guaranteed by the Charter.³⁰⁸ It emphasises the equality of men and women within the context of Islamic law's positive discrimination against women.

It is difficult to believe that a reference to the equality of men and women would not directly conflict with the particular role that women play in Islamic law, particularly in the context of the institution of marriage.³⁰⁹ It ensures, among other things, the maintenance of family life, the confidentiality of private and personal communication, and the right of women to participate in public activities and start families with the consent of both parties. Regarding

³⁰⁵ Bill Aschcroft, Gareth Griffiths and Helen Tiffin, *The Post-Colonial Studies Reader* (Routledge 2003).

³⁰⁶ Aleksander Surdej, 'Multilateralism And International Governmental Organizations: Principles And Instruments' (2020) 14 *Transforming Government: People, Process and Policy* 337, 350.

³⁰⁷ Stefanie Wichhart, 'The Formation Of The Arab League And The United Nations, 1944–5' (2019) 54 *Journal of Contemporary History* 328, 346.

³⁰⁸ Gustavo Gozzi, 'Islam And Rights: Islamic And Arab Charters Of The Rights Of Man' [2019] *Rights and Civilizations* 221, 266.

³⁰⁹ Amira Mashhour, 'Islamic Law And Gender Equality: Could There Be A Common Ground?: A Study Of Divorce And Polygamy In Sharia Law And Contemporary Legislation In Tunisia And Egypt' (2005) 27 *Human Rights Quarterly* 562, 596.

marriage and divorce, the rights and responsibilities of couples who follow Islamic law are governed by Islamic law. Article 33, paragraph 2 clarifies that it is never acceptable to use violence against a woman (as well as all other types of domestic violence).³¹⁰

Under the Charter, the Arab Human Rights Committee (hereafter called "the Committee") was established as a safeguard. Even though the African Charter on Human and Peoples' Rights (hereinafter referred to as "AFCHPR")³¹¹ and ICCPR³¹² each contain 18 and 30 articles on human rights protection mechanisms, respectively, the Charter only includes four (4) provisions related to this topic.³¹³ The Committee will consist of seven members, all of whom must be citizens of the States Parties and have substantial experience in the fields relevant to the Committee's work. The members are obligated to perform their duties in their respective capacities while maintaining complete objectivity.³¹⁴ Only one representative from each state party can serve on the Committee at any given time. Following the principle of rotation, every member is appointed for four years, after which they are ineligible for re-election.

The League member states cast their votes for one of their representatives on the Committee using a list of candidates presented to the League's General Secretary.³¹⁵ A quorum requires most of the State's political parties to be present. The members of the Committee elect the Chairman of the Committee to serve for a term of two years, which may be renewed for an additional term of two years. The problem of vacancies is addressed in detail in the Charter, which also confers immunity to the committee members for any

³¹⁰ Wael Allam, 'The Arab Charter On Human Rights: Main Features' (2014) 28 Arab Law Quarterly 40, 63.

³¹¹ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) OAU Doc CAB/LEG/67/3 rev 5.

³¹² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

³¹³ Evan J. Criddle and Evan Fox-Decent, 'Human Rights, Emergencies, And The Rule Of Law' (2012) 34 Human Rights Quarterly 39, 87.

³¹⁴ A. Cullen and S. Wheatley, 'The Human Rights Of Individuals In De Facto Regimes Under The European Convention On Human Rights' (2013) 13 Human Rights Law Review 692, 728.

³¹⁵ Éric Gobe, 'The "National – Local" DIALECTIC In The Tunisian Electoral Laws Or How To Represent The "People" In Post-Ben Ali Tunisia' [2017] L'Année du Maghreb 153, 170.

wrongdoing they may commit. The Committee has several responsibilities, one of the most important of which is to evaluate the reports submitted by the League's member states to the Secretary-General regarding the Charter's rights and freedoms and the progress made to ensure its implementation is as effective as possible. The initial report must be submitted within the first year after implementing the Charter.

After that, reports must be provided at intervals of three years. The Committee can receive additional information on the Charter's implementation if requested. In contrast to other international documents, which mandate that member states provide legislative proposals, the Charter does not contain any provision of this kind. The representative of the state party whose report is being examined by the Committee will be present and work together with the Committee as part of the Committee's evaluation of the reports the state parties have submitted. The Committee will include comments and suggestions aimed at the Secretary-General in the annual report it offers to the Council, which serves as the political organ of the League. Because the study was made available to the public, it was widely shared. Since the Charter has only been in effect for such a short period, none of the member states has yet submitted a report. The right to send one's message is not addressed in conventional protection procedures like those in other international treaties.

It is planned that the Committees will follow these international agreements on human rights. The Committee will make general remarks to help governments better understand the Charter's provisions and how those provisions might be implemented. This methodology has already been adopted by the Committees of CEDAW³¹⁶, CAT³¹⁷, and CERD³¹⁸, in addition to the Committees to the two Covenants and the Convention on the Rights of the Child.³¹⁹ While evaluating the reports submitted by the member states, one issue that arises is the participation of non-governmental organisations, also known as NGOs, in collecting and submitting data to the Committee. Although NGOs in the Arab world are not mentioned in

³¹⁶ CEDAW (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

³¹⁷ CAT (adopted 10 December 1984, entered into force 26 June 1987) UNGA Res 39/46.

³¹⁸ CERD (adopted 21 December 1965, entered into force 4 January 1969) UNGA Res 2106 (XX) A.

³¹⁹ Collin Harvey, 'Time For Reform? Refugees, Asylum-Seekers, And Protection Under International Human Rights Law' (2014) 34 Refugee Survey Quarterly 43, 60.

the Charter, it is believed that they will be able to continue to demonstrate the dynamic activity they engage in in the future.³²⁰ Non-governmental organisations (NGOs) are essential in protecting human rights, as highlighted in the Vienna Declaration on Human Rights.³²¹

Article 29 UNDHR³²² stipulates that a person's rights and responsibilities to the community to which they belong must coexist harmoniously.³²³ After that, it was decided that individuals needed to have some of their rights and liberties restricted. These restricting provisions need to be defined, but they must also be done with consideration for human rights and the freedom of others. Every international human rights treaty incorporates restrictions on exercising human rights to ensure the continued health of democratic societies and the public order within them.³²⁴ The Charter's limiting provisions include Article 24 (7) (participation in public life), Article 26 (2) (freedom of movement), Article 30 (2) (freedom of opinion and religion), and Article 35 (2) (freedom of expression), respectively (right to form trade unions). The restraints above ought to be written into law to protect our country's safety and order, the public's health and morality, and the rights and liberties of others.³²⁵

The state parties must eradicate illiteracy by ensuring all citizens can access elementary education. Citizens of member states, but not residents, are granted this right; this creates a disparity between citizens and non-citizens of member states, contrary to the Charter's prohibition of discrimination against all persons within the territory and authority of member states.³²⁶ All children must attend primary school regardless of their family's socioeconomic

³²⁰ Tania Haddad, 'Volunteering In The Arab World' (2015) 11 Democracy and Security 145, 159.

³²¹ Vienna Declaration and Programme of Action, World Conference on Human Rights, A/CONF.157/23 (12 July 1993)..

³²² Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)), art 29.

³²³ Grégoire Webber, 'Rights And Persons' [2018] Legislated Rights 27, 54.

³²⁴ Gehan Gunatilleke, 'Criteria And Constraints: The Human Rights Committee'S Test On Limiting The Freedom Of Religion Or Belief' (2020) 15 Religion & Human Rights 20, 38.

³²⁵ Dina Hadad, 'Human Rights In The Arab World: A Regional Legacy In Crisis' (2019) 5 Athens Journal of Law 272, 302.

³²⁶ Dr. Mohammad Salim Al-Rawashdeh and Dr. Lubna Abdel-Rhman Al-Soud, 'The Role Of The United Nations In The Protection Of Human Rights In Light Of Political Conflicts In The Middle East' (2017) 5 Journal of International Relations and Foreign Policy 1, 22.

status. On the other hand, the United Nations Convention on the Rights of the Child does not stipulate a minimum age at which students must begin attending school to be considered legally responsible³²⁷. Consequently, the state parties will work toward advancing human rights and fundamental freedoms through educational activities. They will ensure that all citizens have access to education for a significant amount of time.³²⁸ The right to participate in cultural life and enjoy the benefits of scientific progress is emphasised. The states that have a policy of protecting science and art are the ones that should be encouraging creative freedom and scientific discovery. It is the responsibility of the majority culture to ensure that minorities' rights to practise their religion, culture, and language are respected.

2.11 SCHOOL SEGREGATION IN EDUCATIONAL INSTITUTIONS IN QATAR

The State of Qatar has confirmed its total commitment to promoting gender equality and empowering women as one of the significant requirements of sustainable development in the 2000 Millennium Summit. The State also renewed its commitments in the 2002 Monterey Conference on Recent Trends in Financing for Development by confirming gender equality. These are vital development elements for the State and a means for achieving the Millennium Development Goals (MDGs). The state also considers education one of the best means for achieving gender equality and has managed to ensure equal opportunities and reduce the gender gap in all stages of public education as a result of the ambitious initiative to develop public education.

³²⁷ Laura Lundy, 'United Nations Convention On The Rights Of The Child And Child Well-Being' [2014] Handbook of Child Well-Being 2439, 2462.

³²⁸ Usang Maria Assim, 'Civil Rights And Freedoms Of The Child' [2018] International Human Rights of Children 1, 29.

There is a widespread perception that Islam has acted as a barrier to democratic and reform-friendly societal shifts. On top of that, there is the possibility of debating the widely held belief that Islam is antagonistic toward women who come from working-class backgrounds. Other authorities, on the other hand, think that oil, and not Islam, is to blame for the low female participation rates in the labour force. Philippe Fargues discusses the role that oil plays in the substandard living conditions of Arab women in his piece titled "Women in Arab Countries: Challenging the Patriarchal System?" on the website of the same name.³²⁹ In addition, he points out that Arab countries share a component in oil, either directly, as in the case of major oil exporters, or indirectly, for the other countries where oil income has a significant influence, such as migrant worker remittances. He makes this observation in two different ways.

Statistics regarding the number of females enrolled in schools are frequently contrasted with the number of males, as stated by international organisations and the Gulf Cooperation Council (GCC) governments.³³⁰ It is common practice to cite the ratio of women to men enrolled in higher education in Qatar as evidence that this ratio increased to two women for every male between 2003 and 2013.³³¹ This so-called narrowing of the gender gap has led some people to argue that the focus should be shifted away from women's education and toward the reasons why men are still behind.³³²

Despite the data, there are still issues concerning the education of women that need to be resolved. According to a recently published ethnography, most young women who participated in a Qatari women's majlis expressed discontent with the unfairness of being

³²⁹ Philippe Fargues, 'Women In Arab Countries: Challenging The Patriarchal System?' (2005) 13 *Reproductive Health Matters* 43, 48.

³³⁰ Seungah Lee, 'What Motivates And Engages Students In The Education Process—An Examination Of Qatari Students' Mindset And Attitudes Toward Going To School, Learning, And Future Aspirations' (2016) 5 *Journal of Education and Learning* 220, 232.

³³¹ Sally Findlow, 'Higher Education And Feminism In The Arab Gulf' (2012) 34 *British Journal of Sociology of Education* 112, 131.

³³² Natasha Ridge, 'Where Are All The Men? Gender, Participation And Higher Education In The United Arab Emirates' (2011) 11 *Sheikh Saud Bin Saqr Al Qasimi Foundation For Policy Research* 1, 13.

driven by parents, schools, and society towards higher education. This was especially true after the girls "realised that most men wanted a wife who did not go beyond secondary school, the researchers who conducted the study noted."³³³

Sex discrimination has been an integral part of the culture of many Gulf civilisations for a very long time, historically and, to some extent, culturally. Now available to people of both sexes, education is the transformation's first and most obvious component. Until recently, many people in the Gulf did not believe girls needed to receive an education. However, when Bahgat researched this topic in the late 1990s, the number of female students enrolled in elementary schools was almost identical to that of male students in virtually all six Gulf monarchies.³³⁴ Blatant and apparent barriers to female students have been a significant impediment to their advancement in higher education.³³⁵ For years, sending male students to pursue higher education in other countries was common practice. On the other hand, sending female students to pursue higher education in different countries was considered disrespectful at the time.

Qataris' cultural norms and religious beliefs significantly affect the country's economy and profoundly influence their day-to-day lives. Every aspect of life is regarded as a fundamental component that acquires significance and significance only through the lens of its Islamic interpretation. According to the study's authors, the regime of truth hinders students' critical thinking by discouraging them from considering alternative viewpoints and stifling information dissemination that challenges the status quo.³³⁶

³³³ Esraa Al-Muftah, 'Qatari Women In A Corporatized Higher Education Setting: International Reforms And Their Local Bearings' [2017] Qatar University 19, 36.

³³⁴ Gawdat Baghat, 'Security In The Gulf' (1999) 30 Security Dialogue 76, 90.

³³⁵ Md. Muddassir Quamar, 'Education As A Ladder For Saudi Women: An Overview' (2013) 3 Journal of Arabian Studies 265, 277.

³³⁶ Michael Romanowski and Ramzi Nasser, 'Critical Thinking And Qatar'S Education For A New Era: Negotiating Possibilities' [2012] International Journal of Critical Pedagogy 119, 134.

Even though the discourse on women's empowerment has increased in state documents to cater to an international audience, such as UNESCO³³⁷ or the World Bank, cultural and structural barriers prevent women from pursuing further education or entering jobs in the labour market more suited to men.³³⁸ Examples of these types of barriers include gender stereotypes and discriminatory hiring practices. It has been noted in a report submitted to the Convention on the Elimination of All Forms of Discrimination Against Women as a shadow report³³⁹. Human resources practices that require a "no objection letter" from a woman's legal guardian before she can have a job range from fundamental citizenship rights, such as the right to pass on her citizenship to her children and husband, to "customary" human resources practises.³⁴⁰ A woman must have her legal guardian's permission before she can have a job.

Sheikha Moza expanded the range of educational opportunities open to Qatari women by making it possible for them to attend American university branch campuses that recently opened.³⁴¹ Some people viewed this move as a way to provide a high-quality education to people who did not have the financial means to do so.³⁴² When travelling and studying alone in a foreign country, it is well-known that women are more likely to encounter social barriers that prevent them from achieving their goals. Chase et al. emphasised that even though gender may appear absent or immaterial, judgments resulting from such investigations have gendered effects.³⁴³ The changes implemented at Qatar University beginning in 2003 had a

³³⁷ UNESCO, *Education for Sustainable Development Goals: Learning Objectives* (UNESCO 2017) <https://unesdoc.unesco.org/ark:/48223/pf0000247444> last accessed 30 April 2025.

³³⁸ Department of Economic and Social Affairs, *Achieving Gender Equality, Women's Empowerment And Strengthening Development Cooperation* (United Nations 2011).

³³⁹ Ginestra Constanza, *School-Related Gender-Based Violence (SRGBV): A Human Rights Violation And A Threat To Inclusive And Equitable Quality Education For All* (Global Education Monitoring Report Team 2020).

³⁴⁰ 'Committee On The Elimination Of Discrimination Against Women Examines The Report Of Qatar' (*OHCHR*, 2019) <<https://www.ohchr.org/en/news/2019/07/committee-elimination-discrimination-against-women-examines-report-qatar>> last accessed 30 April 2025.

³⁴¹ Pratik Chougule, 'Branch Campuses In Qatar' (2022) 5 *American Universities in the Middle East and U.S. Foreign Policy* 158, 160.

³⁴² Joy Moini and others, 'Revitalizing Qatar's National University' (2009) 9 *RAND Corporation* 1, 3.

³⁴³ Megan M. Chase and others, 'Transfer Equity For "Minoritized" Students' (2012) 28 *Educational Policy* 669, 717.

gendered impact, even though they were identical to worldwide changes centred on accountability and a market-driven agenda. According to a historical review of Qatari women's access to educational opportunities overseas, it is not surprising that they have been unable to do so because of the "patriarchal gender contract" in GCC nations.³⁴⁴ This conclusion was reached after looking at the situation from the perspective of Qatari women.

2.12 SPECIAL EDUCATION FOR STUDENTS WITH DISABILITIES

The UDHR³⁴⁵ is as ancient as the theological discussion on Human Rights. Human rights may be defined by religious principles and natural law, which states that every person has rights simply because they are human. Natural law may be used to describe human rights.³⁴⁶ Willy Strzelewicz, the author of *The History of Human Rights*, makes the case that the Universal Declaration of Human Rights is more than just a document by arguing that it invokes a greater right for its factual claims in his book.³⁴⁷ It was a new demand for what was deemed the inherent right of man to assert what had always been the rights of a free man in writing at that time, which necessitated changes in both society and the State.

Even though the CRPD³⁴⁸ stipulates that equal rights for people with disabilities are the ultimate goal, it is feasible to gradually work toward this goal in Qatar as steps are taken to rethink the concept of disability in general.³⁴⁹ These areas have recently seen gains in the rights of individuals with disabilities in Qatar, which may permit compliance with the

³⁴⁴ Valentine M. Moghadam and Lucie Senftova, 'Measuring Women's Empowerment: Participation And Rights In Civil, Political, Social, Economic, And Cultural Domains' (2005) 57 International Social Science Journal 389, 412.

³⁴⁵ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III))

³⁴⁶ Glenn Hughes, 'The Concept Of Dignity In The Universal Declaration Of Human Rights' (2011) 39 The Journal of Religious Ethics 1, 24.

³⁴⁷ Ulf Johansson Dahre, 'Searching For A Middle Ground: Anthropologists And The Debate On The Universalism And The Cultural Relativism Of Human Rights' (2017) 21 The International Journal of Human Rights 611, 628.

³⁴⁸ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

³⁴⁹ Jane Richards, 'An Incremental Approach To Filling Protection Gaps In Equality Rights For Persons With Disabilities' (2021) 21 Human Rights Law Review 837, 873..

CRPD³⁵⁰. However, there are also areas where there are more significant problems with the treaty implementation since changes to the law are required to comply with the CRPD³⁵¹.

Nevertheless, within the existing legal framework, there is a significant amount of wiggle room for specific amendments that could greatly assist CRPD³⁵² compliance. Therefore, it is essential to have the proper framework to support the establishment of particular institutions, the encouragement of associations that represent people with disabilities, and the advancement of a fundamental shift in how society views disability.³⁵³ Specifically, it should be advocated for moving away from the traditional medical concept of disability, which emphasises unique characteristics and rehabilitation. Instead, it should adopt the social model, which mandates inclusion and equal treatment for all individuals. This will improve compliance.

According to Article 34 of the Qatari Constitution, people are granted equal rights, and Article 35 of the same document prohibits discrimination based on race, gender, language, or religious beliefs. It is essential to be aware that the term "disability" is not mentioned anywhere in the Constitution or included in the document's text.³⁵⁴ Law 2/2004 on People with Special Needs was enacted in 2004.³⁵⁵ Although the Constitution of Qatar does not explicitly address disabilities, national legislation passed in 2004 mainly protects people in Qatar who have disabilities. People with disabilities" are defined as any individual who has a permanent total or partial disability in any of the senses, in their physical ability, or in their

³⁵⁰ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

³⁵¹ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

³⁵² Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

³⁵³ Rodriguez Del Pozo P and others, 'The Convention on the Rights of Persons with Disabilities (CRPD) and Qatar's Domestic Legislation: The Potential Impact on the main legal domains' [2017] *The Age of Human Rights Journal* 19, 48.

³⁵⁴ Melissa Deehring, 'The Emerging Legal Profession In Qatar: Diversity Realities And Challenges' (2020) 27 *International Journal of the Legal Profession* 219, 243.

³⁵⁵ María Barranco Avilés and others, 'The Impact Of The International Convention On The Rights Of Persons With Disabilities On The Internal Legislation Of Qatar: Analysis And Proposals' [2016] *Qatar Foundation Annual Research Conference Proceedings Volume 2016 Issue 1*.

psychological and mental ability to such a degree that their opportunity for learning, rehabilitation, or employment is limited.³⁵⁶ This definition applies to people with disabilities in any of the senses, including their physical, psychological, and mental abilities.

This legislation defines *disability* as only being based on the medical definition, which does not include the social components that are essential to disability.³⁵⁷ This is a significant step forward for the rights of individuals who are disabled because of this legislation. The legislation, which focuses primarily on protecting education, rehabilitation, and employment opportunities, makes no explicit mention of any social possibilities. Additionally, the terms "special education," "rehabilitation," and "special education institutions" all have associations with medical care. In this law model, disability is viewed as a medical condition resulting from a person's distinctive traits, and the legal measures are geared toward rehabilitation rather than social inclusion. Consequently, disabled people are not included in mainstream society.

The social model strongly emphasises the concept of disability, which is one of the most critical aspects of this model. The preamble to the Convention on the Rights of Persons with Disabilities³⁵⁸ defines it as the interaction between individuals with disabilities and attitudinal and environmental obstacles that prevent their full and effective participation in society on an equal basis with others.³⁵⁹ It has been found that people who have intellectual or psychosocial disabilities have a greater risk of being excluded from participation in international treaties. Although "medical impairment" is used implicitly in Qatari law, such as in Article 2 of Law 2/2004, "disability" is not used explicitly in Qatari legal documents.

³⁵⁶ Arthur O'Reilly, *The Right To Decent Work Of Persons With Disabilities* (ILO 2007).

³⁵⁷ Marc Stolman, 'International Disability Law: A Practical Approach To The United Nations Convention On The Rights Of Persons With Disabilities' (2019) 34 *Disability; Society* 1518, 1520.

³⁵⁸ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

³⁵⁹ William Sherlaw and Hervé Hudebine, 'The United Nations Convention On The Rights Of Persons With Disabilities: Opportunities And Tensions Within The Social Inclusion And Participation Of Persons With Disabilities' (2015) 9 *Alter* 9, 21.

Individuals with disabilities must be afforded equal and adequate legal protection against all forms of discrimination by the states that have ratified the Convention and are therefore required to fulfil this obligation.³⁶⁰ Any distinction, exclusion, or restriction based on disability that has the purpose and effect of impairing or nullifying the recognition, enjoyment, or exercise of all human rights and fundamental freedoms on an equal basis with others is referred to as "discrimination" when used in this context. The term "discrimination" in this context means referring to any distinction, exclusion, or restriction based on disability that is used.³⁶¹

In recent years, the number of students with disabilities in higher education has risen. Universities and colleges worldwide are making more of an effort to accommodate students with disabilities by providing equitable access to educational opportunities and services. This trend is expected to continue in the foreseeable future. However, despite requests from all over the world for more widespread access to these services, it is still unclear whether or not they will be implemented in educational institutions throughout the Middle East.³⁶² As a result of pressure from the international community, Qatar and its community have amplified their calls for support of the growing number of students in the country who have some form of disability.³⁶³ Only twenty years ago, many higher education institutions were indifferent to the needs of students with disabilities. Numerous educational institutions in Qatar are currently working toward the goal of ensuring that their programmes designed for students with disabilities meet the standards set by the various organisations responsible for the accreditation of higher education.

³⁶⁰ Raymond Lang, 'The United Nations Convention On The Right And Dignities For Persons With Disability: A Panacea For Ending Disability Discrimination?' (2009) 3 *Alter* 266, 285.

³⁶¹ Sarah C. Stevens and others, 'Measuring Discriminatory Social Norms Against Children With Disabilities To Improve Communication-Based Programs' (2020) 5 *Frontiers in Communication* 1, 12.

³⁶² Theocharis Kromydas, 'Rethinking Higher Education And Its Relationship With Social Inequalities: Past Knowledge, Present State And Future Potential' (2017) 3 *Palgrave Communications* 1, 12.

³⁶³ Steve Baron, Rena Phillips and Kirsten Stalker, 'Barriers To Training For Disabled Social Work Students' (1996) 11 *Disability & Society* 361, 377.

When accessing various educational opportunities, services, and facilities in higher education settings, individuals with disabilities face a more significant number of obstacles than their non-disabled counterparts.³⁶⁴ Many students with disabilities are forced to use services and facilities that are below par to avoid utilising ones that do not meet their requirements or expectations. Higher education institutions are responsible for providing students with high-quality classroom instruction, educational resources, information, and physical access to buildings and other facilities.³⁶⁵ The most accurate method for measuring the quality of these services is the user's experience when interacting with the service. Under these conditions, it is unclear whether or not access is granted to students with disabilities.

Although Qatar accepted CRPD³⁶⁶ on May 13, 2008, and implemented programmes for them, a wide variety of barriers continue to exist for students with disabilities in Qatar's public schools and higher education institutions, even though Qatar has committed to removing these barriers.³⁶⁷ Students with disabilities who have completed grades kindergarten through twelve in Qatar are expected to transition into university, where they will be expected to be more independent and have access to a broader variety of resources.³⁶⁸ Students who have recently begun attending an educational institution may have difficulty locating disability services because they may not be familiar with the different kinds of assistance offered at their new school.

³⁶⁴ Laura Mullins and Michèle Preyde, 'The Lived Experience Of Students With An Invisible Disability At A Canadian University' (2013) 28 *Disability & Society* 147, 160.

³⁶⁵ Cynthia Uline and Megan Tschannen-Moran, 'The Walls Speak: The Interplay Of Quality Facilities, School Climate, And Student Achievement' (2008) 46 *Journal of Educational Administration* 55, 73.

³⁶⁶ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

³⁶⁷ Ramzi Naim Nasser and Batoul Khalifa, 'How Do Students With Disabilities Engage In Qatar'S Public Higher Education?' (2017) 5 *Gulf Comparative Education Society* 1, 71, .

³⁶⁸ Elizabeth Evans Getzel and Colleen A. Thoma, 'Experiences Of College Students With Disabilities And The Importance Of Self-Determination In Higher Education Settings' (2008) 31 *Career Development for Exceptional Individuals* 77, 84.

Many teaching staff members at Qatar's most prestigious public university think that disability student inclusion is still largely ignored, even though significant headway has been made toward integrating students with disabilities at the institution.³⁶⁹ According to this study's findings, students with impairments require more specialised assistance to become proficient in various learning methodologies and study strategies. The results of this study indicated that students with disabilities were less likely to feel supported in their course learning than their peers, despite the efforts of the special needs office at the national public institution that was the subject of this research. The capacity of students to learn and develop as people, intellectuals, and professionals is all impacted by their time spent in college, and academic success is a crucial component of that growth³⁷⁰. When it comes to students with disabilities, the quality of the services provided by the institution should be given more attention, especially regarding the student's academic achievements.

Children with disabilities, on the whole, have reported having a more positive experience when obtaining various school services compared to students who do not have impairments.³⁷¹ Despite this, students with and without impairments alike gave low marks to multiple programmes, indicating they were insufficient. In light of these findings, it is crystal clear that improving services for children of all abilities, not just those with disabilities, is essential for the next step in the process. The field of special education in Qatar needs to have policies and laws that acknowledge the significance of family involvement in the educational process. In Qatar, for school-parent partnerships to be successful, both parties must comprehensively comprehend the roles they are expected to play. The police tasked schools with educating parents about the rights and responsibilities of being a parent. Because of this, the law mandates that schools cultivate an environment of cooperativeness and mutual respect, in which parents are encouraged to take an active

³⁶⁹ Eric A Hanushek and others, *Handbook Of The Economics Of Education* (North-Holland 2011).

³⁷⁰ Deon Filmer, 'Disability, Poverty, And Schooling In Developing Countries: Results From 14 Household Surveys' (2008) 22 *The World Bank Economic Review* 141, 162.

³⁷¹ Fely Allam and Matronillo Martin, 'Issues And Challenges In Special Education: Qualitative Analyss From Teacher's Perspective' (2021) 10 *Southest Asia Early Childhood Journal* 37, 49.

role in their children's education inside and outside the classroom.³⁷² Because of these regulations, parents are encouraged to take a more active role in their children's educational experiences. For children with special educational needs, their parents must be actively involved in their child's education in every possible way. The law mandates that schools inform parents of their rights and responsibilities according to the policies.³⁷³ In addition, schools should encourage parents to attend all meetings, provide information about their children's needs, keep records of their progress, ask questions about the services their children receive, participate in discussions and approve decisions, and follow the protocols and procedures for filing a complaint.

Various methods, including segregation, integration, and inclusion, can be used to educate students with disabilities. Accessible education is necessary for improving society and the growth of individuals with disabilities—the universal learning design calls for learning environments to be physically, psychologically, and methodologically matched.

It would appear that Qatar is frequently going through a paradigm shift. The Federal Government recently made public a fresh methodology for classroom instruction geared toward educating children with special needs. Following this policy, every student is entitled to participate in educational pursuits. The Supreme Education Council thinks that children with special needs should, whenever possible, receive their education in a typical classroom setting.³⁷⁴ They can. Even though the terminology seems to be rooted in the "special needs" point of view, the Qatari Government's ideology represents a significant step in the direction advocated by the CRPD³⁷⁵.

³⁷² Ron Oostdam and Edith Hooge, 'Making The Difference With Active Parenting; Forming Educational Partnerships Between Parents And Schools' (2012) 28 *European Journal of Psychology of Education* 337, 351.

³⁷³ Bilgen Kiral, 'The Rights And Responsibilities Of Parents According To The Views Of Teachers' (2019) 5 *Asian Journal of Education and Training* 122, 133.

³⁷⁴ "'Hope In The Life': The Children Of Qatar Speak About Inclusion. - Free Online Library' (*Thefreelibrary.com*, 2017)
<<https://www.thefreelibrary.com/%22Hope+in+the+life%22%3A+the+children+of+Qatar+speak+about+inclusion.-a0168163369>> last accessed 30 April 2025.

³⁷⁵ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

Nevertheless, even if the primary focus of this stage is integration, it will expeditiously pave the way for a more inclusive model. Most countries are only in the preliminary stages of the integration process. All educational organisations and institutions must implement the new educational concept to achieve complete inclusion in Qatar. The current endeavour is not a simple one. Some legislative adjustments may be necessary to light this paradigm shift. Free education is available to all Qatar citizens until they reach eighteen (Articles 25 and 49).³⁷⁶

According to Law 25/2001 on Compulsory Education, children must attend school either until they reach that age or until they graduate from secondary school, whichever comes first. Law 2/2004 on Persons with Special Needs outlines the rights of students to receive appropriate education and rehabilitative services. In addition, according to Law 25/2001 on Compulsory Education, any child who develops an illness or disability that prevents them from attending public or private schools is exempt from mandatory education following a decision from the Minister based on a certificate from a Competent Medical Authority at the Supreme Council of Health issued by a competent medical officer. This exemption is granted following a decision from the Minister based on a certificate from a Competent Medical Authority at the Supreme Council of Health. Additionally, students who have been temporarily excused from attending school due to a medical emergency are eligible for this exemption. A child must go back to school as soon as their illness, disability, or temporary condition no longer prevents them from doing so.

The information presented here no longer applies because Qatar's educational authorities have developed a new conceptual framework. First, it adheres to the medical model of disability, which views it as a medical condition and diagnoses and treats it accordingly. Because each child's disability is unique, the educational system must be modified to meet the child's requirements. Therefore, the State needs to establish a network of accessible schools with the necessary assistance to ensure that children with disabilities have access to an equal education. Since then, Law 25/2001 has been deemed invalid; it exempts

³⁷⁶ OECD, *Innovating Education And Educating For Innovation* (OECD 2016).

children with disabilities and illnesses from the compulsory schooling programme. As a consequence, the legislation excludes children with disabilities from the typical educational system rather than incorporating or integrating them into it.³⁷⁷ Qatar should rephrase this sentence as soon as possible to reflect its genuine educational philosophy, which is compatible with the CRPD's requirements.

In recent years, significant efforts have been made to allow children with physical impairments to participate in mainstream education; however, these efforts have not been coordinated. In Qatar, there has not been a campaign analogous to this one to support children with disabilities. The United Nations Committee on the Rights of Persons with Disabilities voiced its concern about the country's efforts to ensure that all children with disabilities can attend mainstream schools with the necessary accommodations. In addition, the Committee discussed the problem of inclusive education, voicing its concern over the fact that some children with disabilities attend regular schools. On the other hand, some individuals are housed in environments considered "segregated." The Committee almost certainly meant to refer to the Shafallah Center when they said "institute for boys and girls with intellectual impairments," which is the location that houses most children and adolescents with particular requirements. Children are educated but not integrated, much less included, in the mainstream system as teachers, authorities, and the CRPD³⁷⁸ universally encourage in this otherwise very competent and respected school. This is even though children are taught.

In 2014, the National Human Rights Committee (NHRC), which is Qatar's human rights agency, published a report in which it stated that the Supreme Education Council (SEC) had been charged with the responsibility of integrating children with special needs into private schools and that the SEC had provided reliable data on programmes and budgets in this

³⁷⁷ Asma Al-Attiyah and Ramzi Nasser, 'Gender And Age Differences In Life Satisfaction Within A Sex-Segregated Society: Sampling Youth In Qatar' (2013) 21 International Journal of Adolescence and Youth 84, 95.

³⁷⁸ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

capacity.³⁷⁹ The report also stated that the SEC had been charged with integrating children with special needs into private schools. "there is no precise information about the development of those programmes," the NHRC concluded in its investigation at the time, citing the lack of information. That information is outside the scope of our investigation at this time. – A test programme has been launched in the northern part of the country to make it easier for children with autism to participate in typical classroom settings.

Despite the substantial headway made in Qatar toward incorporating people with disabilities into educational settings, a unified strategy is still required. Today, we face the challenge of addressing the needs of children who have intellectual disabilities. Despite this, the issue of vocational training, connected to the right to work, has not yet been resolved, even though national authorities have attempted to move in this direction.

2.13 VIEWS OF THE UN SPECIAL RAPPOREUR ON THE RIGHT TO EDUCATION: IMPLICATIONS FOR THE STATE OF QATAR

The United Nations Special Rapporteur on the Right to Education, Koumbou Boly Barry, travelled to Qatar this year from December 8 to December 16, 2019.³⁸⁰ The Special Rapporteur congratulates Qatar for making superior education a high priority in the country and for the many policies and programmes implemented to achieve this objective. She was especially pleased by the desire of a large number of stakeholders to build a modern educational system of a world-class standard that provides children with a first-rate education comparable to that offered in other parts of the world as a component of the National Vision 2030. She also valued Qatar's active participation in regional and international efforts to ensure that all children access sufficient quality education. The Education Above All Foundation and the Qatar Foundation for Education, Science, and Community Development have worked hard to better their respective communities. As a result, many people have benefited from their combined efforts.

³⁷⁹ United Nations, 'Initial Reports Of States Parties Due In 2010 Qatar' (United Nations 2014).

³⁸⁰ Shamila Nair-Bedouelle, *Engineering For Sustainable Development* (UNESCO 2021).

According to the Special Rapporteur, the State's recent adoption of the two International Covenants on Human Rights presents several issues that must be resolved. These issues include: Particularly concerning to the Special Rapporteur is what appears to be a growing over-reliance on the private sector's role, particularly on the education of children of migrant workers. Although Qatar should be praised for preserving and appreciating its public schools, international human rights legislation prohibits Qatar from charging non-Qatari children for education because doing so would violate the country's human rights obligations.³⁸¹ Despite this, Qatar should be praised for preserving and appreciating its public schools.

The Special Rapporteur applauds the significant focus on education as a human right at the highest levels of state government and schools. Several legislative, regulatory, programmatic, and financial initiatives have been implemented, and all of them should be praised and thanked for their efforts. There are a few roadblocks to implementing the National Vision 2030 in the education and training sector. There is still more work to be done despite the progress that has been made, such as providing Internet access in schools, increasing enrolment rates, and implementing policies to promote education and teacher training.

Multiple interlocutors, including the Special Rapporteur, cite low transition rates from secondary to post-secondary education, particularly for males, and a lack of alignment between the qualifications of university and college graduates and the expectations for their futures as significant challenges. Other critical challenges include a lack of performance that is not up to expectations in students' scores on international exams.

In Qatar, the number of male and female students enrolled in all levels of education (from pre-primary to university), according to official statistics, has increased from 253,000

³⁸¹ 'Human Rights Council Begins Dialogue With Special Rapporteur On Education, Concludes Discussion With Special Rapporteur On Trafficking In Persons' (2020) <<https://reliefweb.int/report/world/human-rights-council-begins-dialogue-special-rapporteur-education-concludes-discussion>> last accessed 30 April 2025.

students (in 2012/13 and 2017/18) to 350,000 students (in 2017/18). Students who identified as male comprised 49% of the total student body, while students who identified as female made up 51%. In the academic year 2017/18, the ratio of women to men was 103% across the board, regardless of the level of education.³⁸²

It is recommended that the government step up its support for the establishment of community schools, particularly in geographical locations that are devoid of this type of educational establishment at present. People interested in attending public schools should have access to more available seats, existing community schools should be incentivised to open additional locations and institute afternoon shifts, or brand-new community schools should be founded. Making community schools a part of Qatar's public education system is something the Government might consider doing in the future, but only if it can guarantee that these schools will keep a high degree of autonomy. In this context, the Special Rapporteur strongly emphasises the following two principles: According to the Abidjan Principles (principles 2 and 3), adequate funding for the public sector will always be the top priority. When funding private educational institutions, direct and indirect means must be considered. In addition, the Special Rapporteur suggests that the Government make it a priority to ensure that migrant workers who are paid low wages have access to literacy and vocational training programs while they are still on the job rather than waiting until they are off the clock to participate in such activities. The provision of these services by private businesses should be required by law.

In violation of international human rights legislation, most children in Qatar, particularly those not citizens of Qatar, are required to pay for their education. The State of Qatar has taken several steps to address this issue, and the Special Rapporteur applauds these efforts. She urges the government to finish the research that is currently being done on the availability of free education and consider the possibility of private businesses paying their employees' tuition expenses. As a direct result of the efforts made by the Government to provide free education to disadvantaged children through establishing Ihsaan charity

³⁸² Planning and Statistics Authority, 'Education In Qatar' (Qatar Planning and Statistics Authority 2019).

schools, the Special Rapporteur has requested that a plan be developed to ensure that students attending these schools are not required to pay for their meals. In addition, it is of the utmost importance to inform the families of these children about the significance of attending school and to give them access to various literacy-related resources.

In addition, the Special Rapporteur strongly recommends that the Government implement a comprehensive plan centred on the right to receive free public education. Therefore, there should be the aim of taking all of the necessary steps to fulfil Article 14 of the International Covenant on Economic, Social, and Cultural Rights and devise an action plan to gradually implement the concept of compulsory and free primary education for everyone, including non-Qataris, following a timetable. (a) Free education should be seen as covering not only school tuition but also so-called hidden expenses such as transportation, books and stationery, uniforms, exam admission fees, and invigilation fees; and (b) Free education should be seen as covering not only elementary school tuition but also elementary school transportation, books and stationery, uniforms, exam admission fees, and invigilation fees.

2.14 CASES INVOLVING QUOTATIONS OF INTERNATIONAL HUMAN RIGHTS LAW FROM ARAB JURISDICTIONS

2.14.1 Customary Law and Peremptory Norms

The UNDHR is lauded as a concise and detailed document, protecting people from grave injustices all over the world, and one of UDHR's strengths is its capacity to provide concrete examples of *jus cogens*, which are norms from which deviation is not permitted.³⁸³ These standards are also known as customary law and are often called obligatory. The UNDHR is founded on the notion of universalism, which is the concept that the rights it tries to protect apply without exception to all people in all places across the world.³⁸⁴ However, the UNDHR is not a legally binding instrument; it is more accurately described as soft law. The

³⁸³ Paulson, SL, 'The Neo-Kantian Dimension of Kelsen's Pure Theory of Law' (1992) 12 Oxford Journal of Legal Studies 311, 332.

³⁸⁴ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)).

universalist ideal is essential to modern human rights because it guarantees the efficacy of contemporary human rights while representing a shared aspiration to limit states' authority.³⁸⁵

The Gulf Cooperation Council is an intergovernmental alliance of six Arabian Peninsula monarchies, which is particularly relevant to the topic.³⁸⁶ GCC countries share more than just maritime borders; they also share common values, the Arabic language, and the Islamic faith, with Shariah as the basis for their legal systems. In recent years, the region has undergone a series of political and social reforms at the behest of leaders and the general populace. The GCC was established in 1981 to promote economic, educational, and cultural cooperation among its member states. The GCC countries share more than just maritime borders; they also share common values, such as the Arabic language.³⁸⁷

When attempting to explain and rationalise their decisions, judges in virtually every variety of legal systems on every continent refer to international legal materials; the intersection of international law and comparative law has resulted in developing a thriving subfield known as "international law in domestic courts"³⁸⁸. The articulation of domestic law with international law is of the highest relevance from the point of view of international law. This is because the implementation of international law still relies on individual nations' legal and political institutions. Let's say that the interpretation of international human rights legislation at the domestic level has led to parallels or discrepancies across jurisdictions that need to be explained. In this scenario, an explanation is required since it is needed.

If significant similarities of interpretation, as defined here, are found at the domestic level when we might expect differences, or if substantial differences of interpretation are found when we might expect similarities, the primary question is why these similarities and

³⁸⁵ Fernández Liesa CR, 'Questions on Theory of Law in International Human Rights Law' [2020] *The Age of Human Rights Journal* 1, 25.

³⁸⁶ Evren Tok, 'The Gulf Cooperation Council States: Crystallization of the Regional Cooperation and Alliances amid Dwindling Resources' (2021) 30 *Digest of Middle East Studies* 53, 69.

³⁸⁷ Mustafa El-Mumin, 'The GCC Human Rights Declaration: An Instrument of Rhetoric?' (2020) 34 *Arab Law Quarterly* 86, 95.

³⁸⁸ L Aaksoven, 'International Political Science Abstracts' (2020) 70 *International Political Science Abstracts* 161, 163.

differences have emerged and what these tell us about the use to which international human rights law is put at the domestic level.³⁸⁹ This question poses the most intriguing scholarly problem, not the least of which is the possibility that it will ultimately assist us in gaining a more profound comprehension of what constitutes international human rights law.

2.14.2 National Courts and International Law

Slowly but surely, national courts are becoming more actively engaged in interpreting and implementing international law, moving away from their traditional posture of deference to their administrative branches in foreign affairs.³⁹⁰ Courts in democracies have realised that inaction in the face of a fast-growing international regulatory system raises constitutionally connected issues about excessive executive authority and threatens further erosion in the practical scope of judicial review, prompting this shift. To counteract this, national courts have started to engage in slack inter-judicial coordination to take advantage of possibilities afforded by international legislation's growing breadth and fragmented nature.³⁹¹ Together, they may be able to exert a more significant influence on their respective governments and reduce the likelihood that any individual court or the nation that it represents will be singled out as an outlier and punished by either domestic or international players. Imagine that this strategy is further refined and improved. In such a scenario, it may make it possible for national courts to maintain their standing in their home countries and collaborate on an equal footing with international courts to develop a more unified global regulatory structure.³⁹²

In 2014, the GCC unanimously adopted the Gulf Declaration on Human Rights (GDHR), a non-binding declaration that aims to protect and advance human rights in the region.³⁹³ The GDHR and most regional human rights declarations focus on the importance of civil and

³⁸⁹ Irina Buga, 'The Impact of Subsequent Customary International Law on Treaties: Pushing the Boundaries of Interpretation?' (2022) 69 *Netherlands International Law Review* 241, 270.

³⁹⁰ Sharon Weill, 'Conclusion' [2014] *The Role of National Courts in Applying International Humanitarian Law* 1143, 1149.

³⁹¹ Andre Nollkaemper, 'Jurisdiction' [2011] *National Courts and the International Rule of Law* 21, 46.

³⁹² Neus Torbisco-Casals, 'The Legitimacy of International Courts: The Challenge of Diversity' (2021) 52 *Journal of Social Philosophy* 491.

³⁹³ Scott Walker S, 'Human Rights in the Gulf Cooperation Council (GCC) States: Prospects for Positive Change' [2023] *Contemporary Review of the Middle East* 126, 146.

political liberty and specific economic and social rights. The preamble to the 47 articles that make up the GDHR explains that its inception was driven by the GCC States' aspiration to uphold human dignity following Islamic law, and the prologue states that the GCC intends to protect human rights to continue their earlier goals of unity and collaboration.³⁹⁴ The final part of the preamble restates the GCC's commitment to safeguarding and promoting human rights by citing the UNDHR³⁹⁵, the Arab Charter on Human Rights³⁹⁶, and the Cairo Declaration on Human Rights in Islam³⁹⁷ (CDHRI).

In Alfadhel's view, the GDHR is a potent instrument of cultural relativism that ought to be lauded due to its place in history and politics.³⁹⁸ Because it does a better job than any other similar regional agreement of reconciling the culture and principles of the GCC, which are primarily based on Shariah, with the ideals of the international community, this is one of the reasons why it is so successful. His claim that the GDHR is an improvement over the CDHRI, another soft-law declaration, is supported by the fact that the CDHRI allows for exceptions to the universality of human rights. This would lend credence to his claim that the GDHR is an improvement over the CDHRI.

In furtherance of the eternal principles of brotherhood, equality, and tolerance among human beings that are consecrated by the illustrious Islamic religion and the other great religions of the world. The Arab homeland is the cradle of religions and civilisations whose high human values affirm the human right to a decent life based on freedom, justice, and equality and in furtherance of the eternal principles of brotherhood, equality, and tolerance among human beings that are consecrated by the noble Islamic religion.³⁹⁹

³⁹⁴ Rachel George, 'The Impact of International Human Rights Law Ratification on Local Discourses on Rights: The Case of CEDAW in Al-Anba Reporting in Kuwait' (2019) 21 Human Rights Review 43, 46.

³⁹⁵ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)).

³⁹⁶ Arab Charter on Human Rights (adopted 15 September 1994, entered into force 15 March 2008).

³⁹⁷ Cairo Declaration on Human Rights in Islam (5 August 1990) Organisation of Islamic Cooperation, UN Doc A/CONF.157/PC/62/Add.18.

³⁹⁸ Khalifa Alfadhel, *Right to Democracy in International Law: Between Procedure, Substance and the Philosophy of John... Rawls* (Routledge 2019).

³⁹⁹ Dawood Hamzah, *International Law and Muslim States Saudi Arabia in Context* (Routledge 2023).

2.14.3 Humanitarian Values and Arab Nation

The humanitarian values and principles the Arab nation has established throughout its long history have played a significant role in spreading knowledge between East and West, making the region a point of reference for the whole world and a destination for seekers of knowledge and wisdom.⁴⁰⁰ It believes in the oneness of the Arab nation, which fights for its freedom and defends the right of nations to self-determination to preserve their rights. From an administrative law standpoint, this could relate to how governmental organisations and administrative agencies in Arab nations historically dealt with education laws and regulations.

The Permanent Human Rights Commission is the primary political entity safeguarding human rights within the Arab League.⁴⁰¹ These responsibilities fall under the purview of the Arab League. At the level of the Member States, it holds meetings twice a year, which could be more effective. Even though more councils of Ministers have been formed as a result of popular upheavals in the region, the Permanent Commission has been unable to break free of the first point on its agenda, which is the resolution of the Arab-Israeli conflict, and has spoken very little on any other topics.⁴⁰² This is the case even though popular upheavals have occurred in the region. Within the framework of the United Nations, the General Assembly, the Human Rights Council, and the High Commissioner for Human Rights must promote and strengthen respect for human rights among the nation-states that comprise the organisation's membership.

Nevertheless, in the structure of the Arab League, this authority has been delegated to a single political organ. That organ is the Council of Ministers of the Arab League. They are following the adoption of the Arab Charter, a new treaty organisation known as the Arab Human Rights Committee. In March 2009, seven individuals were selected to serve for four years following Article 45 of the Arab Charter. Eleven of the Charter's State parties proposed

⁴⁰⁰ Ayesha Shaid and others, 'The Arab League' [2017] *The Asian Yearbook of Human Rights and Humanitarian Law* 341, 358.

⁴⁰¹ Melek Saral, 'The Protection of Human Rights in Transitional Tunisia' (2019) 16 *Muslim World Journal of Human Rights* 1, 26.

⁴⁰² Anja Mihr and Mark Gibney M, *The Sage Handbook of Human Rights* (SAGE 2016).

individuals to serve on the Committee, and seven of these were elected by the LAS Member States based on their qualifications and ability to carry out their duties as experts rather than as representatives of their State.⁴⁰³ The Committee has twelve members in total. In contrast to the experts employed by the United Nations, most are also responsible for performing specific governmental duties.

The Committee meetings will be held at the LAS headquarters in Cairo, as required by Article 45 of the Charter.⁴⁰⁴ The Charter does not provide any additional information regarding the Committee or its relationships with the other organs that make up the Arab League. The Committee's experts quickly agreed that, following its establishment, it should function independently from the LAS General Secretariat and the human rights division of that organisation. As a result, the Committee has reached the point where it is financially independent thanks to the contributions made by the state parties.

After receiving the final report of the Bahrain Independent Commission of Inquiry (BICI) in November 2011, the Kingdom of Bahrain suggested the establishment of an Arab Court on Human Rights to demonstrate its desire to show a more substantial commitment to upholding human rights.⁴⁰⁵ A court like this may ensure compliance with administrative regulations, promote collaboration across regions, and enhance the establishment of norms in education governance among Arab countries. International courts may choose not to become involved in some instances because the venue is inappropriate. For example, in the United Arab Emirates, preliminary objections were made against the jurisdiction of the Court as well as the admissibility of the Application.⁴⁰⁶ The hearings on the case's merits were then halted in compliance with the Rules of Court, which caused the case to be remanded. In its decision, the Court supported the first preliminary objection, which said

⁴⁰³ Ahmed Almutawa and Konstantinos Magliveras, 'Enforcing Women's Rights under the Arab Charter on Human Rights 2004' (2020) 25 The International Journal of Human Rights 1258, 1284.

⁴⁰⁴ P King, 'The Arab League and the Organization of African Unity' (1978) 13 Politics 104, 108.

⁴⁰⁵ Simon Mabon, 'Bahrain' [2023] The Struggle for Supremacy in the Middle East 103, 145.

⁴⁰⁶ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)* [2018] ICJ 26.

that the issue was outside of the scope *ratione materiae* of CERD. As a result, the Court concluded it did not have the authority to consider the Application that Qatar had submitted.

2.15 APPLICATION OF INTERNATIONAL PRINCIPLES RELATING TO EDUCATION RIGHTS IN NATIONAL COURTS

2.15.1 Education Rights in Domestic Context

Education is among the most important cultural, economic, and social rights. The significance of this topic in the rapidly changing world at the turn of the twentieth and twenty-first centuries has received much attention recently.⁴⁰⁷ The right to receive an education is one of the most fundamental human rights, and the government must safeguard this right. Education is essential to achieving other human rights because it is a means to end poverty, social and economic discrimination, and other serious human rights abuses. This makes education an essential component of the human rights movement. Education is necessary for the accomplishment of other human rights as well. The transformative power of education makes it possible for an individual to realise their full potential, in addition to contributing to the propagation of democratic principles, the advancement of human rights, and other vital causes.⁴⁰⁸

There is a connection that cannot be denied between educational inequality and the continued existence of social and economic disadvantage that has its roots in discriminatory practices directed against populations that have historically been marginalised. This is because other essential rights and freedoms, such as the right to health, job, and civic and political participation, can only be fully realised if the right to education is also fully realised. This is because of other rights and freedoms like health, a

⁴⁰⁷ Ana Halbach and Janina Iwaniec, 'Responsible, Competent and with a Sense of Belonging: An Explanation for the Purported Levelling Effect of CLIL' (2020) 25 International Journal of Bilingual Education and Bilingualism 1, 15.

⁴⁰⁸ Christian Welzel, 'Democratic Horizons: What Value Change Reveals about the Future of Democracy' (2021) 28 Democratization 992, 1016.

job, and civic and political participation. The Committee on Economic, Social, and Cultural Rights⁴⁰⁹ (CESCR) has recognised the right to education as an empowerment right and a powerful lever for eliminating the intergenerational transmission of poverty" as a means to break cycles of poverty and disadvantage.⁴¹⁰ The CESCR has called education a "powerful lever for eliminating the intergenerational transmission of poverty."

Cases where human rights accords are violated are rarely heard in domestic and foreign courts. The human rights monitoring system comprises special rapporteurs, investigators, and other specific monitoring bodies established by their respective treaties.⁴¹¹ Additionally, states must deliver periodic state reports, supplemented by parallel reports from non-governmental organisations and other interested actors. The documents produced under this more lax enforcement system have been included in the data set because they are applicable to the research questions posed in this paper.

2.15.2 Incorporation of International Human Rights in Domestic Setting

When incorporating international human rights into domestic law, the Constitution plays a pivotal role when it provides for enforcement via the judicial system. Courts in countries with a Common law system and a dualist approach to international law, such as the United States, have traditionally played a more conservative role in developing jurisprudence on incorporating treaties.⁴¹² By adhering to a standard of "reasonable and justifiable" restriction of rights, the Courts may find a middle ground between the criticism that this institution should not meddle in the legislative and administrative duty of public administration and resource allocation. This could be accomplished by following a standard that restricts rights

⁴⁰⁹ Committee on Economic, Social and Cultural Rights (CESCR), 'General Comment No 13: The Right to Education (Article 13 of the Covenant)' (8 December 1999) UN Doc E/C.12/1999/10.

⁴¹⁰ Zdzisław Kędzia, 'The Committee on Economic, Social and Cultural Rights—the Power of Subjective Rights?' (2022) 14 *Journal of Human Rights Practice* 50, 74.

⁴¹¹ Clara Sandoval, Philip Leach and Rachel Murray, 'Monitoring, Cajoling and Promoting Dialogue: What Role for Supranational Human Rights Bodies in the Implementation of Individual Decisions?' (2020) 12 *Journal of Human Rights Practice* 71, 100.

⁴¹² Itumeleng Shale I, 'Historical Perspective on the Place of International Human Rights Treaties in the Legal System of Lesotho: Moving beyond the Monist-Dualist Dichotomy' (2019) 19 *African Human Rights Law Journal* 192, 218.

to the extent that they are reasonable and justifiable, and the international system that oversees human rights has become more receptive to the participation of representatives from civil society at international conferences.⁴¹³ As a result of adopting the Optional Protocols to CEDAW⁴¹⁴ and ICESCR⁴¹⁵, organisations now have the legal standing to utilise these global processes on behalf of individuals who may not have the means to do so themselves, thereby expanding the standing to lodge complaints.

These processes allow local groups to continue lobbying for legislative and policy reform in light of the norms established by treaties, and they inspire local courts to promote accountability in government laws and policies. Therefore, these should be protected, and governments must be dissuaded from chipping away at them by appealing to justifications of state sovereignty and national security. Both justifications undermine the legitimacy of civil society as players in the implementation of international human rights on a national level.⁴¹⁶

In some nations, the right to education has been given the status of a constitutional guarantee. The courts have been responsible for resolving any disputes that may arise over issues such as which school a child ought to attend, whether or not they ought to be required to participate in school, whether or not they ought to be required to pay for their education, and when they ought to be allowed to stop attending school.

The international declarations and treaties respecting human rights provide the government with additional particular obligations and explain the concept of non-discrimination in a more easily understood way. These governmental duties must be viewed either as prescriptions for programmes or as positive legal obligations sanctionable by the courts. This distinction is made depending on the legal definition of the international treaty and the

⁴¹³ UNDP [2018] A new growth model for building a secure middle class.

⁴¹⁴ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) UNGA Res 34/180.

⁴¹⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976, ratified by Nigeria 29 July 1993) 993 UNTS 3.

⁴¹⁶ Casey-Maslen S and Vestner T, *International Law and Policy on the Protection of Civilians* (Cambridge University Press 2022).

legal culture of the nation, which either tolerates or encourages the enforceability of the global norm. This conclusion is arrived at by taking into account both aspects simultaneously. Last but not least, for the people of a state to enjoy their right to education, the state in which they reside must first provide them with the necessary resources, whether this is accomplished via the use of administrative resources to negotiate with public administration agencies or through the state courts.

Suppose the government of a state does not make it possible for its residents to access the educational opportunities to which they are entitled. In that case, it is against the law for the people of that state to exercise their right to education. This makes it illegal for people to exercise their right to education. Suppose the state does not make these resources available to its residents. In that case, those citizens will be unable to exercise their constitutional right to receive an education, which states that individuals have the right to receive an education. If the state does not make these resources accessible to its residents, then those citizens will be unable to exercise their constitutional right to receive an education. If a person's constitutional right to receive an education is denied or violated in any other way, these guidelines take effect to ensure that the individual's rights are protected. As a result of this, there is a possibility that the state will be entirely held responsible for the responsibilities that it has assumed in this area of the field. Consequently, the right to receive an education and the demand placed on the state to fulfil its commitments may be considered justiciable rights. This would imply that those whose rights have been violated can seek legal action to uphold their claim that they are entitled to this right. This is supported by the fact that legal action can be taken. It is of the utmost importance that underserved communities have access to a fully functional judicial system to pursue their search for justice. This access is essential for them to pursue their quest for justice appropriately.

2.16 A DISCUSSION: UNIVERSITIES / STUDENTS DISPUTES

In Arab nations and regions globally, maintaining the integrity of exams is essential to uphold justice, merit-based systems, and the reputation of educational establishments.⁴¹⁷ Instances of infractions of norms related to official duties in exam monitoring and enabling group cheating among students have been documented, presenting severe challenges to the educational system; one prevalent infringement is when exam proctors fail to fulfil their official responsibilities by ignoring cheating or actively aiding in it.⁴¹⁸ This could involve failing to uphold examination regulations, such as banning unauthorised materials, electronic devices, or student communication during tests. Supervisors occasionally offer pupils answers or hints, possibly motivated by personal interests or external pressures.

Enabling group cheating among students is a significant problem that undermines the honesty of exams. Students may collude to share answers, communicate covertly during tests, or participate in academic dishonesty to attain higher grades collectively.⁴¹⁹ This behaviour diminishes the credibility of the test process and weakens the principles of honesty, integrity, and fair competition in the educational system. The high occurrence of these infractions in Arab countries is due to insufficient training and supervision of exam proctors, absence of enforcement measures, cultural views on academic dishonesty, and institutional corruption.⁴²⁰ The high stakes of academic success, such as gaining admission to top universities or qualifying for scholarships, might motivate students and supervisors to use unethical methods to reach their goals.

Violations of exam supervision norms and collective cheating have extensive and harmful effects on the educational system.⁴²¹ They weaken the credibility and dependability of academic exams,

⁴¹⁷ Justin Thomas, Monique Raynor and Merryn McKinnon, 'Academic Integrity and Oral Examination: An Arabian Gulf Perspective' (2013) 51 *Innovations in Education and Teaching International* 533, 543.

⁴¹⁸ Emily LaBeff EE and others, 'Situational Ethics and College Student Cheating' (1990) 60 *Sociological Inquiry* 190, 197.

⁴¹⁹ Ashraf Farahat, 'Elements of Academic Integrity in a Cross-Cultural Middle Eastern Educational System: Saudi Arabia, Egypt, and Jordan Case Study' (2022) 18 *International Journal for Educational Integrity* 2, 18.

⁴²⁰ Donald McCabe, Tony Feghali and Hanin Abdallah, 'Academic Dishonesty in the Middle East: Individual and Contextual Factors' (2008) 49 *Research in Higher Education* 451, 467.

⁴²¹ Edward Palmer and Peter Devitt, 'The Assessment of a Structured Online Formative Assessment Program: A Randomised Controlled Trial' (2014) 14 *BMC Medical Education* 2, 10.

hindering the accurate evaluation of students' knowledge and skills. This undermines the quality of education and devalues academic qualifications acquired through dishonest methods.⁴²² Moreover, these transgressions sustain a culture of deceit and dishonesty, undermining trust and faith in the educational system among students, parents, employers, and society, and this could result in lasting effects on social unity, financial progress, and the general stability of organisations.⁴²³

To tackle these difficulties, a comprehensive approach is needed, combining changes in legislation, enforcement, and cultural perceptions of academic integrity.⁴²⁴ Educational authorities should focus on training and supervising exam proctors to guarantee they comprehend and fulfil their duties impartially. Enforcing examination laws strictly, with transparent investigation procedures and suitable disciplinary actions for offenders, is crucial to preventing misbehaviour and upholding the integrity of exams.⁴²⁵

Efforts to instil a culture of academic honesty and integrity should be incorporated into school curricula starting at a young age, highlighting the significance of ethical conduct and the repercussions of cheating.⁴²⁶ Public awareness campaigns, academic integrity workshops, and the engagement of parents and communities are essential for promoting a culture of integrity and responsibility in the educational system.⁴²⁷ Arab countries can maintain fairness, transparency, and meritocracy in education by addressing breaches of rules related to exam supervision and collective cheating among students. This will ensure that all students have equal chances to succeed based on their abilities and hard work.

⁴²² Habiburrahim Habiburrahim and others, 'Scrutinizing Cheating Behavior among EFL Students at Islamic Higher Education Institutions in Indonesia' [2021] *The Qualitative Report* 1033, 1053.

⁴²³ Erica Morris and Jude Carroll, 'Developing a Sustainable Holistic Institutional Approach: Dealing with Realities "on the Ground" When Implementing an Academic Integrity Policy' [2015] *Handbook of Academic Integrity* 1, 11.

⁴²⁴ Hai Jiang, Lynne Emmerton and Leigh McKaige, 'Academic Integrity and Plagiarism: A Review of the Influences and Risk Situations for Health Students' (2013) 32 *Higher Education Research & Development* 369, 380.

⁴²⁵ Donald McCabe, Kenneth Butterfield and Klebe Treviño, 'Faculty and Academic Integrity: The Influence of Current Honor Codes and Past Honor Code Experiences' (2003) 44 *Research in Higher Education* 367, 385.

⁴²⁶ Tricia Bingham, Stephanie Reid and Vanda Ivanovic, 'Paint Me a Picture: Translating Academic Integrity Policies and Regulations into Visual Content for an Online Course' (2016) 12 *International Journal for Educational Integrity* 2, 13.

⁴²⁷ Teddi Fishman T, 'Academic Integrity as an Educational Concept, Concern, and Movement in US Institutions of Higher Learning' [2016] *Handbook of Academic Integrity* 7, 21.

2.16.1 Expulsion of students from university without enough comprehensive investigation

The expulsion of students from universities without a comprehensive investigation that guarantees procedural justice safeguards is a significant problem, indicating more profound difficulties related to educational governance, human rights, and the rule of law.⁴²⁸ The core of this issue is the intricate balance between upholding academic standards and honouring fundamental rights. If proper inquiry mechanisms are not in place, students could be unfairly punished, such as being expelled from their schools, which could harm their prospects and continue a cycle of unfairness.⁴²⁹ The consequences go beyond individual students and have broader societal effects, such as reduced faith in educational institutions, degradation of academic freedom, and obstruction of social progress.

Student expulsions in numerous Arab nations are influenced by a multifaceted socio-political environment marked by different levels of authoritarianism, restricted transparency, and inadequate legal structures.⁴³⁰ This setting can facilitate arbitrary decision-making, targeting students who express dissenting opinions, join nonviolent rallies, or participate in activities seen as challenging to those in power.

Without procedural safeguards like the right to a fair hearing, legal representation, and impartial adjudication, students are at the mercy of university administrations or government authorities, with few options for contesting unfair decisions. This violates students' due process rights and creates an atmosphere of fear and self-censorship, hindering intellectual exploration and academic discussion crucial for the progress of knowledge and critical thinking.⁴³¹

⁴²⁸ Marc Brasof and Kate Peterson, 'Creating Procedural Justice and Legitimate Authority within School Discipline Systems through Youth Court' (2018) 55 *Psychology in the Schools* 832, 849.

⁴²⁹ Chris Curran, 'The Law, Policy, and Portrayal of Zero Tolerance School Discipline: Examining Prevalence and Characteristics across Levels of Governance and School Districts' (2017) 33 *Educational Policy* 319, 349.

⁴³⁰ Bushra Alakashee and others, 'Teachers' Views about School Students' Behavioral Problems in the Emirate of Sharjah: An Exploratory Study' (2022) 8 *Heliyon* e09756.

⁴³¹ Junbo Feng, 'A Study on Implementing "Due Process" in University Student Management' (2024) 14 *Sociology Mind* 15, 23.

Bartlet's work on legal and ethical considerations in higher education offers a detailed comprehension of the procedural safeguards required to protect student rights. His focus on ethical governance in educational institutions, as evident in his numerous writings, highlights the necessity for transparent and responsible administrative procedures.⁴³² When analysing Qatari universities through Bartlet's ethical frameworks, it is clear that integrating ethical decision-making processes is crucial for protecting students' procedural rights. This guarantees the procedural safeguards are legally valid, culturally responsive, and ethically justified.

Dismissing students without a thorough investigation damages the credibility and integrity of Arab educational systems, harming their reputation at home and abroad.⁴³³ Arab countries must, therefore, focus on implementing changes that enhance procedural justice safeguards in their educational systems to tackle these difficulties. This necessitates a comprehensive strategy involving legislative changes to establish due process and accountability principles, strengthening institutional capacity to adhere to legal standards and promoting a culture of transparency, inclusivity, and respect for human rights in educational institutions.⁴³⁴ Efforts to encourage civic education, media literacy, and student activism are crucial for equipping individuals to advocate for their rights and ensure authorities are held accountable for their actions.

2.16.2 Freedom of Speech

In Arab countries, free speech is frequently a fragile equilibrium between expression and repression, with the latter often dominating.⁴³⁵ Students being expelled for exercising their right to protest and demonstrate on university grounds highlights the difficulties encountered in these cultures; protesting where dissent is sometimes punished is an expression of opinions and a brave challenge to established power.⁴³⁶

⁴³² Michael Bartlet, 'Mandatory Mediation and the Rule of Law' (2019) 1 *Amicus Curiae* 50, 83.

⁴³³ Mohamed Mattar, 'Combating Academic Corruption and Enhancing Academic Integrity through International Accreditation Standards: The Model of Qatar University' (2021) 20 *Journal of Academic Ethics* 119, 146.

⁴³⁴ Simone Emmert, 'Education in Terms of Human Rights' (2011) 12 *Procedia - Social and Behavioral Sciences* 346, 361.

⁴³⁵ Al Zu'abi A, 'Tolerance in Arab Societies' (2018) 53 *Journal of Asian and African Studies* 952, 969.

⁴³⁶ Ayal Feinberg and Idean Salehyan I, 'Student Protest, Violent Interactions, and State Repression' [2023] *Journal of Peace Research* 85, 101.

Moreover, ending students' education in such situations emphasises the widespread fear of activism and the intention to control the narrative.

The suspension of students' education for protesting raises significant issues over the decline of academic freedom and the right to education.⁴³⁷ Universities should function as environments that embrace and discuss a variety of viewpoints, promoting analytical thinking and encouraging a climate of investigation. When students are penalised for sharing their opinions, it weakens the educational purpose and limits society's access to diverse viewpoints essential for tackling important matters.

These punitive actions have a widespread influence, creating a deterrent effect on society. Witnessing their friends being penalised for participating in activism may cause pupils to be reluctant to voice their opinions, as they fear facing the same consequences. Self-censorship reinforces authoritarianism and suppresses the development of a lively civil society. Ultimately, it impedes the growth of democratic principles and weakens the chances for significant transformation.⁴³⁸

Ultimately, revoking students' educational rights for protesting on university grounds highlights more significant issues about freedom of speech and political expression. This emphasises the conflict between authoritarianism and democracy, the fight for academic freedom, and the necessity of legal reform.⁴³⁹ When students are punished instead of being addressed via discussion, the chances of achieving significant change will be difficult, leading to a continuous cycle of oppression and opposition. Arab countries can reach their full potential and secure the well-being of their population by respecting fundamental rights and promoting an inclusive and open society.

⁴³⁷ Porta D della, Cini L and Guzmán-Concha C, 'Student Campaigns' [2020] *Contesting Higher Education* 29, 120.

⁴³⁸ Lee Farquhar and Michael Carey, 'Self-Censorship among Student Journalists Based on Perceived Threats and Risks' (2018) 74 *Journalism & Mass Communication Educator* 318, 335.

⁴³⁹ Dirk Postma, 'An Educational Response to Student Protests. Learning from Hannah Arendt' (2016) 20 *Education as Change* 1, 9.

2.16.3 Accusation of Disruptive Behaviour

Accusations of disruptive behaviours during in-person learning at educational institutions in Arab states without providing the accused with legal representation have sparked concerns over due process, human rights, and the fairness of disciplinary procedures.⁴⁴⁰ This matter highlights the need to create a positive learning atmosphere while safeguarding individuals' rights, especially when dealing with significant accusations that could have long-term effects on a student's academic and psychological well-being.⁴⁴¹

Many Arab countries' universities have established disciplinary measures to deal with disruptive behaviours on campus. The absence of a thorough legal framework providing the accused with the right to legal representation hinders the principles of justice, notwithstanding the goal of upholding order and promoting a conducive learning atmosphere. The lack of legal representation for the accused undermines the impartiality of the processes and raises concerns about the possibility of power abuse and arbitrary decision-making.

Students are particularly disadvantaged when facing disruptive behaviour allegations without legal representation, as they may lack the competence to manage the complexities of the disciplinary procedure.⁴⁴² The absence of representation weakens the core idea of an adversarial system, in which all sides present their arguments to an unbiased decision-maker. Thus, it diminishes the ideals of transparency and accountability that should guide such processes.⁴⁴³

Furthermore, refusing to provide legal representation can violate fundamental human rights. The right to a fair trial, as outlined in multiple international human rights agreements, is an essential aspect of justice, highlighting the significance of an unbiased and autonomous tribunal.⁴⁴⁴ Depriving people of legal representation goes against fundamental principles and creates a

⁴⁴⁰ Corene de Wet and others, 'A Scholarly Inquiry into Disciplinary Practices in Educational Institutions' [2019] NWU Education and Human Rights in Diversity Series 1.

⁴⁴¹ Nikolay Popov, 'New Challenges to Education: Lessons from Around the World' (2021) 19 Bulgarian Comparative Education Society 9, 15.

⁴⁴² Susan Campbell S, 'A Student Right of Audience? Implications of Law Students Appearing in Court' (2014) 4 International Journal of Clinical Legal Education 22, 38.

⁴⁴³ Kenneth Hamer, 'Legal or Other Representation' [2023] Hamer's Professional Conduct Casebook 799.

⁴⁴⁴ Felix Olayinka, 'University Students' Right to Fair Trial: How Adequate Is Legal Protection' (2020) 7 International Journal of Human Rights and Constitutional Studies 247, 263.

situation where the accused could be subjected to unfair penalties due to insufficient or biased information.⁴⁴⁵

The lack of legal representation raises concerns about the effectiveness of protections to avoid abuses of power in educational institutions.⁴⁴⁶ The absence of supervision and responsibility in the disciplinary procedure might result in random decisions, bias, or excessive punishment. This not only diminishes the legitimacy of the educational institution but also harms the trust that students, teachers, and the larger community have in the integrity of the disciplinary system.

Allegations of disruptive behaviours during learning in Arab states without providing the accused with legal representation contradict fairness, due process, and human rights standards. To address these issues, a thorough review of current disciplinary procedures and a dedication to integrating legal protections that guarantee fairness, transparency, and accountability are necessary. It is crucial to balance maintaining a positive learning environment with protecting individuals' rights to promote a culture of respect, inclusivity, and academic freedom in educational institutions in Arab countries.

2.16.4 FAILURE TO COMPLY WITH TUITION RULES

Not following the tuition restrictions set by a private university's financial laws can have severe consequences for the institution, its students, and the overall educational environment.⁴⁴⁷ Financial laws in higher education are fundamental for the sustainability and fair allocation of university resources; disregarding these norms disrupts the fragile economic stability within academic institutions, causing harmful impacts.⁴⁴⁸ Furthermore, the breakdown of trust between students and their university occurs when they directly observe the consequences of

⁴⁴⁵ Junbo Feng J, 'A Study on Implementing "Due Process" in University Student Management' (2024) 14 Sociology Mind 15, 32.

⁴⁴⁶ Priscilla Alderson, 'How the Rights of All School Students and Teachers Are Affected by Special Educational Needs or Disability (Send) Services: Teaching, Psychology, Policy' (2018) 16 London Review of Education 175, 190.

⁴⁴⁷ Ralf Minor, 'How Tuition Fees Affected Student Enrollment at Higher Education Institutions' (2023) 57 Journal for Labour Market Research 1, 19.

⁴⁴⁸ Giuseppe Nicolò G and others, 'Online Sustainability Disclosure Practices in the University Context. the Role of the Board of Directors' (2022) 23 Corporate Governance: The International Journal of Business in Society 800, 826.

administrative mismanagement and financial misconduct.⁴⁴⁹ The consequences go beyond specific campuses, damaging the reputation of the broader private university sector and reducing trust in the effectiveness of private education overall.

This unfair treatment has widespread consequences beyond academics, affecting society and hindering the achievement of broader socioeconomic development objectives.⁴⁵⁰ Arab states impede the development of a competent and educated workforce necessary for fostering innovation, economic growth, and social advancement by maintaining a system where access to education depends on financial resources rather than talent.⁴⁵¹ The marginalisation of private institutions hinders competition and innovation in the education sector, limiting students' access to various educational possibilities necessary for developing critical thinking and intellectual curiosity.⁴⁵²

Ultimately, not following tuition regulations and showing bias against private colleges in Arab countries not only weakens the financial security of educational institutions but also sustains structural disparities in the educational sector. A thorough strategy is needed to tackle these difficulties, including policy revision, institutional responsibility, and societal transformation. Arab states can create a fair and inclusive educational environment by acknowledging the vital contribution of private universities in increasing access to education and enhancing academic standards. This will empower individuals to reach their full potential and contribute to societal progress.

2.16.5 Analysis of GCC States Decisions

The right to education in the GCC states is not solely a fixed concept embedded within legal frameworks but rather a complex interaction involving administrative practices, legal

⁴⁴⁹ Gene Alarcon and others, 'The Effect of Propensity to Trust and Perceptions of Trustworthiness on Trust Behaviors in Dyads' (2017) 50 Behavior Research Methods 1906, 1920.

⁴⁵⁰ Ashraf Alam and Atasi Mohanty, 'Cultural Beliefs and Equity in Educational Institutions: Exploring the Social and Philosophical Notions of Ability Groupings in Teaching and Learning of Mathematics' (2023) 28 International Journal of Adolescence and Youth 577, 593.

⁴⁵¹ Richard Heller, 'The Problem with Universities Today' [2021] SpringerBriefs in Education 5, 37.

⁴⁵² Kishore Singh, 'Safeguarding Education as Public Good and Regulating Private Providers' (2015) 45 Social Change 308, 323.

interpretations, and judicial rulings.⁴⁵³ The administration of educational systems in the GCC countries, namely Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Bahrain, and Oman, is subject to scrutiny and judgement through various legal avenues. Examining court rulings in these states offers valuable perspectives on the functioning of administrative law in education and its consequences for actualising the right to education.

The GCC states use administrative law to govern educational institutions, guarantee adherence to established standards, and protect the rights of students and faculty members.⁴⁵⁴ These legal frameworks develop the authority and duties of administrative bodies responsible for supervising education, which are the foundation for making decisions, resolving conflicts, and ensuring accountability.⁴⁵⁵ Therefore, the utilisation of administrative law in educational settings significantly manifests broader societal values, cultural norms, and governmental priorities within each member state of the GCC.

When studying the connection between administrative law and the right to education, it is essential to assess how legal principles are implemented in particular instances to resolve complaints, maintain procedural equity, and safeguard the concerns of those involved. In the case of *No. 1262/2007* in Kuwait, the court determined that administrative decisions that impose sanctions on students must adhere to due process, which entails conducting written investigations and giving students the chance to present their defence.⁴⁵⁶ This decision highlights the significance of procedural equity in educational disciplinary proceedings, thus protecting students' rights to a just and transparent adjudication process.

The latter case highlights the importance of procedural fairness in protecting students' rights within the educational sphere. The primary objective of this measure is to guarantee that individuals susceptible to disciplinary measures are granted essential entitlements, such as the

⁴⁵³ Awad Alanzi, 'A Comparative Study on the Legal Education Model in Saudi Arabia' (2020) 9 International Journal of Higher Education 70, 77.

⁴⁵⁴ Al Fadhel H and others, 'Management of Higher Education Institutions in the GCC Countries during the Emergence of Covid-19: A Review of Opportunities, Challenges, and a Way Forward' (2022) 29 The International Journal of Learning in Higher Education 83, 97.

⁴⁵⁵ Rassie Malherbe, 'Administrative Justice and Access to Information : Implications for Schools : Current Issues in Education Law and Policy' (2001) 19 Perspectives in Education 451, 476.

⁴⁵⁶ *Kuwait Administrative Decisions* [2007] 1262.

right to a fair hearing, the right to be informed of the charges brought against them, and the right to present evidence in support of their defence.⁴⁵⁷ In a geographical area where the level of education achieved has significant socio-economic consequences, adherence to procedural fairness is not solely a matter of adhering to legal requirements but rather a moral obligation to protect students' future opportunities.⁴⁵⁸

Likewise, in the domain of education, where administrative choices have the potential to influence students' academic trajectories and future pursuits, it is imperative to uphold the principle of natural justice. This principle guarantees that decisions made by educational authorities are not random or unpredictable but instead based on principles of fairness and equality.⁴⁵⁹ Adhering to the principles of natural justice helps educational institutions maintain the trust and confidence of students, parents, and the broader community.

Universities and academic authorities must reevaluate their disciplinary protocols, ensuring they abide by the principles elucidated in the significant legal case. This calls for solid mechanisms to carry out investigations, offering opportunities for students to self-protect and ensuring transparency in decision-making procedures.⁴⁶⁰ By incorporating procedural fairness into their institutional framework, educational institutions meet their legal responsibilities and cultivate a climate of responsibility and ethical conduct among their members.⁴⁶¹

University administrative decisions can significantly influence students' academic pursuits, disciplinary matters, and educational experience. These decisions encompass various areas,

⁴⁵⁷ Jarrod Hepburn, 'The Duty to Give Reasons for Administrative Decisions in International Law' (2012) 61 *International and Comparative Law Quarterly* 641, 663.

⁴⁵⁸ Alexander Wiseman and Naif Alromi, 'The Intersection of Traditional and Modern Institutions in Gulf States: A Contextual Analysis of Educational Opportunities and Outcomes in Iran and Kuwait' (2003) 33 *Compare: A Journal of Comparative and International Education* 207, 234.

⁴⁵⁹ Nils Buchholtz and Tove Frønes, 'Equity, Equality and Diversity—Putting Educational Justice in the Nordic Model to a Test' [2020] *Equity, Equality and Diversity in the Nordic Model of Education* 1, 10.

⁴⁶⁰ Jonna Tai and others, 'Developing Evaluative Judgement: Enabling Students to Make Decisions about the Quality of Work' (2017) 76 *Higher Education* 467, 481.

⁴⁶¹ Ozgur Çelik and Salim Razi, 'Facilitators and Barriers to Creating a Culture of Academic Integrity at Secondary Schools: An Exploratory Case Study' (2023) 19 *International Journal for Educational Integrity* 4, 30.

including admissions, grading, disciplinary actions, and resource allocation.⁴⁶² Nevertheless, it is imperative to maintain a delicate equilibrium between the authority wielded by university administrations and the provisions to empower students to challenge decisions they perceive as unfair, capricious, or illegal. Administrative law plays a crucial role in establishing legal frameworks that facilitate legal remedies and guarantee that decisions rendered by administrative entities undergo thorough examination and evaluation.⁴⁶³

The right to challenge administrative decisions before judicial authorities is a fundamental aspect of administrative law pertaining to students' rights and proper functions. It is a pivotal measure to prevent potential power abuse by university administrations.⁴⁶⁴ In the Gulf GCC context, where legal systems may exhibit variations, administrative law is a shared platform for individuals to pursue remedies through established legal avenues. By allowing students to appeal administrative decisions, administrative law promotes transparency, accountability, and the rule of law within educational institutions.⁴⁶⁵

A notable illustration can be found under the administrative decision 599/2016 of the United Arab Emirates, where the court emphasised individuals' entitlement to contest administrative determinations, focusing on the judiciary's responsibility to assess the legality and legitimacy of disciplinary measures implemented by educational establishments.⁴⁶⁶ The court took measures to ensure that the disciplinary proceedings adhered to the principles of due process, which encompassed the provision of sufficient notice to the accused students, an opportunity for them to present their defence, and an impartial adjudication. Through the maintenance of procedural fairness, the court has upheld the principles of the rule of law and safeguarded the rights of students from arbitrary or discriminatory disciplinary measures.

⁴⁶² Bruce Lindsay, 'University Discipline and the "Higher Education Crisis": Student Advocates' Experiences and Perceptions of Quasi-Judicial Decision Making in the University Sector' (2009) 31 *Journal of Higher Education Policy and Management* 327, 343.

⁴⁶³ Peer Zumbansen, 'Administrative Law's Global Dream: Navigating Regulatory Spaces between "National" and "International"' (2013) 11 *International Journal of Constitutional Law* 506, 522.

⁴⁶⁴ Vicki Lens, 'Contesting the Bureaucracy' (2011) 20 *Social & Legal Studies* 421, 439.

⁴⁶⁵ Noor Alhendi, 'Stopping Implementation of Administrative Decisions in Saudi Regulation' (2021) 7 *Heliyon* 2, 5.

⁴⁶⁶ *United Arab Emirates Administrative Decisions* [2016] 599.

The legal system ensures that administrative bodies comply with legal norms and procedural requirements by subjecting university decisions to judicial scrutiny.⁴⁶⁷ This measure safeguards students from capricious or inequitable treatment and cultivates a climate of responsibility within educational establishments. Procedural requirements are crucial in assessing the validity and legitimacy of administrative decisions when students contest them.⁴⁶⁸ For example, students must be able to articulate their arguments, address accusations, and receive comprehensive information regarding the rationale behind administrative measures. Numerous legal precedents have evidenced that failure to comply with procedural requirements has the potential to invalidate administrative decisions.⁴⁶⁹

In addition, procedural requirements function as a mechanism to enhance transparency and accountability within campus government administrations. By implementing well-defined protocols for decision-making procedures, universities can effectively reduce the potential for arbitrary or discriminatory practices.⁴⁷⁰ Establishing trust between students and academic institutions enhances trust and cultivates a learning environment characterised by fairness and equity principles. Furthermore, procedural requirements function as protective measures against capricious or unjust treatment, fostering openness, responsibility, and adherence to legal principles within educational establishments.⁴⁷¹ Adhering to the tenets of administrative law can help GCC universities safeguard students' rights and foster a climate of equity and impartiality in higher education.

Moreover, judicial rulings in the GCC nations have addressed matters related to allocating disciplinary powers, sanctions enforcement, and administrative bodies' jurisdiction. In the

⁴⁶⁷ Prenisha Sewpersadh and John Mubangizi JC, 'Judicial Review of Administrative and Executive Decisions: Overreach, Activism or Pragmatism?' (2018) 21 Law, Democracy & Development 201,220.

⁴⁶⁸ Soren Schønberg SJ, 'Procedural Protection of Legitimate Expectations' [2000] Legitimate Expectations in Administrative Law 31.

⁴⁶⁹ Edward Cottrill E, 'Administrative "Determinations of Law" and the Limits of Legal Pluralism after Vavilov' (2020) 58 Alberta Law Review Society 153, 182.

⁴⁷⁰ Theocharis Kromydas, 'Rethinking Higher Education and Its Relationship with Social Inequalities: Past Knowledge, Present State and Future Potential' (2017) 3 Palgrave Communications 1, 12.

⁴⁷¹ Ferdinand Potgieter, Johannes Van der Walt and Charste Wolhuter, 'Towards Understanding (Religious) (in)Tolerance in Education' (2014) 70 HTS Teologiese Studies / Theological Studies 1, 8.

Jordanian's case 213/2004,⁴⁷² The court confirmed that the Dean of a university could delegate disciplinary powers to the Associate Dean, as required by legal regulations governing institutional governance. This decision exemplifies how administrative law incorporates hierarchical frameworks within educational establishments while guaranteeing that delegated authorities are conducted within specified boundaries.

The Jordan case exemplifies this by emphasising the court's confirmation of the transfer of disciplinary authority while underscoring the significance of complying with legal regulations governing institutional administration. Administrative law acknowledges the existence of hierarchical systems within universities but highlights the importance of restricting delegated authority.⁴⁷³ This principle protects against the accumulation of unrestrained power and fosters the values of openness and responsibility. The Jordanian case decision exemplifies this equilibrium, as the court affirmed the transfer of disciplinary authority within specified boundaries delineated by legal provisions.

The court's decision to subject the delegation of disciplinary powers to judicial scrutiny underscores the significance of legality and establishes a safeguard against potential instances of authority abuse. Judicial intervention of this nature cultivates trust in the validity of administrative actions and strengthens compliance with procedural standards.⁴⁷⁴ The differentiation between internal review procedures and judicial supervision in addressing administrative grievances within educational establishments carries substantial implications for the rights of students and the credibility of administrative decision-making.⁴⁷⁵ Internal review mechanisms play a crucial role as the primary avenue for students who feel wronged by institutional actions.

⁴⁷² *Jordanian Administrative Decisions* [2004] 213.

⁴⁷³ Mirko Pečarič, 'Administrative Law: Indefinable, but Necessary and Very Much Alive' (2017) 31 *Southern African Public Law* 91, 113.

⁴⁷⁴ Joseph Heath, *The Machinery of Government: Public Administration and the Liberal State* (Oxford University Press 2020).

⁴⁷⁵ Tom Mullen, 'Internal Review Systems and Administrative Justice' [2021] *The Oxford Handbook of Administrative Justice* 1, 22.

They provide a rapid and specialised platform for resolving disputes within the educational setting. In addition to enhancing efficiency by avoiding lengthy legal proceedings, these processes utilise institutional expertise to facilitate nuanced decision-making that aligns with institutional policies and practices.⁴⁷⁶ Internal reviews promote harmonious resolution through communication and mediation, thereby maintaining the interpersonal connections between students and educational authorities while cultivating an environment of openness and responsibility within the institution.⁴⁷⁷

Nevertheless, the importance of internal review does not invalidate the need for judicial supervision in protecting students' rights and maintaining the principles of the legal system. Judicial intervention serves as a crucial safeguard against possible misuse of administrative authority, offering an unbiased platform for resolution and guaranteeing adherence to legal norms and principles of equity.⁴⁷⁸ Court rulings globally, including the administrative decision from Jordan, emphasise the principle that individuals have the right to seek redress through legal means when internal mechanisms are insufficient or unfair.⁴⁷⁹

Hence, incorporating internal review mechanisms and judicial oversight is imperative to achieve a harmonious equilibrium between institutional autonomy and safeguarding students' rights.⁴⁸⁰ Establishing clear roles and powers, facilitating effective communication, and fostering cooperation between institutions and the judiciary are essential to ensuring coherence, consistency, and fairness in decision-making. By maintaining this equilibrium, educational institutions can foster an atmosphere favourable to scholastic superiority, reverence for students' entitlements, and adherence to legal principles.⁴⁸¹

⁴⁷⁶ William Simon W, 'The Organisational Premises of Administrative Law' (2015) 78 *Theorising Contemporary Legal Thought* 61, 100.

⁴⁷⁷ Anne Gregory and Tom Watson, 'Defining the Gap between Research and Practice in Public Relations Programme Evaluation – towards a New Research Agenda' (2008) 14 *Journal of Marketing Communications* 337, 350.

⁴⁷⁸ James Grant, 'Reason and Authority in Administrative Law' (2017) 76 *The Cambridge Law Journal* 507, 536.

⁴⁷⁹ *Jordan Administrative Decisions* [1981] 151.

⁴⁸⁰ Jiayun Shi, 'Study on Administrative Regulations Governing the Disciplinary Authority of Teachers' (2023) 179 *SHS Web of Conferences* 02013.

⁴⁸¹ Christine Parsons and Brian Fidler, 'A New Theory of Educational Change – Punctuated Equilibrium: The Case of the Internationalisation of Higher Education Institutions' (2005) 53 *British Journal of Educational Studies* 447, 465.

The GCC universities are further subject to significant influence from administrative decisions, which profoundly impact the educational environment and the experiences of students and faculty members.⁴⁸² However, in this context, two prominent instances are clear examples of the severe outcomes that occur when administrative choices deviate from legal requirements, revealing the hidden aspects of unfairness and procedural irregularities.

The fundamental principles of natural justice and the sanctity of basic rights are essential pillars that underpin any civilised disciplinary process.⁴⁸³ Nevertheless, in a context where practicality frequently precedes fairness, these principles are commonly diminished to mere clichés. This lack of consideration has significant consequences, eroding the fundamental basis on which educational establishments are constructed. Furthermore, the requirement for fairness and clear goals in decision-making is significant, raising doubts about administrative actions' supposed integrity.

The *Administrative Decision 606/2017*⁴⁸⁴ Exposed institutional bias in a substantial case, revealing that individuals involved in investigation procedures also served as members of the committees responsible for administering justice. The evident conflict of interest not only undermines the credibility of disciplinary proceedings but also diminishes public confidence in the ethical conduct of university administration. The consequences of such institutional malaise have wide-ranging effects that go beyond the boundaries of academic matters, affecting the fundamental principles of academic integrity and ethical behaviour.

Moreover, it can be argued that the Student's Code of Ethics is a weak defence against procedural malpractice, as it cannot effectively mitigate the numerous injustices inflicted upon unsuspecting students.⁴⁸⁵ Despite its ambitious goals, the Code remains superficial, incapable of withstanding institutional indifference and excessive administrative intervention. The case from Qatar, which

⁴⁸² Mohammed Nuseir and Ghaleb El Refae, 'Factors Influencing the Choice of Studying at UAE Universities: An Empirical Research on the Adoption of Educational Marketing Strategies' (2021) 32 *Journal of Marketing for Higher Education* 1, 19.

⁴⁸³ Andrew Karch, 'Vertical Diffusion and the Policy-Making Process' (2010) 65 *Political Research Quarterly* 48, 61.

⁴⁸⁴ *United Arab Emirates Administrative Decisions* [2017] 606.

⁴⁸⁵ Fathul Nuqul and Fidinda Avitasari, 'College Student Code of Ethics, for Whom? Measuring Campus Alignment with College Students' [2021] *Advances in Social Science, Education and Humanities Research* 287, 290.

occurred on November 30, 2023, serves as a sombre testament to the prevailing circumstances. In this instance, the court's reprimand of procedural irregularities was disregarded, resulting in students being subjected to a system that was unfairly biased against them. Originally conceived as a symbol of procedural equity and responsibility, the Code remains obscure, a remnant of a past era when principles took precedence over practicality.

In the Egyptian legal case No. 68306, a student enrolled at Alazhar University was subjected to disciplinary measures due to disruptive conduct that negatively impacted the educational proceedings. The Administrative Court has requested reliable proof, highlighting the principle of presumption of innocence and the necessity of an impartial and transparent investigation encompassing all pertinent factors. Notwithstanding the defendant's esteemed academic record and exemplary moral conduct, she was abruptly prohibited from taking exams and expelled from the institution as a result of her purported participation in protests advocating for the Muslim Brotherhood. Nevertheless, the court determined that the inquiry was deficient since it lacked witnesses and failed to allow the student to convey her perspective. Consequently, the claim was dismissed.

This case exposes substantial inadequacies in the governance of justice and the process of reviewing legal decisions related to higher education in the Gulf countries. The disciplinary actions taken against the student at Alazhar University highlight a systemic failure to follow basic principles of justice and due process despite the stated goal of safeguarding the integrity of the educational process. The court's commitment to upholding the presumption of innocence and the requirement for sufficient evidence is admirable. However, the lack of a transparent and thorough inquiry raises concerns about the legitimacy of the disciplinary action.

The university administration violated the accused student's right to a fair trial by not summoning her for testimony and failing to present witnesses. This also undermined the credibility of its disciplinary procedures. This instance exemplifies a broader trend of capricious decision-making and lack of transparency among colleges in the Gulf area, where disciplinary measures are frequently used to suppress rather than promote justice. The court's rejection of the claim

highlights the systemic injustice deeply ingrained in the region's higher education systems. This perpetuates a culture of impunity and undermines the rights and dignity of students. The statement emphasises the immediate necessity for extensive changes to protect academic liberties, guarantee fair procedures, and promote principles of justice in universities inside Gulf countries.

The Egyptian case No. 1316, dated 01/07/1989, revolved around the Hijab and its classification as a matter of personal freedom, questioning whether it should be allowed or banned in a university environment. The vice president of Aline University has issued a rule that forbids wearing the Niqab. The University Council passed the decree. A student lodged a complaint contending that the University had infringed upon the provisions of the Egyptian Constitution. The Court determined that the right to wear clothing is not unrestricted, but rather, it is contingent upon the standards of public order and high morality. The Court concluded that wearing a niqab is not mandatory under Islamic Law. Enforcing a ban on individuals wearing Niqabs from accessing the university grounds was crucial to deter intruders and undesired individuals. The Supreme Administrative Court ruled in favour of the student, affirming her right to access the university and exercise her freedom by wearing the Niqab. The Court rejected the notion that the Hijab, rather than the Niqab, is mandated by Islamic doctrine.

Examining the permissibility of wearing the Niqab in university settings highlights the vital function of judicial review in protecting human rights, especially in higher education. In this case, the judiciary intervened to examine the validity and constitutionality of the university's decree, confirming its obligation to protect fundamental rights against arbitrary measures by the institution. The court conducted a judicial examination to evaluate the equilibrium between personal liberties and institutional restrictions. The text highlights the importance of carefully examining governmental or institutional choices in light of constitutional principles to ensure they align with broader human rights standards. The court's decision to prioritise the freedom to wear the Niqab within the university domain demonstrates a solid commitment to protecting individual liberties by the law.

Furthermore, this case highlights the role of judicial review in safeguarding against any misuse of authority and preventing the arbitrary limitation of rights in educational settings. The court's affirmation of the student's freedom of religious expression within the university upholds the principles of tolerance and diversity, creating an environment favourable to study and intellectual discussion. This case demonstrates the crucial importance of judicial review in protecting human rights, especially in the context of higher education, where the conflict between institutional authority and individual liberties is frequently most evident.

In the Egyptian case No. 32876, Session 18/11/2015, the Supreme Council of Universities will decide on the admission of students to various university colleges. This decision will be made after determining the number of high school graduates in the country. Therefore, this technique is specifically developed to attain equality among all students. The student does not have the right to complain about being denied admission to the School of Dentistry since her overall grades did not meet the qualifications for entry. This intervention highlights the significance of equity and personal situations in educational policy, guaranteeing that judgements are not exclusively reliant on quantitative criteria but also consider variables based on merit. Judicial review serves as a mechanism to scrutinise administrative decisions, ensuring compliance with principles of equality and justice in educational opportunities.

In the Egyptian case No. 200, dated 30/03/1991, the complainant was deprived of the opportunity to take the exam due to her illness. The University did not accept her justification despite submitting medical records as evidence of her ailment. The Court determined that the complainant's medical issues, which impacted both her physical well-being and mental state, rendered her unable to take the exams. The court's intervention underscores the necessity for institutions to make provisions for legitimate reasons for being unable to participate in examinations. By acknowledging the influence of medical conditions on the student's physical and mental health, judicial review guarantees that educational institutions uphold values of empathy and fairness. This case underscores the judiciary's responsibility to safeguard the rights of students and ensure that administrative decisions are equitable and sensitive to individual circumstances.

In the Egyptian case No. 2893 dated 01/02/1992, the complainant relocated from universities in Hungary to medical schools in Cairo. During this period, his father was employed in Saudi Arabia while his son journeyed to Budapest and took the high school examination there. He was enrolled in the Medical school in Cairo, but the school rescinded his admittance. The Court determined that the claimant failed to fulfil the entrance criteria for the Egyptian school and concluded that the principle of equity necessitates rejecting his transfer request. In Egyptian case No. 646, dated 05/11/1988, a faculty member at Alexandria University was subject to ethical regulations for stealing a receipt that provided evidence of his debt to his Publisher. Nevertheless, the Court determined that the disciplinary sanction imposed on the faculty member was excessive, even though he is expected to adhere to ethical standards at all times, even outside the University.

The provided cases highlight the notion of judicial review, emphasising the judiciary's responsibility to assess administrative actions and ensure compliance with legal requirements. The court carefully examines the judgement of a medical school to revoke a student's admission in the initial case. The court is responsible for scrutinising administrative activities to ensure adherence to set regulations by evaluating whether the student has fulfilled the admission requirements. This demonstrates the judiciary's duty to maintain equity and avoid capricious authority exercises. In the second scenario, the court assesses the disciplinary measures taken against a faculty member, giving particular attention to the significance of proportionality and due process in administrative processes. These examples highlight the crucial role of the court in protecting individual rights and upholding the rule of law inside institutional structures, demonstrating the fundamental need for judicial review to ensure accountability and justice.

In the Egyptian case No. 50329, dated 13/01/2016, the plaintiff initiated legal proceedings against the law school at Cairo University. The plaintiff was accused of engaging in academic dishonesty during the criminal law exam and subsequently expelled from the university. The school carried out an inquiry after the search of the plaintiff. She threatened the faculty members and enlisted the assistance of her father, who arrived accompanied by a police officer. However, the Court determined that none of the facts regarding the cheating incident were proven beyond a

reasonable doubt. The case illustrates the crucial function of judicial review in examining institutional choices and safeguarding individuals' rights within academic environments. In this case, the court is responsible for evaluating the legitimacy of a university's decision to expel a student accused of scholastic dishonesty. The court meticulously analyses the evidence to maintain the principle of due process, which mandates that allegations must be supported by compelling and unambiguous evidence. This emphasises the judiciary's duty to protect against random or unfair administrative acts, supporting the law principle and preserving trust in academic institutions. The case highlights the role of judicial review in monitoring institutional power and guaranteeing justice and responsibility in academic disciplinary procedures.

Furthermore, it is crucial to acknowledge the significant role of the judiciary in upholding legal propriety during disciplinary proceedings. However, the effectiveness of this role continues to be a topic of contention due to the prevalence of institutional malpractice. Although court decisions can be a solid reminder to follow legal procedures and principles, their effectiveness often diminishes when confronted with deeply ingrained institutional resistance. The institutions responsible for maintaining the rule of law frequently become entangled in complex bureaucratic processes and vested interests, making it difficult to achieve justice due to administrative problems.

CHAPTER 3

PROCEDURAL PROTECTIONS OF THE RIGHTS OF STUDENTS IN LEGAL REGULATIONS AND CODES OF CONDUCT IN THE GULF REGION

3.1 INTRODUCTION

A student's right to a fair trial stems from his academic freedom, which states that he cannot lose his student enrollment unless given a fair chance to attend a disciplinary hearing. International and regional instruments provide comprehensive features that are not so well-recognized in the rules and regulations of most colleges and institutions.⁴⁸⁶ Natural justice standards can now be treated as discretionary rather than mandatory by colleges, which is unfortunate in some instances since discretionary would mean that the university is responsible for applying certain principles of natural justice in its curriculum, codes of conduct, and administrative framework.⁴⁸⁷ This chapter aims to introduce codes of conduct that regulate the relationship between students and the university and determine students' rights and obligations. The chapter will mainly cover Qatar University's code of conduct and compare it to similar principles of conduct in other Gulf universities, using the United Kingdom as a comparator to provide a better framework for dealing with academic misconduct.

3.2 NATURAL JUSTICE

Natural justice, or procedural fairness, is a legal doctrine that underscores the significance of equitable procedures in administrative and judicial proceedings.⁴⁸⁸ The concept includes two core principles: the right to have one's case heard (*audi alteram partem*) and the prohibition of bias (*nemo iudex in causa sua*). The right to be heard guarantees that individuals or parties impacted by a decision can present their arguments before concluding.⁴⁸⁹ This right also encompasses the entitlement to be informed about the allegations against them, to address any evidence presented, and to make their statements. The rule against bias prohibits decision-

⁴⁸⁶ Olaniyi Felix Olayinka, "University students' right to fair trial: how adequate is legal protection" (2020) 7 International Journal of Human Rights and Constitutional Studies 247, 274.

⁴⁸⁷ Jonathan Long, "Discretionary Time: A New Measure of Freedom" (2010) 15 Managing Leisure 156, 158.

⁴⁸⁸ Stephan Schill, 'Fair and Equitable Treatment, the Rule of Law, and Comparative Public Law' [2010] International Investment Law and Comparative Public Law 151, 182.

⁴⁸⁹ DJ Galligan, 'The Hearing Principle' [1997] Due Process and Fair Procedures 348, 391.

makers from possessing any personal interest or bias that could impact their impartiality. These principles guarantee that decisions are made just, transparent, and unbiased.

The principle of natural justice is a critical concept within administrative law that encompasses fairness, equity, and procedural regularity.⁴⁹⁰ Based on legal principles, it acts as a barrier against random decisions made by administrative authorities, guaranteeing that individuals facing executive actions receive a just and unbiased procedure.

The basic principle of procedural fairness emphasises the need to enable involved parties to voice their opinions, provide facts, and submit arguments to the decision-maker, as observed in *Ridge v Baldwin*⁴⁹¹. In the latter case, the court stressed the significance of allowing persons to address accusations brought against them before making unfavourable decisions, underscoring the fundamental nature of the right to be heard in administrative procedures.

Likewise, Pinochet (No. 2) emphasised the significance of impartiality and independence in administrative decision-making, *stressing* the necessity for decision-makers to be devoid of any actual or apparent conflicts of interest. Moreover, natural justice requires administrative decision-makers to behave honestly and rationally and comply with established norms and processes.⁴⁹² This responsibility includes different procedural protections, such as the right to a well-thought-out decision, legal representation, and an impartial assessment of administrative decisions.⁴⁹³

In the case of *Cooper*⁴⁹⁴, it was observed that administrative bodies must follow established procedures and operate within the boundaries set by the law. This decision emphasised the importance of administrative entities following the principles of natural justice and respecting the rights of those impacted by their choices. Furthermore, natural justice is a malleable and adjustable doctrine that can change by shifting societal norms and ideals. Courts and tribunals

⁴⁹⁰ William Wade, Christopher Forsyth and Julian Ghosh, '12. Natural Justice and Legal Justice' [2022] Wade & Forsyth's Administrative Law 357.

⁴⁹¹ *Ridge v Baldwin* [1964] AC 40.

⁴⁹² *Abbey Mine Ltd v Coal Authority & Anor* [2008] EWCA Civ 353.

⁴⁹³ *Lloyd v McMahon* [1987] AC 625.

⁴⁹⁴ *Cooper v Wandsworth Board of Works* (1863) 14 CBNS 180.

can apply the principles of natural justice in a way that is suitable for the individual circumstances of each case due to their inherent flexibility.

In *Doody*⁴⁹⁵, the House of Lords stressed the significance of implementing the principles of natural justice while considering the context of administrative decision-making. The court determined that the right to a fair hearing should be understood by considering the unique circumstances of each case, including factors like the type of decision, the importance of the interests involved, and the susceptibility of the individuals impacted.

The notion of natural justice is applied in typical administrative settings and disciplinary processes, quasi-judicial tribunals, and administrative agencies. During disciplinary proceedings, individuals have the right to procedural protections based on the principles of natural justice, such as a fair hearing, legal representation, and an unbiased decision-maker.⁴⁹⁶ Noncompliance with procedural requirements can invalidate administrative decisions, as illustrated in *Ridge v Baldwin*⁴⁹⁷.

Procedural fairness, commonly known as natural justice, includes two fundamental principles: the entitlement to present one's case and the prohibition of bias.⁴⁹⁸ In Qatar, these principles are reflected in the Constitution and various statutes. The right to be heard guarantees individuals the chance to present their arguments before a decision is reached, fostering a just and impartial adjudication process.⁴⁹⁹ The rule against bias prohibits decision-makers from possessing any personal interest or predisposition that could compromise their impartiality.

In Qatar, natural justice is fundamental to the legal system, ensuring the rule of law and safeguarding individual rights.⁵⁰⁰ A critical element of natural justice is the entitlement to have

⁴⁹⁵ *R v Secretary of State for the Home Department, ex parte Doody* [1994] 1 AC 531.

⁴⁹⁶ *Kanda v Government of Malaya* [1962] AC 322.

⁴⁹⁷ *Ridge v Baldwin* [1964] AC 40.

⁴⁹⁸ Hugh Collins, 'Procedural Fairness' [1992] *Justice in Dismissal* 104.

⁴⁹⁹ Ruwantissa Abeyratne, 'The Outcome of the 40th ICAO Assembly: A New Look at ICAO?' (2020) 45 *Air and Space Law* 81, 86.

⁵⁰⁰ David Lyons, 'Natural Duty of Justice' [2014] *The Cambridge Rawls Lexicon* 551, 552.

one's voice acknowledged; this principle ensures that individuals impacted by administrative decisions can state their case and address any facts or arguments presented against them.⁵⁰¹

Another crucial aspect of natural justice is the necessity for decisions to be made impartially, without bias or prior beliefs. Decision-makers should evaluate each case objectively, considering pertinent facts and evidence.⁵⁰² Administrative authorities must offer explicit and transparent justifications for their choices, enabling impacted parties to comprehend the rationale behind the result and evaluate its legitimacy.⁵⁰³

Natural justice includes the notion of proportionality, which states that administrative decisions should be balanced about their goals and the harm they intend to avert; this principle protects against capricious or disproportionate use of governmental authority.⁵⁰⁴ Natural law concepts are evident in different areas of Qatari universities, such as admissions, disciplinary procedures, curriculum design, and faculty selection.

A constitution or bill of rights contains human rights clauses that serve as interpretive guides, monitoring tools, and tools for improved enforcement. As a result, government interference in the intellectual life of a university should be kept to a strict minimum to not deprive the university of its autonomy. In some countries, the element of "separation of powers" allows the Court to review decisions taken by the government and public institutions.⁵⁰⁵ This "checks and balances" system allows the Court to review the decision with fairness and impartiality to fulfil the requirement of natural justice.⁵⁰⁶

The right to a fair trial is multifaceted and provides each individual with a chance to be heard. The basic concepts of this right are outlined in many international agreements, such as Article 14 of the ICCPR, which specifies the crucial elements necessary for guaranteeing a just trial.⁵⁰⁷ The

⁵⁰¹ OC Reddy, 'To Be Heard or Not to Be Heard' [2010] The Court and the Constitution of India 229.

⁵⁰² Tom Hickey, 'Legitimacy—Not Justice—and the Case for Judicial Review' (2022) 42 Oxford Journal of Legal Studies 893, 917.

⁵⁰³ Thomas Poole, 'Legitimacy, Rights and Judicial Review' (2005) 25 Oxford Journal of Legal Studies 697, 725.

⁵⁰⁴ DJ Galligan, 'The Legal Approach to Procedural Fairness' [1997] Due Process and Fair Procedures 314, 347.

⁵⁰⁵ John Alder and Keith Syrett, "The separation of powers" [2017] Constitutional and Administrative Law 138, 162.

⁵⁰⁶ Gar Yein Ng, *Quality of judicial organisation and checks and balances* (Intersentia 2007).

⁵⁰⁷ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14.

HRC monitors the implementation of the ICCPR and offers vital insights and interpretations that clarify the extent and use of these principles.⁵⁰⁸

The core of the right to a fair trial is based on the principles of equality before the law and the right to be heard by an impartial and independent judiciary. This concept ensures that all individuals, regardless of their status or circumstances, have the right to a just and fair determination of their rights and responsibilities.⁵⁰⁹ The Human Rights Committee emphasised the significance of impartiality in the case of *A v Australia*⁵¹⁰, emphasising that tribunals must be devoid of any actual or apparent bias that could jeopardise the fairness of proceedings. In the case of *Campbell v Jamaica*⁵¹¹, the Committee emphasised that the right to an impartial tribunal includes the requirement of the absence of personal prejudice and the perception of impartiality by a reasonable observer.

The right to a fair trial includes the presumption of innocence, which means the prosecution must establish the accused's guilt beyond a reasonable doubt.⁵¹² This assumption protects against unjustified imprisonment and guarantees that people are not punished without adequate proof of their wrongdoing. The right to a fair trial includes certain procedural protections designed to protect the integrity of the judicial process. The guarantees consist of the right to legal representation, the ability to cross-examine witnesses and evidence, and the right to a trial open to the public.⁵¹³

Ultimately, the well-established principles of the right to a fair trial, outlined in Article 14 of the ICCPR and clarified by the Human Rights Committee, act as essential protections against arbitrary or unfair actions by the government.⁵¹⁴ The principles include the right to a fair and unbiased

⁵⁰⁸ Evelyne Schmid, 'A Few Comments on a Comment: The UN Human Rights Committee's General Comment No. 32 on Article 14 of the ICCPR and the Question of Civilians Tried by Military Courts' (2010) 14 The International Journal of Human Rights 1058, 1071.

⁵⁰⁹ Paul Taylor, 'Article 14: Fair Trial Rights' [2020] A Commentary on the International Covenant on Civil and Political Rights 369, 428.

⁵¹⁰ *A v Australia* [1997] HRC.

⁵¹¹ *Campbell v Jamaica* [1998] HRC 307.

⁵¹² Dominic Goldrick [1991] The Human Rights Committee 171, 190.

⁵¹³ Ian Langford, 'Fair Trial: The History of an Idea' (2009) 8 Journal of Human Rights 37, 52.

⁵¹⁴ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14.

tribunal, the presumption of innocence, and other procedural safeguards to maintain the integrity and fairness of the legal process. The Human Rights Committee has significantly contributed to the clarification and implementation of these principles by its legal decisions and statements, thus promoting justice and human rights on a global scale.

Qatar University's ambivalent stance often erodes students' academic freedom and right to a fair trial. Rules and regulations at colleges do not reflect the full extent of the relevant laws and regulations because they have specific authority over the students, and this may sometimes lead to a student not having enough bargaining power when it comes to the challenge of a decision-making process undertaken by the university. It can further be argued that there may be some actions or omissions under the university rules that provide the personnel and the board some academic freedom, which, in turn, may jeopardise the right to a fair trial. The main contention is that sometimes there may not be enough updated laws regarding education, which may provide insufficient legal protection towards the students.

Qatar's legal system incorporates elements of judicial review within constitutional and legal frameworks to promote transparency and accountability, and the Qatari Constitution, enacted in 2004, outlines the state's fundamental framework and specifies its components' authorities and duties.⁵¹⁵ Article 63 of the Constitution guarantees the judiciary's autonomy, stating that judges must be independent, accountable only to the law, and unbiased in their decisions and this provision is fundamental to judicial review in Qatar, highlighting the independence of the judiciary and its crucial role in maintaining the rule of law.⁵¹⁶ The Constitution ensures the right to a fair trial and access to justice, which are fundamental for effective judicial review.⁵¹⁷

The Qatari legal system prioritises evidence in judicial processes to ensure impartiality and trustworthiness in judgment; Article 157 of the Code of Civil and Commercial Procedure states that judgements must be supported by evidence, and the party making the assertion is

⁵¹⁵ Hassan Al-Sayed, 'Qatar: Constitutional Challenges' (2022) 70 *Al-Abhath* 111, 140.

⁵¹⁶ Constitution of the State of Qatar, Art 63.

⁵¹⁷ Anna Meijknecht A, 'Hague Case Law: Latest Developments' (2021) 68 *Netherlands International Law Review* 157, 161.

responsible for proving a claim.⁵¹⁸ This rule exemplifies the adversarial aspect of litigation in Qatar, requiring parties to provide proof to support their claims. Article 186 of the Code gives judges extensive freedom to analyse evidence, enabling them to determine its integrity and significance in the current case.⁵¹⁹ Judges' discretion allows for comprehensive evaluations of the evidence, enhancing the integrity and transparency of judicial processes.

Qatar has significantly improved the transparency and accountability of its legal system through legislative and institutional reforms. The creation of the Judicial Supreme Council in 2006, responsible for supervising the justice system and guaranteeing judicial autonomy, demonstrates the state's dedication to enhancing judicial oversight processes.⁵²⁰ Qatar has also approved international human rights agreements, like the ICCPR, which require the country to maintain transparency and accountability in its legal system.

Ultimately, the concepts of judicial review in Qatar are based on constitutional and legal structures designed to promote transparency and accountability. The Qatari legal system aims to maintain the rule of law, protect fundamental rights, and ensure impartiality in judicial processes by applying these principles. Despite facing obstacles, Qatar is dedicated to improving the transparency and accountability of its domestic constitutional mechanisms, as shown by continuous legislative revisions and judicial rulings.

3.3 COMPARATIVE ANALYSIS FRAMEWORK

Commencing this investigation, the policy environment reveals itself as a constantly changing platform, where each action symbolises a unique aspect of the complex web of interactions between students and universities.⁵²¹ The initial policy implemented is a strategic mechanism that aims to handle the intricacies associated with conflicts between students and administrators. This policy aligns with Qatar's commitment to international human rights principles. The policy framework aims to ensure the procedural protection of

⁵¹⁸ Qatari Code of Civil and Commercial Procedure, Art 150.

⁵¹⁹ Qatari Code of Civil and Commercial Procedure, Art 186.

⁵²⁰ Andrew Dahdal and Francis Botchway, 'A Decade of Development: The Civil and Commercial Court of the Qatar Financial Centre' (2020) 34 Arab Law Quarterly 59, 73.

⁵²¹ Jane Knight and Qin Liu, 'Missing but Needed: Research on Transnational Education' [2017] International Higher Education 15, 16.

students' rights by providing a solid mechanism for resolving disputes that meet international standards for safeguarding human rights.⁵²² This policy demonstrates the State's dedication to creating an atmosphere that upholds the principles of justice and fairness rather than being solely bureaucratic.

It is crucial to analyse how this policy aligns with international human rights principles alongside the main research question. An exhaustive analysis of the policy's parameters is necessary to determine its compliance with essential human rights principles, such as procedural fairness, equity, and non-discrimination. Examining the details and evaluating the procedural safeguards included in this policy is necessary to ensure that students involved in administrative disputes are provided with a just and unbiased resolution process.⁵²³ Moreover, the policy should be evaluated regarding its inclusiveness, guaranteeing that it surpasses any discrimination and accommodates Qatar's varied student population.

To broaden the analysis beyond Qatar, the next step is to compare universities in Qatar, with the Universities of Gulf Cooperation Council (GCC) nations serving as a reference point. This enables a detailed assessment of how policies vary or align in addressing the complex dynamics of student-administrative disputes. An exhaustive examination of their methodology for ensuring procedural safeguards and compliance with international human rights principles offers invaluable perspectives on the diverse strategies employed by Gulf Cooperation Council (GCC) nations.

Dr. Nayyeri's observations underscore the significance of due process in administrative law, asserting that procedural fairness is a cornerstone of justice in all legal systems. In university environments, protecting students' rights through precise and uniform procedural protocols becomes crucial. Nayyeri's argument that procedural due process is more than a mere formality but a shield against arbitrary decision-making is particularly relevant in

⁵²² Majid Alabdulla and others, 'Human Rights as the Key Driver for Development of Learning Disability Services in Qatar' (2023) 136 *Research in Developmental Disabilities* 104480.

⁵²³ Arthur Money and Jane Coughlan, 'Team-Taught versus Individually Taught Undergraduate Education: A Qualitative Study of Student Experiences and Preferences' (2016) 72 *Higher Education* 797, 811.

Qatar.⁵²⁴ It implies that universities in Qatar must establish transparent and accessible procedures for conflict resolution, ensuring that students are fully aware of their rights and the available mechanisms for addressing their concerns. This alignment with Nayyeri's views underscores the importance of procedural safeguards in maintaining the legitimacy of administrative actions within universities.

Continuing easterly, the attention turns to Sultan Qaboos University in Oman. Oman's distinctive cultural and legal framework offers a captivating subject for study. An analysis of the policy landscape is necessary, focusing on how administrative dispute resolution mechanisms incorporate procedural safeguards for students' rights. The comparison with Qatar highlights regional disparities in applying global human rights principles, emphasising the necessity of a nuanced comprehension of how cultural subtleties impact policy dynamics.

Including Al Ain University in UAE introduces an additional level of intricacy to the comparative analysis. Iraq's education system has been profoundly influenced by its turbulent history. Examining how Al Ain University addresses the challenges of historical legacies and geopolitical dynamics is essential in ensuring procedural protection for students involved in administrative disputes. By comparing the policies of Al Ain University with those of Qatar, we better understand how historical context influences the development of policy frameworks.

Given Qatar University's prominent role in the local academic community, it is necessary to thoroughly analyse its policies regarding student-university administrative disputes. Examining the State of Qatar within a larger framework allows us to understand better how the country's policies are internally consistent. Analysing the conformity of Qatar University's policies with the national framework reveals the mutually beneficial connection between institutional and national-level policies.

⁵²⁴ Nayyeri M, “you Have the Right to an Attorney That We Approve of”: Right to Counsel under Iran's New Criminal Procedure Code' (*OHRH*, 14 July 2015) <<https://ohrh.law.ox.ac.uk/you-have-the-right-to-an-attorney-that-we-approve-of-right-to-counsel-under-irans-new-criminal-procedure-code-2/>> last accessed 30 April 2025.

The exploration further encompasses American campuses in Dubai, Bahrain, and Kuwait, each offering a distinct representation of the broader Gulf region. American universities, known for their transnational identity, bring a unique aspect to the comparative analysis. It is essential to thoroughly analyse the policies implemented by these institutions to determine how well they conform to international human rights principles and how they handle the intersection of global standards and local nuances.

The Arabian Gulf University is a central point in the region, attracting students from various backgrounds within the Gulf Cooperation Council. Comparing this institution with others allows for examining the trends in policy alignment or divergence in the Gulf region. Reviewing the policies that regulate student-administrative disputes at Arabian Gulf University reveals the challenges of reconciling different legal and cultural systems within a regional context.

Incorporating British universities, which are well-known for their commitment to established standards of academic governance, introduces a global viewpoint. Comparing policies between Qatari and British universities reveals potential areas of agreement and disagreement. It offers a perspective on how cultural, legal, and institutional differences affect the creation and execution of policies.

During the concluding phase of this extensive analysis, the attention is redirected towards Qatar, where the essential discoveries from the comparative investigation are briefly summarised. The complex network of policies, examined through the lens of the leading research question, becomes more apparent. The State of Qatar's approach to safeguarding students' rights in administrative disputes is a complex combination of international principles, national priorities, and institutional intricacies.

The application of global standards in Qatar's student/university administrative disputes is marked by careful adherence to international human rights principles. Over time, legislative frameworks have been modified to include international norms, establishing a basis for protecting students' rights.

The legislative advancements in the State of Qatar demonstrate a purposeful endeavour to conform to global human rights principles when dealing with conflicts between students and university administrations. Over time, legislative frameworks have been modified to include international norms, creating a solid basis for protecting students' fundamental rights. The thesis title, which centres around procedural protection, acts as a guiding principle for shaping legislative measures that guarantee due process, equitable hearings, and the availability of information in administrative proceedings.

The institutional policies of Qatari universities significantly influence the implementation of human rights principles. The codes of conduct, dispute resolution mechanisms, and awareness campaigns are carefully designed to uphold the rights of students and align with the overall model proposed in the thesis. The policies addressing power imbalances in administrative proceedings prioritise the implementation of procedural safeguards, such as due process, fair hearings, and access to information. This analysis emphasises the institution's commitment to the principles outlined in the thesis, contributing to a comprehensive framework for addressing administrative disputes fairly and justly.

The Qatari model demonstrates a solid dedication to innovative methods of resolving student/university disputes by actively utilising alternative dispute resolution mechanisms, such as mediation and arbitration.⁵²⁵ The effectiveness of these mechanisms is examined within the Qatari model's context, showcasing a commitment to international human rights principles while offering practical solutions for all parties involved. Employing alternative dispute resolution mechanisms enhances the accessibility and efficiency of the dispute resolution process, in line with the primary objective of protecting students' rights.

International collaborations and benchmarks are crucial in influencing Qatar's approach to student rights. The nation's involvement with international organisations, academic collaborations, and comparative studies enhances its comprehension of global exemplary methods. This study analyses the reciprocal connection between Qatar's educational

⁵²⁵ Mohamed Mattar, 'Combating Academic Corruption and Enhancing Academic Integrity through International Accreditation Standards: The Model of Qatar University' (2021) 20 *Journal of Academic Ethics* 119, 146.

model and the broader global conversation on student rights, emphasising the ever-changing nature of this interaction. Qatar's willingness to engage in international collaborations guarantees that its approach is influenced by changing global standards, thereby contributing to the continuous improvement of policies and practices by international human rights principles.

Furthermore, cultural factors profoundly impact the Qatari model, significantly affecting the implementation of human rights principles. The interaction between cultural nuances and fundamental human rights principles is investigated, particularly emphasising the complex difficulties involved in preserving this equilibrium within education. The Qatari model recognises the significance of respecting cultural differences while defending universal human rights. It also ensures a thoughtful and situationally appropriate method for implementing policies regarding conflicts between students and university administration.

The Qatari model significantly emphasises education and awareness initiatives, which are designed to empower students and administrative personnel by providing them with a comprehensive understanding of their rights and responsibilities. These initiatives aim to enable students and administrative personnel. An analysis is carried out to determine the extent to which these initiatives have contributed to the development of a culture within educational institutions that is conscious of and respectful of the rights of individuals. This analysis contributes by contributing to the active involvement of universities in the prevention and resolution of disputes. The educational community can be effectively informed about their rights and responsibilities if education and awareness initiatives are incorporated into the system. The stakeholders are encouraged to adhere to human rights principles and cultivate a culture of mutual respect by implementing this approach.

Qatar's model inherently incorporates mechanisms for continuous evaluation and improvement. Qatar's commitment to continuously improving its framework is evident through carefully examining processes used to monitor and evaluate the effectiveness of policies and procedures. This analysis critically evaluates the role of feedback loops and evaluation criteria, highlighting how Qatar's commitment to ongoing enhancement

strengthens its status as an exemplar for implementing international human rights principles in student/university administrative disputes. The iterative process of assessment and enhancement guarantees that the Qatari model remains flexible in response to the changing demands of the educational environment, thereby strengthening its effectiveness in upholding principles of human rights.

3.4 DISCIPLINE

Discipline derives from the Latin term “discipulus, ” meaning that students should follow instructions. In other words, to be disciplined is to obey the rules and be submissive to a higher power.⁵²⁶ Discipline is typically utilised in environments with a clearly defined chain of power, such as the church or the armed forces. Therefore, in the current context, academic discipline can be defined as "particular and rigorous instruction that will ensure that the students are educated in such a way that they can learn and benefit the society in the long term".⁵²⁷ The concept of 'discipline', according to Michel Foucault, is part of a political power that enforces particular norms while excluding those that stray from them; in this line, it can be argued that students who can follow the guidelines and codes provided by the Universities will be able to continue their studies whilst those who cannot comply with the said regulations would, in turn, find themselves expelled from the institutions.⁵²⁸ Consequently, when creating sets of codes of conduct or by-laws, the Universities should bear in mind certain elements such as (i) the relationship between the student and the institution, (ii) academic principles that are aligned with the law of the land, finally (iii) provide for adequate freedom for the student. As Pierre Bourdieu argues in his study, there is enough link between discipline and power. Therefore, the university should use its powers to ensure students comply with the required disciplines.⁵²⁹

⁵²⁶ James Chandler, "Introduction: Doctrines, Disciplines, Discourses, Departments" (2009) 35 Critical Inquiry 729, 746.

⁵²⁷ Johan Muller and Michael Young, "Disciplines, skills and the university" (2013) 67 Higher Education 127, 140.

⁵²⁸ Michel Foucault, *Discipline and Punish* (Random House US 2012).

⁵²⁹ Pierre Bourdieu, "Participant Objectivation*" (2003) 9 Journal of the Royal Anthropological Institute 281,294.

Although Richard Whitley offers us a similar concept of disciplines, his emphasis is less on the formal machinery of degree-granting.⁵³⁰ In many aspects, 'intellectual fields' resemble disciplines in that they are separate and well-defined institutions that oversee the conduct of research. Intellectual sectors, however, are not invariably the same as occupational or educational unit borders.⁵³¹ Although the term 'intellectual fields' encompasses activities outside of academia, it relates to social and organisational structure with the term "discipline."

3.5 THE UNIVERSITY'S RELATIONSHIP WITH ITS STUDENTS

All universities are subject to the law of the land and subsequently may make their by-laws or charters for their establishment and administration based on the domestic and international law that binds their countries. That said, it has been identified that there are two types of institutions, namely (i) public ones and (ii) private ones. A university would be considered a public body when it is constituted by law (legislation) when the government funds its operations.⁵³² On the other hand, private universities merely provide services on a contractual basis but may still have to follow the law of the land. To prevent human rights violations, the university's 'public' categorisation is designed to force it to operate within the parameters of its enabling law.⁵³³ A university can develop academic programs in the diploma, bachelor's, master's, and doctorate or any other educational program, with the authority to determine who can participate and on what terms and circumstances.

Several authors contend that if the university's educational and learning goals are met, the institution should be given complete control over who may teach, what may be led, how it can be taught, and who can be allowed to study.⁵³⁴ For a university to carry out its duties, it must have the authority to give certificates, which confers on its academic independence or

⁵³⁰ Richard Whitley, *The intellectual and social organization of the sciences* (Oxford University Press 2006).

⁵³¹ Richard Whitley, *The intellectual and social organization of the sciences* (Oxford University Press 2000).

⁵³² Malcolm Tight, "Changing Understandings of 'Public' and 'Private' in Higher Education: the United Kingdom Case" (2006) 60 *Higher Education Quarterly* 242, 256.

⁵³³ Brinley. Franklin, "The Privatization of Public University Research Libraries" (2007) 7 *portal: Libraries and the Academy* 407, 414.

⁵³⁴ Joseph J. Domask, "Achieving goals in higher education" (2007) 8 *International Journal of Sustainability in Higher Education* 53, 68.

institutional autonomy.⁵³⁵ When a student is enrolled in a university's educational program, an educational certification is provided at the end of a successful course.⁵³⁶ One of any country's most valuable assets is the student who has been accepted into a university and has completed the matriculation ceremony, which raises the element of the legal contract between a student and the university.

The state, the university, and the professor owe it to the student to defend their right to enrolment, which the student holds in the equation of institutional autonomy.⁵³⁷ University students are contractually bound to their institution; courts have established or suggested provisions to justify their rulings.⁵³⁸ Therefore, if the university regulations provide for specific responsibilities, the student will have to abide by them; failing which, the latter will be considered in breach of contract and may be expelled.

Mutual understanding and expectations are the bedrock of any contractual partnership. Events such as the student's application for admission, the institution's approval, the payment of the requisite fees by the student, and their final enrollment constitute the contractual component.⁵³⁹ More so, the student expects the institution to treat him properly, which means no additional academic requirements for enrolment, no unfair grading, and no sudden increases in tuition.⁵⁴⁰ It is the student's responsibility to abide by the institution's academic and non-academic policies. To understand this connection between universities and their students, it is necessary to examine their standard form agreements, which feature

⁵³⁵ Amanda Fulford, "Contracting with students: Re-thinking Higher Education as invitation to treat" (2019) 74 Higher Education Quarterly 63, 74.

⁵³⁶ Aikaterini Koskina, "What does the student psychological contract mean? Evidence from a UK business school" (2013) 38 Studies in Higher Education 1020, 1036.

⁵³⁷ Shirambere Philippe Tunamsifu, "Twelve years of judicial cooperation between the Democratic Republic of the Congo and the International Criminal Court: Have expectations been met?" (2019) 19 African Human Rights Law Journal 105, 125.

⁵³⁸ Curtis J. Berger and Vivian Berger, "Academic Discipline: A Guide to Fair Process for the University Student" (1999) 99 Columbia Law Review 289, 364.

⁵³⁹ Lee Adam and others, "'It's not fair': policy discourses and students' understandings of plagiarism in a New Zealand university" (2016) 74 Higher Education 17, 32

⁵⁴⁰ Sara Kupferer and others, "Student Handbooks: Are They Legally Binding Contracts?" (2011) 13 Journal of Campus Safety and Development 11, 14.

negotiating inequalities.⁵⁴¹ The possibility of the university extending the student's duties beyond his matriculation commitment has been established, and the next section examines whether students have the right to a fair trial in the circumstances.

3.6 OVERVIEW OF DISCIPLINARY ACTIONS

Court proceedings in which the facts are resolved are known as trials. Thus, the truth is sought through an investigation of witnesses or documents or both, and a finding or judgment is rendered in the matter at hand.⁵⁴² This analogy can be used to explain that the university's in-house disciplinary body is where the trial begins in this case. More so, the student disciplinary board is responsible for handling disciplinary matters. However, students can appeal to the university's appeals board.⁵⁴³ Suppose the disciplinary committee and the appeals board do not resolve a student's grievance. In that case, they may take the matter to court for judicial review or send the matter for arbitration.

Due to the severity of the penalties for the student, a student's dismissal from university might be equated to the academic equivalent of death punishment; in other words, this can spell the end of one's dreams for an academic career. Suspended students are denied academic freedom regarding the right to access facilities and modern teaching with a free exchange of ideas between the professor and students and a general guide in his studies, research, and information resources. Based on the ILO/UNESCO recommendation, suspensions should be seen as a last resort to not deprive the students of their right to education.⁵⁴⁴

As one of the four pillars of academic freedom, the right to decide who can be allowed to study is crucial. For example, in the United States, it is understood, based on *Ewing v. Board*

⁵⁴¹ John Friedl, "Punishing Students for Non-Academic Misconduct" (2000) 26 Journal of College and University Law 701, 726.

⁵⁴² Valesca Lima and Miriam Gomez, "Access to Justice: Promoting the Legal System as a Human Right" [2019] Encyclopedia of the UN Sustainable Development Goals 1, 10.

⁵⁴³ Sharon Gedye and others, "Damage Limitation: Learning Lessons from Complaints and Appeals Staff on the Handling of Student Grievance" (2019) 34 Higher Education Policy 520, 539.

⁵⁴⁴ Kwadwo Appiagyei-Atua, "Students' academic freedom in African universities and democratic enhancement" (2019) 19 African Human Rights Law Journal 151, 166.

of *Regents of the University of Michigan*⁵⁴⁵, that a student's contractual connection with a school confers a property interest, which is shielded against dismissal without due process under the Constitution. When a university has complete control over who can and cannot continue as students, it also has full control over who can and cannot be dismissed.⁵⁴⁶

There are two aspects to the defence of a student's right to a fair trial. Only if a student has violated an established rule that necessitates such severe punishment may a university use the substantive component of this obligation to suspend or remove him for disciplinary reasons.⁵⁴⁷ Procedural questions such as how, when, and before whom the university must show the violation and what assistance the student can seek in defending the allegations against him are addressed in this second component. It is the preservation of the student's right to an education and the right to a fair trial.⁵⁴⁸

The principles of natural justice or procedural fairness are recognised as the procedural dimension of a fair trial. The statute gives courts, independent and impartial tribunals, the authority to examine administrative activities and to implement administrative justice rights under the Act. To ensure that choices taken by administrative bodies align with the purposes for which they were granted authority, the *Supreme Court in S. v. Makwanyane*⁵⁴⁹ ruled that state action must be able to be logically assessed and justified.

In the case of a judicial review, the records help the institution prove the fairness of the procedures in front of the court. A student's right to a fair trial necessitates the student's right to a copy of all proceedings and the final judgment. When he hands over copies to his legal team, it becomes clear if he intends to file a review application in-house or in court. *Trahms v Columbia University*⁵⁵⁰, a case in which the court declined to accept the school's

⁵⁴⁵ *Regents of Univ. of Mich. v. Ewing* - 474 U.S. 214, 106 S. Ct. 507 (1985).

⁵⁴⁶ James M. Picozzi, "University Disciplinary Process: What's Fair, What's Due, and What You Don't Get" (1987) 96 The Yale Law Journal 2132, 2161.

⁵⁴⁷ Rodriguez Del Pozo P and others, 'The Convention on the Rights of Persons with Disabilities (CRPD) and Qatar's Domestic Legislation: The Potential Impact on the main legal domains' [2017] The Age of Human Rights Journal 18, 48, .

⁵⁴⁸ Liisa Laakso, "Academic Mobility as Freedom in Africa" (2020) 47 *Politikon* 442, 459.

⁵⁴⁹ *State v Makwanyane*, 1995 (3) SALR 391.

⁵⁵⁰ *Trahms v. Tr. of Columbia Univ.*, 666 N.Y.S.2d 150 (N.Y. App. Div. 1997).

merger and disconnected records because they were insufficient to justify a review; the right to hear the transcript and to ask for explanations helps ensure that the trial procedures are open so that a perpetrator may be convinced that they merit their punishment without having to approach a court for a judicial review. Laws and rules must be enforced to ensure a fair trial.

More so, the objective of cross-examination is to establish the credibility of a witness. Witnesses may have hidden or unexplainable biases, prejudice, or ulterior intentions relevant to the matter.⁵⁵¹ At trial, witnesses' biases are exposed and can significantly impact the credibility of their evidence.⁵⁵² Due process requires that witnesses be cross-examined, although this is not universal. After a hearing on a case of non-compliance with school regulations in *Gorman v. University of Rhode Island*⁵⁵³, a college student was suspended for a year. The panel agreed to allow him to interview witnesses who were critical of him in the case. However, he was turned down when he tried to inquire about the prejudice of other staff members. When he applied for judicial review, the court ruled that the right to unrestricted cross-examination was not an essential condition of due process in school disciplinary matters⁵⁵⁴. An anomaly has been noticed in which the right to cross-examine witnesses has been lost when the perpetrator is not present when evidence and testimony are presented against him.

An individual student's rights extend beyond the opportunity to address a panel in person. Disciplinary committees or even the courts do not consider self-serving testimony by a perpetrator or defendant but rather the testimony of witnesses with less interest in the defendant.⁵⁵⁵ Although there is a fear that witnesses testifying in support of students in

⁵⁵¹ Sara O'Toole, "Campus Sexual Assault Adjudication, Student Due Process, and a Bar on Direct Cross-examination" (2018) 79 University of Pittsburgh Law Review 511, 543, .

⁵⁵² Stanley L. Brodsky and Ekaterina Pivovarova, "The Credibility of Witnesses" [2016] The Witness Stand and Lawrence S. Wrightsman, Jr. 41, 52.

⁵⁵³ *Gorman v. University of Rhode Island*, 837 F.2d 7, 12 (1st Cir. 1988).

⁵⁵⁴ Richard Fossey and Todd DeMitchell, "Doe v. Baum: The Sixth Circuit Reiterates that Students Accused of Sexual Assault Are Constitutionally Entitled to Confront Their Accusers at University Title IX Disciplinary Hearings" (2018) 60 School Law Reporter 189, 191.

⁵⁵⁵ Lisa Tenerowicz, "Student Misconduct at Private Colleges and Universities: A Roadmap for "Fundamental Fairness" in Disciplinary Proceedings" (2001) 42 Boston College Law Review 653, 693.

administrative tribunals will be intimidated, this is not always the case. It should be noted that the university and instructors can instil fear and intimidation in students under certain conditions.⁵⁵⁶ Students should be disciplined by the rule of law, not as a last resort to punish a misbehaving pupil.

An administrative procedure in a democratic state must include a right to reason.⁵⁵⁷ It is more accessible for the individual impacted by a decision to assess his chances of success in a legal challenge if he understands its reasoning. Students who feel they have been wronged should use their right to reason as a guide in pursuing compensation. This was stated in *Katofa v Administrator-General for Southwest Africa & Another*⁵⁵⁸, in which a court ruled that the detainee and the court were entitled to know why they were being kept. To maintain structural equality in the student-university relationship, an undergraduate student may only request accommodations based on legitimate educational needs.⁵⁵⁹ In a tense and fear-inducing environment, a guilty party is obliged to accept a punishment that is unfair to him.⁵⁶⁰ It is envisaged that institutions would no longer use ace cards to store information critical to creating students' rights.

Judicial review is initiated only if certain circumstances are met. For example, if someone is harmed by administrative action, they must first file a complaint with the proper administrative body, after which they can file a judicial review.⁵⁶¹ Students accused of wrongdoing are constrained by the fact that they must turn to the same university and the same faculty members who made the accusations in the first place. Representatives of the students' union have little negotiating power when it comes to representing students' rights

⁵⁵⁶ Klaus Beiter and others, "Academic Freedom and Its Protection in the Law of European States; Measuring an International Human Rights" (2016) 3 European Journal of Comparative Law and Governance 254, 345.

⁵⁵⁷ Paul Carrington, "Civilizing University Discipline" (1971) 69 Michigan Law Review 393, 418.

⁵⁵⁸ *Katoja v Administrator-General, South West Africa, and Another* [1985] 4 SA 211.

⁵⁵⁹ Jeffrey J. McNally and P. Gregory Irving, "The Relationship Between University Student Commitment Profiles and Behavior: Exploring the Nature of Context Effects" (2010) 17 Journal of Leadership & Organizational Studies 201, 215.

⁵⁶⁰ Tobias Thienel, "The Admissibility of Evidence Obtained by Torture under International Law" (2006) 17 The European Journal of International Law 349, 367.

⁵⁶¹ Petra Bárd, "The rule of law and academic freedom or the lack of it in Hungary" (2018) 19 European Political Science 87, 96.

on disciplinary panels.⁵⁶² As a result, students have little faith in the system's ability to resolve conflicts.

The Court in *LC v Dale College Boys Primary School and others*⁵⁶³ concluded that the legislative provision on exhaustion of internal remedy was required. Due to the plaintiff's rejection of entry, a lawsuit was filed. On an international level, many African university rules and regulations do not specify what constitutes wrongdoing and, hence, have not been helpful. The university's policies must determine how misbehaviour will be handled in the student-university relationship.⁵⁶⁴ Most contract claims filed in academic challenge cases are based on institutions extending students' duties beyond what was stated in the university catalogue and other official materials at the time of enrollment. There are, however, instances in which students have been enrolled and registered based on original requirements only to have their admission and registration revoked.⁵⁶⁵ Students who cannot pay the rising tuition and other fees are forced to drop out of school. New governments commonly implement policies restricting academic freedom for universities, professors, and students.⁵⁶⁶ Most colleges in Africa are formed, owned, and operated by a particular country's government, contributing to their instability in educational programs.

The authorities should not be able to manipulate an act that might end one's academic career unless it is clearly stated, plain, unambiguous, and ascertainable. Disciplinary committee members believe that at most institutions, punishments for misbehaviour or alleged misconduct are outlined in a written document, although this is not always true.⁵⁶⁷ Legal documents prohibit imposing a greater responsibility and liability than what was in

⁵⁶² P Du Toit and G Pienaar, "Korporatiewe Identiteit as die Basis van Strafregtelike Aanspreeklikheid van Regspersone (2): Die Praktyk" (2011) 14 Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad 96, 226 .

⁵⁶³ *LC v Dale College Boys Primary School and others* 2012(2) All SA 224.

⁵⁶⁴ Chris Baumann and Hana Krskova, "School discipline, school uniforms and academic performance" (2016) 30 International Journal of Educational Management 1003, 1029.

⁵⁶⁵ Albert Schweiter, "Schweizer and Moral Education" [2011] Albert Schweitzer's Legacy for Education 89, 105.

⁵⁶⁶ Lena Adamson, "Political Interference in Higher Education Quality Assurance. The Swedish Case" (2016) 33 *Επιστήμη και Κοινωνία: Επιθεώρηση Πολιτικής και Ηθικής Θεωρίας* 115, 145.

⁵⁶⁷ Sandra Nadelson, "Academic Misconduct by University Students: Faculty Perceptions and Responses" (2007) III University of Michigan Library 1, 16.

place at the time of contract creation; this promotes the discretion of chancellors regarding student discipline.⁵⁶⁸ To guarantee that students have a fair trial, there must be a thorough code of conduct or catalogue of acts of misbehaviour that students can foresee and that is consistently enforced.

In defiance of legal advice, management challenges a student's right to seek judicial review.⁵⁶⁹ When a university official is involved in a breach of students' right to a fair trial, the officer is not punished; he does not lose any promotion, resources, or job security. To ensure that students are afforded the best possible opportunity for a fair trial, it is observed here that the university's management staff must be held accountable. For appropriate trial protections to be adequate, both individual and group accountability must be imposed on offenders.

Human rights are enshrined in a constitution or a bill of rights as an interpretive guide, a monitoring tool, and a means to enforce rights better. When minimal political interference in a university's intellectual life, academic freedom can be achieved.⁵⁷⁰ Courts have been given the authority to intervene to ensure that state residents and university students are protected against violations of their civil liberties. At every level of government and administration, the right to a fair trial is being eroded. The shifting political agendas of successive administrations hinder academic independence.⁵⁷¹ Due to the university's lukewarm approach, students lose their intellectual freedom and right to a fair trial. The universities' rules and regulations do not include all of the law's requirements. Gaps and omissions have been found in university regulations, giving university officials impunity, which harms students' rights to due process.⁵⁷²

⁵⁶⁸ S Okoroma, "Educational policies and problems of implementation in Nigeria" (2006) 46 Australian Journal of Adult Learning 244, 263.

⁵⁶⁹ Mariolina Eliantonio, "Judicial Review in an Integrated Administration: the Case of 'Composite Procedures'" (2015) 7 Review of European Administrative Law 65, 102.

⁵⁷⁰ Garcia R, Chaiprasert K and Velasquez K [2020] Academic freedom: Intellectual integrity in times of institutional change 1.

⁵⁷¹ Adela Coman and Cătălina Bonciu, "Universities as Political Institutions" (2015) 6 Mediterranean Journal of Social Science 9, 16.

⁵⁷² Reecia Orzeck, "Academic Freedom, Intellectual Diversity, and the Place of Politics in Geography" (2012) 44 Antipode 1449, 1469.

Legal inconsistencies allow the university to exploit students' rights to a fair trial by exploiting loopholes and omissions within university norms and regulations.⁵⁷³ Because of the absence of political will and the impunity of universities, the courts intervene to make amends under judicial review.⁵⁷⁴ Student rights are tested due to a lack of access to justice due to a lack of knowledge and financial resources. In the few instances that make it to the courts, they take too long to resolve. Justice delayed is justice denied for disadvantaged students who rely on the courts as their only hope for justice.

3.7 OVERVIEW OF ACADEMIC PROCEDURES IN PUBLIC UNIVERSITIES OF GULF STATES

3.7.1 UNIVERSITY OF THE UNITED ARAB EMIRATES PROCEDURES

For the University of the United Arab Emirates, there will be consequences for any students who violate the Student Code of Conduct or any other University directives. To ensure that every student adheres to university standards and professionally conducts himself, they must sign a "Letter of Commitment" upon their arrival at the university.⁵⁷⁵ According to this letter, cheating and other significant misbehaviour might result in removal from the university. The Student Affairs Deanship and faculty members must inform students about the Code of Conduct and the considerable repercussions of unprofessional behaviour and academic and non-academic misbehaviour.

Students accused of violating the Code are informed of their rights under due process. The following procedural safeguards are available to them: A notification is delivered to the student if it is judged that he or she will be charged with a breach of the Code. In the Notice of Charges, a student is informed of the provisions of the Code for which they are accused

⁵⁷³ P Du Toit and G Pienaar, "Korporatiewe Identiteit as die Basis van Strafregtelike Aanspreeklikheid van Regspersone (2): Die Praktyk" (2011) 14 Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad 96, 226.

⁵⁷⁴ Paul Craig, "Political constitutionalism and the judicial role: A response" (2011) 9 Oxford University Press and New York University School of Law 112, 131.

⁵⁷⁵ Keith Sharp, "The distinction between academic standards and quality: implications for transnational higher education" (2017) 23 Quality in Higher Education 138, 152.

of flouting the school regulations. Within six months of a student's dismissal or withdrawal from the university, the university may initiate charges against a former student for violations committed while they were a student. If a student commits academic dishonesty or fraud to get a degree, the University retains unlimited jurisdiction over such matters.

Students accused of violating the Code are assumed innocent unless they acknowledge guilt or a hearing is held to decide otherwise. A student's case may be resolved without their participation. If a student cannot attend, the hearing body may proceed without them. Despite a student's absence at a hearing, the hearing body's conclusions will be binding and enforceable. If one has been accused of breaching the Code, they will have the right to argue in writing, verbally, or by providing evidence before a hearing officer or panel. Students must speak for themselves. It is possible, however, for them to seek the assistance of another individual during the official or informal phase of the process.

Before the hearing, a written notice will be sent out to all parties involved. Notification of the charges, date and venue of the hearing, the appointed hearing officer or panel, and information on the student's rights shall be included unless the student has previously received it. The hearing must be attended by all parties involved. Decisions made in writing that justify disciplinary penalties. The student will receive a written judgment from the hearing officer containing the sanction(s), if any, that will be applied. Students could appeal penalties judgments to the Signatory Authority, which has jurisdiction over disciplinary matters.

Academic dishonesty allegations can be presented to the appropriate Dean, who will investigate further through a fact-finding panel that they select from among faculty members who are not involved in the investigation.⁵⁷⁶ Additionally, the hearing panel may investigate the claims if there is sufficient evidence to back them up. Under relevant regulations, the University Registrar is the principal administrator responsible for starting disciplinary actions in situations of academic record and document fabrication. Students

⁵⁷⁶ Kamel Fantasy and Alaa-Aldin Abdul Rahim A. Al Athmay, "Ethics and religion in higher education" (2014) 24 International Journal of Commerce and Management 180, 196.

may be charged with non-academic behaviour offences by presenting a formal complaint to the immediate supervisor. The complaint must have enough information to allow for an appropriate investigation of the claimed acts of misconduct, such as particular names, dates, locations, and descriptions.

One can make an allegation of academic dishonesty to the appropriate Dean, who will examine further through a panel of independent faculty members appointed by the Dean. Additionally, the hearing panel may investigate the claims if there is sufficient evidence to back them up. Falsification of academic records and documentation can be punished under relevant university rules. The chief administrator is the University Registrar. Students might be charged with non-academic behaviour offences by presenting a formal complaint to the immediate supervisor. The complaint must have enough information to allow for an appropriate investigation of the claimed acts of misconduct, such as particular names, dates, locations, and descriptions.

To encourage students to take responsibility for their conduct, the disciplinary processes are structured to allow for fact-finding in the framework of an educational community and urge students to accept responsibility for their activities. The goal is to ensure that students' rights and the university's legitimate interests are adequately protected. Faculty members may conduct panel hearings for violations of academic honesty, whereas administrative hearings for non-academic infractions of the Code may be performed by staff personnel (s). First, an investigation session is held with the violating student to identify how much of a role he plays. Second, students are given a three-day notice before the start of the initial investigation session. If they do not attend the session, they'll be referred to the Students Disciplinary Board to resolve the allegations against them. If the first inquiry reveals that the claims against the student are unfounded, the person in charge of the investigation may dismiss them. In this scenario, the complainant can appeal the judgment to the Dean of Student Affairs. Third, the first inquiry may be concluded by signing a disciplinary agreement between the student and the investigator, suspending disciplinary actions, including a referral to the Students Disciplinary Board, and strengthening the student's appeal right. A student's case will be sent to the Student Disciplinary Board within five working days of the

initial inquiry session unless the student presents an appropriate cause to explain this extension.

The College Dean will convene a hearing committee of three College faculty members to undertake a preliminary inquiry after receiving a case report from the concerned academic or staff member or a complaint from a student. The Dean shall transmit the Committee's findings to the Provost, who may forward the matter to the Student Disciplinary Council for a formal inquiry if the preliminary investigation decides that the accusation has sufficient substance to justify a formal investigation. When a student is accused of breaking the Student Conduct Code, the Dean of Students has the authority to form an inquiry committee. There will be a three-person committee that will be at the discretion of the Dean.

There are at least (10) ten working days before an investigation session in which students are informed of the accusation and the date. After completing the inquiry, the committee must submit a formal report to the Dean of Students within ten working days. Within (10) 10 working days of receiving the report, the Dean of Students must notify the student in writing of their decision and, if the student has been found to have breached the Code, the consequences that will be applied to them. If a student wishes to appeal the decision, they must do so within (10) 10 working days of the day they were informed of the decision. The Vice Chancellor's decision shall be conveyed to the student within (10) working days and is final.

Within five (5) days of obtaining a copy of the disciplinary judgment, any student may file a written appeal to the Provost to overturn the decision, regardless of which department issued it. One or more of the following grounds can be used as the basis for an appeal:

- The University's by-laws prescribed disciplinary measures that had not been followed.
- The discovery of fresh evidence substantially influences the outcome of the case.
- The inconsistency between the disciplinary penalty and the infraction.

- A letter submitted to the Dean of Students Affairs can be used to challenge punishment imposed by a party other than the disciplinary board.
- When a well-founded appeal is received, the DVC reviews the incident file and renders a final written decision within 14 days of receiving the file, depending on the case's specifics. If applicable, an official copy of the final decision is delivered to the student and person who submitted the complaint.
- Restrictions for a short time

3.7.2 SULTAN QABOOS UNIVERSITY PROCEDURES (OMAN)

SQU's credit system requires students to obtain a certain amount of credits each semester, contributing to the total number of credits needed to graduate from their College/Major. With the credit system, students can pursue their university education in line with their degree plans, which define the academic requirements of the University and College and verify the selection of optional courses required for the Major. The credit system allows students to pursue an educational plan tailored to their talents and circumstances. To withdraw from the University, a student who fails to satisfy the terms and conditions of academic probation or has been disciplined is necessary.

Disciplinary measures under the University's Code of Conduct⁵⁷⁷ may include, for example, (i) behaviours which tend to interrupt the University's cultural, literary, and other programs, (ii) dishonourable acts that defy morality, ethics, or religion, and (iii) threatening or assaulting any member of the University community. The Dean of Admissions and Registration will issue a withdrawal notice to the student after receiving clearance from the relevant Deans and the Vice-Chancellor. Uncompleted courses will be marked with a 'W' in the student's academic record, and the grades will be recorded appropriately.

⁵⁷⁷ Sultan Qaboos University, "SQU Policy, Regulation, and Procedures" (Oman 2021), Governance & Management.

A student must first be granted permission to withdraw from the university for academic reasons. Second, Disciplinary Requirement for Withdrawal from the University. Students' academic records are safe with Sultan Qaboos University, which takes privacy seriously. The "Permission to Distribute Academic Information Form" allows students to provide permission for Sultan Qaboos University to release their academic information to their parents, guardians, or sponsors. Transcripts, attendance, probation, and other difficulties that might lead to a student's departure from the university are examples of academic information that may be shared. Parents, guardians, and sponsors of students with academic concerns that prevent them from re-registering or continuing their studies will be informed of the situation by default.

Students who engage in academic dishonesty face a range of punishments, from failure to complete the course to removal from the university due to their actions. Deception or dishonesty is academic misconduct to acquire an educational edge or profit. It will be documented if a student is found guilty of any of the following acts of academic misconduct. One or more of the following sanctions may be imposed as a written notice which provides for the suspension from the University for a specific term expulsion from the University downgrading of an assignment or examination 'F' grade awarded to the assignment or examination.

3.7.3 AL AIN UNIVERSITY

First President Sheikh Zayed Bin Sultan Al-Nahyan led the establishment of Al Ain University. This was in response to the difficulties posed by the rapid advancement of technology and the proliferation of mass media in the twenty-first century and to provide the UAE's citizens with a solid foundation in knowledge and science.

Consideration was also given to Federal Law No. (4) of 1992, when the Ministry of Higher Education and Scientific Research was created. The MOHESR's "Standards for License and Accreditation" 2003 were also considered. All research for this educational monument with its unique vision had been completed, and a constructive philosophy and a creative mission

had been formed. Al-Ain University was founded in 2004 per the MOHESR's requirements. The handbook provides that under the following situations, students may appeal for an outcome to be changed⁵⁷⁸:

- When final grades are announced, students must submit an appeal form to Admission and Registration within five working days.
- Admission and Registration will send the appeal form to the college that teaches the course. The institution will respond within seven days of receiving the form.
- The college Dean assembles a team of three faculty members to review the final test paper. The course teacher provides an answer key for students to use as a reference for revising.
- Course instructors repair mistakes after receiving clearance from their dean and submitting their findings to the Admission and Registration Unit and Registrar General.

The Deans Council establishes a Student Appeal Committee at the beginning of each academic year. This committee can hear student appeals on matters not explicitly addressed by the university, such as complaints against another student or the institution.

After that, the President forwarded the appeal to the Appeals Committee for further consideration. The Committee's chair called a meeting to discuss the appeal.

A statement from the appellant is summoned by the Committee's Chairperson, who calls the student to testify. The student and the chair sign the minutes of the meeting. In front of the committee, the student has the right to report on any facts they wish, including requesting witnesses to the incident ascribed to them. A student appeals committee can question anyone who can assist in an inquiry. Then, all of the relevant papers are reviewed, and a final report is drafted and signed by all of the members of the Committee. Voting is

⁵⁷⁸ Al Ain University, "Student Handbook" (Al Ain University of Science and Technology 2021), University Regulations.

used to determine the committee's final decision, which is made public. As a final step, the chairperson presents the recommendations and the supporting paperwork to the university's president. The Deans Council has the final say on whether the committee's suggestion is accepted or rejected.

3.7.4 Qatar UNIVERSITY PROCEDURES

All students at QU must adhere to the Student Code of Conduct. Student Code of Conduct and its processes are made clear to all students when they register. Furthermore, students know the ramifications of violating these norms, whether the infractions are academic or not. Students who represent the University at an off-campus event, such as a conference, a sports event, a club activity, etc., must follow this code.⁵⁷⁹

As a university, QU expects students to behave according to its high standards in their interactions with faculty, classmates, staff, and the larger university community.⁵⁸⁰ Furthermore, students at QU are expected to conduct themselves maturely and responsibly in their interactions with others. Every student at QU is expected to accept the duties and expectations of being a part of the university community. As a result, students are urged to refrain from engaging in conduct that jeopardises their integrity or that of QU. This freedom is relinquished if it infringes on the rights of others, even though the university encourages its students to express themselves in this way. Students must follow the guidelines listed below in academic and non-academic areas.

According to the appropriate laws, ordinances and regulations, the student must adhere to the following expectations: Attendance at all required educational and academic events, such as lectures, seminars, tests, and other assessments, in line with any applicable rules and regulations. Depending on the following factors, the appropriate authorities to investigate academic infractions may or may not be involved: Article (4) of these regulations allows the course teacher to take necessary measures for academic infractions in paragraphs (1) to (3). In addition to articles (4) to (6), the college's dean may take necessary

⁵⁷⁹ Qatar University, "Student Handbook" (Qatar 2021), University Regulations.

⁵⁸⁰ Khalifa Alhaza and others, "Factors affecting university image among undergraduate students: the case study of qatar university" (2021) 8 Cogent Education 1, 26.

action in collaboration with the Student Affairs Committee of the relevant college for academic infractions that fall within the course instructor's authority. All clauses of Article (4) of these bylaws may be examined by the President of the University and the VP in charge of the case. If an academic infringement is discovered, the following is who is responsible for the punishment:

The course instructor has the authority to apply any of the consequences outlined in Article (7) of these regulations, from clauses (1) to (3).

The College's Student Affairs Committee may propose any consequences listed in Article (7) of these bylaws to the concerned Dean. The Disciplinary Committee may recommend to the relevant VP that the matter be closed or that any of the consequences listed in Article (7) of these regulations be imposed.

Students may file a grievance against the decision within ten working days of receiving notice before a grievance committee that the president will establish and require. During the autumn and spring semesters, the committee must decide on the grievance within ten working days after receiving it. Decisions will be final if the student does not submit a grievance within the prescribed time frame.

In situations reported to the Disciplinary Committee by the concerned Vice President, the committee is charged with investigating to determine what kind of punishment is warranted. There are five members of the Disciplinary Committee, two of whom must be university professors and one from the Student Affairs department; the committee has a secretary who keeps minutes of meetings but does not have the power to vote. On the recommendation of the concerned Vice President, the president appoints members of the Committee and the Committee's secretary.

The Disciplinary Committee's meetings are invalid unless at least three members are present. A simple majority of its members make the Committee's decisions. If there is a tie vote, the chairperson's side view will prevail. QU's longest-serving faculty member serves

as chair in the case of a committee member's absence or expulsion, which the committee must notify the relevant VP of within three working days.

Members of the Disciplinary Committee have two-year terms that can be renewed simultaneously. The Committee's meetings are private, as stated in Article (24). After investigating the alleged infraction, the Committee formulates its recommendations.

Article (25) The student suspected of a crime shall appear at all investigations and hearings to which he is summoned when summoned. If a student does not attend class, the Committee can hold him accountable and impose the necessary penalty, even if the student has been given written notice by e-mail. A student can be cross-examined, even if the information is secret, as long as it is relevant to the inquiry, according to Article (27).

If the Committee's suggestions are accepted, they must be signed by both the Committee Chair and the Committee members and delivered to their respective Vice Presidents for approval. If a student is found guilty of academic misconduct, the faculty member must fill out a specific form and include all pertinent information about the incident. This form must be filled out and sent to the teacher if there is a violation during an exam, including all necessary information.

Three working days after an occurrence, the course instructor must contact the department head and explain what steps were taken. Suppose the faculty feels it appropriate to do so. In that case, they may issue disciplinary sanctions, in which case all relevant documentation will be sent to the Dean's office and preserved in the student's file. The Dean of the college must be notified within three working days following the submission of the infraction to the Head of the Department.

Afterwards, the college's Student Affairs Committee prepares a report detailing its findings to the Dean of Students, who is informed of the investigation's conclusions. Upon examining the college's Student Affairs Committee report, the responsible dean may suggest the appropriate discipline if this sanction fits within the authorities granted to him in Article 3 of the Code of Conduct (14). If he determines that the penalty falls outside his jurisdiction, he

shall forward the report to the appropriate Vice President within five working days of receiving it.

Documents relating to this case will be sent to the appropriate Vice President by the Dean's recommendations for disciplinary action. If the dean makes a recommendation, the Vice President in charge of that division can either accept it or submit the matter to the University Disciplinary Committee. It is the responsibility of the supervising staff to document any non-academic infringement committed by a student by Article (31) of this document.

Within three working days of the occurrence, the supervisory employee must tell the management in charge of the situation of all steps taken. Suppose an employee feels empowered to do so. In that case, they may recommend a disciplinary sanction, in which case all relevant documents related to the case must be forwarded to the office of the appropriate manager, who will then take the necessary steps to approve the recommendations and deliver them to the relevant VP.

Managers should send students who have violated university policies to the Vice President for Student Affairs within three working days, who can take action beyond their supervisory authority to address the issue or bring it to light. In Article (32), after five working days of being referred to a case, the relevant Vice President is entitled to direct the investigation to be closed or to report the accused for committing the violation to the Discipline Committee.

An investigation shall begin within ten working days after being brought to their notice in the fall and spring semesters, and they should take necessary action or propose dismissal in line with these regulations. Assuming that a student violates academic integrity by failing to report a violation to the committee before summer break, a meeting should be held in the early autumn semester to make recommendations before the last day of the drop-and-add period in the spring semester or summer semester.

Only after an investigation of the student in writing and hearing his point of view can disciplinary action be taken against him. If the student refuses to receive the summons or

fails to appear before the committee, the summons request is marked and stored in the investigation file.

When the inquiry or public interest does not necessitate the preservation of the original copies of such papers, requesting copies of any papers, the investigation shall be documented in minutes punctuated by a serial number. It shall include the date, place, and starting time of the inquiry; the investigator's name; the secretary's name; the referral decision and its issuing authority; the student's name, age, place of residence, and college; a summary of the case under investigation; statements from witnesses; viewed documents; and the date and time at which the session was concluded. Investigator and parties involved must sign every page of the documented evidence.

At least five working days before the investigation scheduled date, the responsible VP Office should notify the referred student of the referral decision and the date and time of the investigation session by email or text message to the student email account issued by Qatar University. If necessary, the notification might be sent to the student in person at their college.

Suppose a student is asked for a hearing or inquiry and refuses to appear or provide information without an acceptable cause. In that case, they will be subjected to a disciplinary interrogation. The alleged student's family members are barred from testifying until the fourth degree. More so, the Public Prosecution will be alerted if there is a reasonable doubt that a crime has been committed, an inquiry must be carried out, and the President must be informed. There are no situations where telling the Public Prosecution might compromise the University's ability to impose disciplinary punishment based on the evidence it possesses against the offending student.

As stated in Article 41, the investigation period begins when a student is referred to an investigation and concludes when the University Disciplinary Committee prepares a final report with recommendations for either closing the matter or imposing the necessary consequences on the student. A maximum of 30 working days may be allowed for the inquiry, but the concerned VP must permit an extension.

If a student is punished, the choice to do so must be based on solid legal reasoning. Article (43) There should be no more than one punishment for a single offence. VPs must notify students and departments responsible for implementation within five working days of issuing the written decision imposing the sentence. A record of penalties will also be preserved in the student's file, outlining any infractions and sanctions imposed on him and the dates and reference numbers of judgments imposing such penalties, according to Article (45) of this document. The original investigation documents shall be preserved in the file of the first offender, and a genuine copy of the investigation papers shall be kept in the files of the other students involved in the violation.

Regarding investigations and interrogation processes, the University administration is dedicated to respecting confidentiality. The two-year statute of limitations for disciplinary responsibility is set down in Article (47). However, any inquiry or referral of a student to a disciplinary investigation will disrupt this time. It will be counted from the date of the most recent action taken in response to the violation. When more than one person is under investigation, suspending the investigation term for one of them will also apply to the others, even though no disciplinary actions have been taken during the suspension time. Only when the criminal prosecution has been dismissed may an employee's rights be forfeited for conduct that falls under the definition of "crime." When a pupil dies, all disciplinary actions will cease.

3.8 ACADEMIC PROCEDURES IN PRIVATE UNIVERSITIES OF THE GULF STATES

3.8.1 AMERICAN CAMPUS (DUBAI)

All university facilities, programs, events, and sports should be available to all students regardless of ethnicity, country of origin, marital status, gender, or disability. As members of the AUD community, all students have specific rights and obligations that they must meet. All students at AUD are expected to take full responsibility for their activities and are

encouraged to make their own judgments. Students in the United Arab Emirates must abide by the country's federal and municipal regulations.⁵⁸¹ By outlining everyone's rights and duties, the university can maintain a well-functioning and well-managed community of learners while ensuring each individual's well-being.

Within fifteen days of receiving notice of termination from the graduate program, a student may file an appeal to the Program Director to be re-admitted. To conclude, the program's host school will evaluate students' academic performance, classroom contributions, and chances of graduating with honours. The Provost and Chief Academic Officer must approve the school's judgment before it can be disclosed to the student, who will have five days to appeal the decision. If the student's appeal is rejected, they have three days from receiving notification of the refusal to file a final appeal with the President. Following receipt of the appeal, the President's final decision will be communicated to the student in writing within three days.

Faculty, staff, or students who have cause to think that one or more students have violated the Honor Code shall tell the Dean of the school where the alleged violation occurred, in writing, of their suspicions. If the alleged violation occurs after a semester or summer term when final grades must be submitted to the Registrar's Office, an "Incomplete" grade will be issued to the course. Once the inquiry is complete and a decision has been made, the "Incomplete" will stay on the student's record.

During the initial phase of the investigation, the Dean confers with the instructor of the course as well as the Registrar of the university to determine whether or not the student has a previous record of engaging in academic dishonesty. Following the completion of this investigation, the dean of the academic unit will decide whether or not any further action should be taken based on the findings. The case is considered closed when there is no need for further action. The decision regarding whether or not to take any further action is made by the Dean of the academic unit that is responsible for offering the course as a final resort:

⁵⁸¹ American University in Dubai, "Student Handbook" (Dubai 2021), University Regulations.

A determination of guilt or innocence at the school level, as well as penalties if guilt is confirmed, or a referral to United Health Care, are both possible outcomes.

The Dean of the school is the one who, as a general rule, is responsible for making decisions regarding violations that involve graded work that is worth less than ten per cent of the total grade for the course. Additionally, UHC will be contacted regarding any other violations. The severity of the offence will result in the selection of the appropriate punishment from the list of options that is provided below. If the final grade for the course mentioned in the penalty is lower than a B, it will be reported to the Registrar's Office immediately. This grade will replace the "Incomplete" grade that was previously assigned while the inquiry being investigated was still being worked on.

No matter how strict the graded assignment is, a first-time offender will still be penalised. First, the school Dean will immediately report a second infraction to the UHC, regardless of the graded work involved. No matter how heavy the graded work is, the school Dean will always send a memorandum to the UHC and copies to the Provost and the Chief Academic Officer, explaining the activities that could constitute a legal infraction. Examples of these include, but are not limited to:

- Hacking, deceit, stealing passwords, or any other method of gaining illegal access to tests and other materials or records in complex form or on an electronic device
- Leaking or disseminating tests and other materials not meant to be made available to the general public.
- When a student presents another student's ID to take a test under their name, the imposter and the impersonated student are deemed collaborators in the crime.

They perform any of the behaviours above or comparable ones in exchange for monetary or non-monetary rewards. The Dean shall tell the student in writing of the violation of the Honor Code, the judgement, and the penalty within two working days after the incident. If a student

cannot attend class, the teacher, the Registrar (who will keep a copy in the student's file), their school dean, and their school's Provost and Chief Academic Officer must all be notified.

The student has the right to appeal the Dean's decision and punishment within three working days of the date of the Dean's final decision. Students in this situation will submit their appeal in writing (signed and dated) to the chair of the University Health Committee (UHC). If a student is found guilty of a crime, they will be sent to the UHC in writing by the school's Dean. If a student chooses to appeal the Dean's conviction and penalty to the UHC, the UHC's decision is final. Higher levels of administration cannot overturn it.

Students must appeal the UHC's judgment within three working days of receiving the decision letter. The Office of the Provost and Chief Academic Officer must accept all appeals in writing. Exceptional appeals are granted. New evidence, mishandling, and a judgment taken without the testimony of the suspected offender in the case of a recorded emergency may warrant an appeal of the UHC punishment.

Suppose the Provost and Chief Academic Officer grant an appeal of a UHC decision. In that case, a letter will be sent to students, along with a copy to the UHC members and instructors, as well as to the President, the Registrar, and, if necessary, the Chief Financial Officer and Housing Manager. If the Provost and Chief Academic Officer reject the appeal, the student has three days from the date of their letter to appeal to the President of the University. D.

3.8.2 AMERICAN UNIVERSITY OF BAHRAIN

It is the student's responsibility to abide by all municipal and university regulations. In the eyes of the law, students do not have any more rights or privileges than any other citizen. Students are required to show respect for others' rights and duties because they value their own.⁵⁸² Students may face disciplinary action up to and including dismissal for violations of laws, rules, policies, and standards. Student conduct that falls under the definition of

⁵⁸² Kousay Said, "Ethics and postsecondary accounting curriculum in Bahrain: Perspective from faculty members" (2013) 5 Journal of Accounting and Taxation 65, 82.

"misconduct" as defined by the University may result in disciplinary action, as it will be demystified in this section.⁵⁸³

Included in this category are but not limited to:

- Academic dishonesty, such as submitting research articles discovered on the Internet, in whole or part, is prohibited.
- Forgery, modification, abuse, or illegal transfer of any university document, record, or identification instrument are grounds for expulsion from AUBH.
- Tampering with any university-recognized student organisation's election process

An unduly disruptive or delaying of the college's teaching, administrative and discipline procedures, other AUBH operations, and the freedom of movement, either pedestrian or vehicle, on AUBH grounds or at AUBH-sponsored or supervised events. Several offences fall under this category:

- Failing to follow AUBH officials, law enforcement officers, or emergency personnel in their duties, including failure to identify oneself or produce the AUBH identification card when requested.
- Possession and use of any weapon, dangerous chemicals, or hazardous materials on the AUBH premises: "Weapon" refers to any instrument or substance intended to inflict harm on another person or animal, such as a wound, injury, incapacitating effect, or threat.
- Any action that puts the health or safety of another person in jeopardy, whether it is physical or verbal.

Consideration will be given to evidence submitted in earlier mediation meetings and hearings by Academic Appeal Committees. Students who have violated academic integrity will be alerted by the AIC, and the director of student affairs will organise a meeting with the

⁵⁸³ American University of Bahrain, "Student Handbook" (Bahrain 2021), University Regulations.

student and professor to evaluate the AIC's findings as soon as they are notified. At the meeting, the student will be informed of the consequences they will face and what may be done to prevent future academic integrity violations. Students' rights to appeal or mediation will also be clarified. The Director of Student Affairs will notify the student in writing of academic dishonesty problems as soon as possible.

An accused student who disagrees with the decision of the faculty member and/or AIC has the option of mediation. If a student, faculty member, or college dean wants to meet, they can request a meeting with the Director of Student Affairs. After receiving information on the academic dishonesty punishment, one will have five (5) business days to request mediation in writing. As a result of this meeting, the students and faculty members will be able to comprehend each other's perspectives better. However, the faculty member will still have the last say on the grade. There is an Academic Appeal Process if the student is not pleased with mediation and wants to pursue an appeal.

The Academic Appeals Committee is in charge of handling first-level appeals (AAC). By filing a written request to the Director of Student Affairs, a student may seek a formal hearing, indicating the reason(s) for appealing. Five (5) business days after the completion of the mediation meeting, the request must be made in the first instance, and the Chairperson of the AAC will set up a hearing before the whole AAC to examine the request for a hearing.

In addition, promptly notify the student in writing of the accusation, finding of guilt, the discipline imposed, and hearing date/time/location. The Director of Student Affairs will get a copy of the letter.

3.8.3 AMERICAN UNIVERSITY OF KUWAIT

Students, student groups, guests, and alums are all subject to the Division of Student Affairs adjudication processes. These processes involve enforcing the University's Code of Conduct and a range of disciplinary measures, which will be demystified in this section.⁵⁸⁴

⁵⁸⁴ American University of Kuwait, "Student Code of Conduct" (Kuwait 2021), University Regulations.

Student Affairs' vice president for student affairs selects the director of student life to supervise this adjudication procedure.

It is illegal to drink alcohol or use illicit substances in this nation. When it comes to alcohol, any narcotic substance, weapons and dangerous items brought to campus, and physical altercations, AUK has a zero-tolerance policy for all of these. There will be an instant expulsion from the University for anybody found guilty of drinking, drug usage, carrying and/or utilising harmful items, or participating in any physical conflict.

The Division of Student Affairs will keep all records of adjudication proceedings and punishments secret. Disciplinary acts other than expulsion and suspension may be removed from the student's confidential record upon written application to the vice president for student affairs. Expulsion from the American University of Kuwait: Any cases involving punishments other than suspension or expulsion will be removed from the student's confidential record after seven (7) years.

All students must abide by the University's rules and regulations, as well as their rights and obligations. Even if another member of the University community filed the charge, all parties shall be afforded the same rights during the investigation and inquiry phases of the adjudication process. Here is a breakdown of the adjudication process:

All students, alumni, and visitors must report violations of the Code of Conduct to the University Self-Service system within 30 days of the alleged occurrence. Other Policies & Procedures is the place to go if one has a problem with a staff or faculty member. Within five working days of receiving the incident report, the director of student life/designee will decide whether to dismiss the report or proceed with an inquiry. Within five working days following the review, the director of student life or a designee will determine whether to dismiss or rule on the incident. Meeting all persons involved or having observed the occurrence are examples of this. The following is a list of the rules for conducting investigations and the many judgements that can be issued.

There may be an opportunity for all persons engaged in or witnesses to the incident to meet with the investigator. They will be notified through email and given pertinent information. At their discretion, the investigator may allow individual sessions for each party involved in a case. It is the investigator's choice whether or not to let the parties involved in the inquiry be aided by an outside expert. Advisors are forbidden to assist in the investigation or comment publicly. The Dean may use a set of guidelines to appoint a chairperson, and a senior student selected by the student council or the vice president for student affairs is nominated by each college's dean or designate; the code of conduct board comprises three members. The vice president for student affairs will convene the board under the chairperson (a non-voting member) of the student life/designee director.

The Vice President for Student Affairs will convene the code of conduct board after the recommendation of the Director of Student Life/designee. The chair will deliver the findings of the investigation and suggest suitable punishments. Within ten working days of the reported event, the code of conduct board will begin reviewing and investigating the matter. Meetings with all parties involved may be necessary. The rules for conducting an investigation are outlined in the following section. Within ten working days of the beginning of the review and inquiry, the Code of Conduct Board will make one of the subsequent decisions:

- Submit for approval of the vice president for student affairs a recommendation of a 1-2 semester suspension.
- Expulsion should be recommended, and the President's consent sought.
- Students suspended or expelled will be notified by letter of the discipline's terms and conditions and their right to appeal if the sanction is accepted.

The Board of Directors must vet a sanction letter, which is then signed and dated by the Board Chair. Should the requested punishment not be approved, the Vice President for Student Affairs or President will impose another discipline. The director of student

life/designee will personally deliver and email the letter to the student. The chair will document the inquiry in writing or recorded form.

There is a six-step appeal process for all parties. To make a successful appeal, the following must be stated:

- Appeals must be made in writing within ten days of receiving the sanction and must be received by the appropriate authority.
- A formal appeal should be sent to the President to challenge a suspension or expulsion.
- The vice president for student affairs can be contacted to appeal any other punishment.
- For example, if sanctions are to be imposed immediately, the vice president for student affairs or the president will make the final decision.
- Ten working days after receiving an appeal, a president for student affairs or the President will evaluate the student's disciplinary record and refer to the director of student life/director of the counselling centre or a designee or the code of conduct Board.
- An official determination will be made within ten working days of receiving the Vice President's recommendation. Depending on the review's outcome, written notification will be sent to the Vice President for Student Affairs and the President.
- After the appeal judgment is made, all appeals are said to have been exhausted.

3.8.4 ARABIAN GULF UNIVERSITY

The college dean will form an investigation committee for one year to examine infractions students commit in the college's facilities and/or specialisations. An academic department head will serve as the committee's chairman.

- Two professors
- Student's department faculty member

- A representative from the dean's office for students' affairs
- A lawyer's counsel

The college's dean is responsible for sending the infraction to its investigating committee, which will conclude its inquiry within a month. Every year, the dean of student affairs should organise a committee to examine infractions committed by students on or off-campus, in the dormitory, and outside the college facilities as outlined below:

- Students' services director serves as chair of the committee
- Two members of the administrative staff for students' affairs
- In addition, the committee must finish its probe within a month.

Student affairs deanship's students affairs investigation committee receives any violations committed by students from other institutions, regardless of where the incident happened. During the investigating process, committees should maintain complete secrecy. The Dean of the university shall establish a students' discipline committee at the beginning of the academic year for one year.

According to the two investigation committees mentioned earlier, the student discipline committee will initiate disciplinary action within one month after receiving a violation. Up to two months may be added if more research is required. A committee's tenure can be extended only if a new committee is established within one academic semester after the end of the current committee's term unless a new committee is set before the end of the current committee's term. In this instance, the dean of student affairs and the university president will work together to construct these committees.

More so, the student discipline committee's decisions are final. Within 15 days of being informed of the decision, the student may appeal to the university council in writing, and the university council has the option of reinvestigating, confirming the decision, altering it, or

cancelling it. Verbal or written notification of the punishment may include an oral investigation and its findings in the penalty's determination. However, until the investigation is in writing, no additional disciplinary infractions will be enforced. A student's defence statement and written proof of that defence will be presented to him by the inquiry committee, along with a summary of the investigation's findings and recommended sentence to the student in question.

Disciplinary action may be taken without hearing a student's comments if he or she is summoned to appear before an inquiry committee and does not attend. Within one week of receiving information from the university, the student or parent can file an appeal with the university's president, who can then request a reinvestigation, approve the punishment, change it, or cancel it.

Faculty members are permitted to impose the sanctions outlined in Article 3 of these regulations if the student is not denied the opportunity to attend lectures or removed from them. If the student is removed from an examination, the concerned Dean must issue a decision.

The college's dean or the dean of students' affairs has further the authority to impose any of the penalties listed therein based on the advice of the college's investigative committee or the dean of students' affairs. An inquiry committee or students' affairs deanship may suggest that the disciplinary committee use any punishments if they think it appropriate.

The university's president may assume the power of the disciplinary committee if there is a disruption of order and security on campus or in the dormitory, resulting in irregular university study, or if there is a threat requiring immediate action. The University Council must endorse the president's decision before it becomes final.

3.9 AN ANALYSIS OF THE DUE PROCESS OF DISCIPLINARY ACTIONS IN CODES OF CONDUCT

Disciplinary procedures in university codes of conduct in the United Arab Emirates and nearby countries vary in their approaches and consequences. The University of the United Arab Emirates (UAE) follows a procedural framework prioritising transparency and fairness. This includes formally notifying individuals of alleged misconduct, giving them a chance to respond, and involving impartial decision-makers or committees. The procedures aim to inform individuals undergoing disciplinary actions of the allegations against them and allow them to present their perspectives. The disciplinary procedures at UAE University adhere to principles of natural justice and administrative law, but their implementation may vary based on the unique circumstances of each case.

Sultan Qaboos University in Oman follows a systematic procedure where accused individuals are notified of charges and allowed to defend themselves. Decisions are made based on evidence and established policies. The university usually employs a systematic process, beginning with an inquiry into the reported wrongdoing and then proceeding to a formal disciplinary hearing if the accusations are confirmed. The university aims to adhere to the principles of due process, which include the right to a fair and unbiased hearing, the right to provide evidence and witnesses, and the right to appeal the decision. Discrepancies in legal representation and scrutiny of evidence may affect the fairness of outcomes.

Al Ain University's disciplinary procedures prioritise due process, which includes investigations by designated authorities and appeals mechanisms to handle grievances. The university acknowledges the significance of procedural fairness in disciplinary issues and has set forth precise guidelines for carrying out investigations and hearings. Concerns may arise about the independence of investigative bodies and the sufficiency of avenues for challenging decisions. The university's procedures typically follow the principles of natural justice and administrative

law. However, there may be cases where procedural irregularities arise, raising concerns about the fairness of the process.

Qatar University's disciplinary procedures are similar to those of other institutions. They ensure fairness by notifying individuals of allegations, providing chances for defence, and offering review processes. However, differences may be present in the structure and power of disciplinary committees. The university has set up protocols for probing misconduct accusations and carrying out disciplinary hearings to guarantee that accused individuals receive due process rights. Cultural and institutional factors can impact the implementation of these rights, which may influence the perceived fairness of disciplinary decisions.

American Campus (Dubai) follows a model based on Western legal principles, emphasising due process rights like legal representation, cross-examination, and thorough documentation of proceedings. The university's disciplinary procedures aim to offer accused individuals a just and unbiased hearing, allowing them to present their case and contest any evidence brought against them. Cultural and institutional factors can affect the implementation of these rights, which may impact the fairness of disciplinary decisions.

The American University of Bahrain prioritises due process, focusing on procedural regularity and safeguarding individual rights, although the degree of compliance with Western legal standards may differ. The university's disciplinary procedures guarantee accused individuals their rights to due process, including a fair and unbiased hearing, legal representation, and the ability to appeal the decision. Cultural and institutional factors can impact how these procedures are carried out, which may result in differences in the fairness of disciplinary decisions.

The American University of Kuwait follows a similar approach by guaranteeing procedural fairness with explicit guidelines, options for appeal, and unbiased decision-making systems, although influenced by cultural views of justice and administrative standards. The university's disciplinary procedures aim to offer accused individuals a just and transparent process for dealing with misconduct allegations, allowing them to present their case and contest evidence brought against them. Cultural and institutional factors can affect how these procedures are applied, which may impact the fairness of disciplinary decisions.

The Arabian Gulf University prioritises due process principles in disciplinary issues, including fair notice, unbiased judgment, and avenues for appeal. However, external factors can influence how these protections are implemented. Within these institutions, differences in procedural rigour, access to legal representation, and cultural influences highlight the importance of continuously reviewing and aligning with standards of natural justice and administrative law to ensure the fair treatment of individuals in disciplinary proceedings.

Rules applicable to violations in universities are mainly covered in codes of conduct. Qatar University's Code of Conduct expects students “not to engage in behaviours that compromise their integrity, as well as the integrity of QU.” Academic violations under the Code are divided into three categories: inappropriate collaboration, dishonesty, intellectual property violations, or plagiarism. The Code of Conduct also provides for a few non-academic cases of abuse, including “harassment (verbal or physical) and/or intimidation of peers, faculty, and university visitors and employees in person or through channels of social media or emails and using any social media channel to defame QU or posting pictures of any of the QU staff, faculty members, or students without their consent.”

The Code of Conduct also provides for violation of the QU dress code, stating that the University “recognises cultural diversity and respects the requirements needed for a productive learning environment. Students, both males and females, are expected to dress in a manner that respects the local Qatari culture and traditions and the academic nature of the institutions. Inappropriate dress for both males and females is unacceptable.” The Code of Conduct may apply to acts committed outside the university if the student is attending an off-campus event as a university representative, such as conferences, athletic events, or other similar events.

Academic disagreements are handled according to rules to ensure the student is treated fairly and correctly. Before a student may file a formal complaint, these processes require that conflicts be addressed informally through talks of complaints between the student and a faculty member, the department head, or the college dean. Meanwhile, disciplinary actions differ depending on the severity of the academic or non-academic infraction. Non-

academic breaches such as threats to others' lives, verbal or physical harassment, invasion of privacy, or theft can result in significant disciplinary proceedings, including expulsion from the institution.

To ensure the fairness of the process, no disciplinary action shall be taken against a student unless after interrogating such a student in writing and hearing his point of view, as seen under Article 35 of the Students Code of Conduct. In addition, the decision to inflict a sanction upon the student must be legally justified (Article 42), and no more than one sanction shall be imposed for a single violation (Article 43).

Finally, under Article 19 of the Student Code of Conduct, the student may appeal the decision by filing a grievance against the decision within ten working days from his notification before a grievance committee that shall be formed and mandated upon a decision by the president. The committee shall decide upon the grievance within a period not exceeding ten working days from the day of its submission during the fall and spring semesters. The decision shall be final if the student does not file a grievance within the designated period.

The Student Code of Conduct of the University of Tabuk in Saudi Arabia has similar regulations, with the following five goals, namely (i) transparency in emphasising student rights and responsibilities, (ii) achieving greater student satisfaction levels, (iii) ensuring the psychological and social well-being of pupils, (iv) maintaining a close eye on students' moral and functional behaviour and (v) improving fundamental values like integrity, honesty, loyalty, and a sense of belonging to one's nation.

The Student Handbook of Dammam University in Saudi Arabia emphasises the following values: Excellence, Innovation, Honesty, Transparency, Accountability, Collaboration and Teamwork. If a student engages in any behaviour that prevents, obstructs, or disrupts any teaching, learning, or research; administrative activity of the University; sporting, recreational, or social activities; or any meeting or activity approved by the University, he or she will be found in violation of Dammam University's Code of Conduct. This further applies in cases where the student has acted in a way (i) likely to cause injury to or impair the health

of others, (ii) obstructed or attempted to obstruct access to University premises, (iii) assaulted, engaged in sexual or racial harassment, or otherwise insulted a student, member of staff, employee, or visitor to the University, or engaged in any other sexist or racist behaviour liable to cause serious offence (iv) acted in a violent, indecent, or obnoxious manner (such as the refusal to follow reasonable instructions) (v) misused or caused damage to University premises or property, including damage to materials, furniture, equipment belonging to the University staff or students (and including misuse of the world wide web, for example for pornographic purposes) (vi) misappropriated any funds or assets of the University (vii) abused the privacy of any confidential files of material (for example, unauthorised access to student records).

The University of Kuwait Code Of Ethics highlights that each right implies duty, and each authority has a responsibility. The code is observed based on satisfaction and dedication since it expresses observance of the inherited Islamic and Arab values. This thesis will analyse whether these codes of ethics provide for due process in student hearings and whether they protect the rights of the students to a fair and equitable process.

Ensuring fairness and equity in higher education institutions in the United Arab Emirates and neighbouring countries requires aligning disciplinary procedures in codes of conduct with principles of natural justice and administrative law. Natural justice, also known as procedural fairness, includes key principles like the right to a fair hearing, the right to present one's case, legal representation, and the right to unbiased judgment. Administrative law regulates the conduct of administrative agencies and institutions to ensure they act justly, reasonably, and within their legal authority.

Various crucial factors are considered when assessing the alignment of disciplinary procedures with natural justice and administrative law. Accused individuals must be given sufficient notice of allegations and a chance to respond. This involves notifying individuals of the exact charges against them, granting them access to pertinent evidence, and giving them adequate time to prepare their defence. Universities that follow these principles show

a dedication to procedural fairness and are more inclined to uphold the standards of natural justice and administrative law.

The structure and autonomy of disciplinary bodies are essential for guaranteeing fair judgement. Disciplinary panels or committees should consist of impartial individuals with no personal stake in the outcome of the proceedings. Furthermore, it is essential to establish mechanisms to manage conflicts of interest and guarantee that decisions are influenced by the case's merits rather than external factors. Universities with transparent and independent disciplinary processes are more likely to adhere to natural justice and administrative law principles.

The right to legal representation is crucial to procedural fairness in disciplinary proceedings. Accused individuals should be able to consult with legal counsel, present their case persuasively, and dispute evidence brought against them. Universities that provide individuals with legal representation show a dedication to upholding a fair and firm disciplinary process by the principles of natural justice and administrative law.

Another crucial factor to consider is the presence of systems for appeal and redress. Accused individuals should be able to appeal disciplinary decisions and address any procedural errors or injustices that may have happened during the initial proceedings. Universities with strong appeals mechanisms enhance the fairness of their disciplinary procedures and uphold the principles of natural justice and administrative law.

When assessing how disciplinary procedures in codes of conduct align with natural justice and administrative law, cultural and institutional factors that could impact the understanding and implementation of these principles must be taken into account. Some universities may follow Western legal standards, while others may integrate cultural norms and practices into their disciplinary procedures. Cultural sensitivity is crucial, but it should not undermine the core principles of procedural fairness and equity.

3.10 RECOMMENDATIONS AND ANALYSIS

3.10.1 COMPARATIVE ANALYSIS WITH ENGLAND AND WALES' UNIVERSITIES

The case of England and Wales will be used as a comparator to provide clear recommendations on how these universities should provide a better framework in higher education institutions so that there is a more “standard” manner in which the universities from Qatar and other Gulf countries could implement a good practice framework for addressing complaints and academic appeals based on the elements of; accessibility, clarity, proportionality, punctuality, justice, independence, confidentiality, and enhancing the educational experience.⁵⁸⁵

GCC countries generally adhere to civil law systems, often influenced by Islamic principles. England adheres to a standard law system defined by judicial precedent and statutes. Disciplinary procedures in GCC universities may be shaped by Islamic law, focusing on fairness and equity while considering cultural and religious factors. English universities follow legal doctrines established through case law, statutory provisions, and regulatory frameworks to ensure procedural fairness and adherence to principles of natural justice.

Cultural norms and values substantially influence disciplinary procedures in Middle Eastern and English universities. GCC cultures frequently emphasise values like respect, hierarchy, and collectivism, which can impact decision-making and conflict-resolution methods. English disciplinary procedures embody principles of individualism, equality, and due process. Both systems strive to maintain fairness and equity, but cultural variations require customised strategies to support diverse student and staff demographics effectively.

⁵⁸⁵ Martin Lačný and others, "Specifics of introducing a code of ethics into the academic environment" (2018) 8 Ethics & Bioethics 91, 108.

Differences in policies, procedures, and organisational cultures among GCC universities affect how disciplinary issues are handled. Various factors like resources, infrastructure, and administrative capacity influence variations in disciplinary procedures among institutions. Furthermore, GCC universities may provide different levels of independence to academic departments or disciplinary bodies, resulting in inconsistencies in their operations. English universities typically follow standardised disciplinary procedures based on national laws, institutional guidelines, and industry-wide standards.

There should be a sound practice system that will coerce the higher education institutions in Qatar and Gulf countries to create disciplinary processes and address specific cases. It includes academic and non-academic disciplinary procedures for dealing with misconduct such as plagiarism, contract cheating, examination cheating, falsification of data, breaching research or ethics policies and conspiracy; and non-academic disciplinary procedures for dealing with misconduct such as antisocial, abusive or threatening behaviour, sexual misconduct, violent or harassing behaviour.⁵⁸⁶ It is to be noted that not all the Gulf countries have such “specific” instances. For instance, the issue of sexual misconduct or harassment is not observed by the University of Qatar, which mostly has procedures for academic misconduct.⁵⁸⁷

Students in higher education will be expected to act in a certain way. In its regulations, student codes of conduct, student contracts, or other codes of practice, a provider should specify students' anticipated norms of behaviour. There may be additional requirements for students on professional courses to adhere to standards of behaviour defined by regulators, and complaints about these students' fitness to practice will be handled under distinct fitness-to-practice processes.⁵⁸⁸ Rules and regulations should enable the service provider to act if standards of behaviour fall short of expectations.

⁵⁸⁶ Saladin Aljurf and others, "Exploring academic dishonesty in the Middle East: a qualitative analysis of students' perceptions" (2019) 45 *Studies in Higher Education* 1461, 1473.

⁵⁸⁷ Mohamed Y. Mattar, "Combating Academic Corruption and Enhancing Academic Integrity through International Accreditation Standards: The Model of Qatar University" [2021] *Journal of Academic Ethics* 119, 146.

⁵⁸⁸ Julia M. Christensen Hughes and Donald L. McCabe, "Understanding Academic Misconduct" (2006) 36 *Canadian Journal of Higher Education* 49, 63.

Non-academic misbehaviour is usually handled differently than academic misconduct by providers.⁵⁸⁹ The protocols will usually outline anticipated standards of behaviour, what kinds of behaviour are likely to result in the provider taking action, and what kinds of actions the provider would take in response to those behaviours. Codes of conduct or student charters should be used to inform students of the anticipated standards of conduct and the repercussions of breaking those standards.⁵⁹⁰ Students who have been accused of misconduct and those who have been charged with misconduct should be aware of the support resources available internally and outside.

3.10.2 THE ELEMENTS OF FAIRNESS IN PROCEDURES

The fairness in the process is different for all universities mentioned above. The Procedures based on "natural justice" are fair as long as they are implemented by the rules of human rights, whether domestic or international.⁵⁹¹ It is further necessary to remember the following principles when providing for a by-law or code of conduct;

- "No one should be a judge in their cause";⁵⁹²
- "Hear the other side";⁵⁹³ and
- "Justice delayed is justice denied"⁵⁹⁴

As a result, decision-makers must make rational judgments and explain the reasoning behind them. All parties involved, including the student and the person making the claim, can present their case and reply to the other's statement. Student hearings are given enough

⁵⁸⁹ Bob Perry, "Exploring academic misconduct: Some insights into student behaviour" (2010) 11 Active Learning in Higher Education 97, 108.

⁵⁹⁰ Fintan Culwin, "An active introduction to academic misconduct and the measured demographics of misconduct" (2006) 31 Assessment & Evaluation in Higher Education 167, 182.

⁵⁹¹ Melanie Birks and others, "Managing the mutations: academic misconduct in Australia, New Zealand and the UK" (2020) 16 International Journal for Educational Integrity 3, 15.

⁵⁹² Sayani Mitra, "Protecting the Rule of Natural Justice" [2011] SSRN Electronic Journal 6.

⁵⁹³ Ola Johan Settem, *Applications of the 'fair hearing' norm in ECHR Article 6(1) to civil proceedings* (Springer 2016).

⁵⁹⁴ Kwadwo Appiagyei-Atua, "Students' academic freedom in African universities and democratic enhancement" (2019) 19 African Human Rights Law Journal 151, 166.

notice, and all relevant information is provided to the decision-maker in advance.⁵⁹⁵ Decision-makers mustn't be influenced by their own biases or any credible sense of prejudice. Any penalties levied and judgments made should be rationalised. More so, there should be an appeals process; the investigation, hearings, and appeals process should be completed as expeditiously as possible.

Students' unions and students should be involved in creating or modifying processes to ensure that they adhere to good practice and fairness.⁵⁹⁶ Disciplinary proceedings must comply with the values of accessibility, justice, and independence. The methods of a service provider should be simple to follow, and detailed instructions should be provided on how to obtain assistance. The fact that staff personnel making judgments have no past involvement in the case or have been adequately trained and resourced should be a primary concern for providers. Involving qualified student representatives on disciplinary panels is an excellent idea when it's possible. Still, the representatives on the panel and those offering advice and assistance to students should be kept apart correctly.⁵⁹⁷

3.10.3 INCORPORATING ELEMENTS OF FAIRNESS AND RIGHT TO FAIR TRIAL

"The burden of evidence" decides who bears the burden of proving a claim or argument. An educational institution's responsibility is to demonstrate that its students have engaged in the alleged misconduct rather than to accuse them of doing so.⁵⁹⁸ There is no need for the student to disprove the claim. Occasionally, students must demonstrate that they have done or not done anything. For example, if two students are accused of plagiarism, and one student offers proof that the original work was theirs and the other student copied it, the

⁵⁹⁵ Rachel Heafitz King, "Student Conduct Administration: How Students Perceive the Educational Value and Procedural Fairness of Their Disciplinary Experiences" (2012) 53 *Journal of College Student Development* 563, 580.

⁵⁹⁶ Bruce Lindsay, "Student Plagiarism in Universities: the Scope of Disciplinary Rules and the Question of Evidentiary Standards" (2011) 16 *International Journal of Law and Education* 27, 45.

⁵⁹⁷ Tansy Jessop and Barbara Maleckar, "The influence of disciplinary assessment patterns on student learning: a comparative study" (2014) 41 *Studies in Higher Education* 696, 711.

⁵⁹⁸ Bruce Lindsay, "University discipline and the 'higher education crisis': student advocates' experiences and perceptions of quasi-judicial decision making in the university sector" (2009) 31 *Journal of Higher Education Policy and Management* 327, 343.

other student must disprove that evidence. There may be mitigating considerations that students rely on when the punishment is considered.

The "standard of proof" refers to the degree of proof necessary to support a conclusion. "Beyond a reasonable doubt" is the level of evidence in criminal cases in judicial processes. In civil trials, "the balance of probability" is used, meaning something happened more than likely.⁵⁹⁹ If a judgment is made using the "balance of probability" criteria, it must still be supported by evidence. This standard is better than just thinking that something is likely to have occurred.

3.10.4 THE OBSERVANCE OF ANONYMITY AND CONFIDENTIALITY

Sensitive personal information, often known as "special category data," should be considered by service providers as part of their responsibilities under data protection regulations.⁶⁰⁰ Students' names and other identifying information should be kept private during disciplinary hearings. Only individuals directly involved in the investigation or decision-making process should have access to this material, which should be limited to a few persons. During disciplinary processes, it is not customary to conceal the identities of witnesses. It might hurt the student's capacity to protect oneself. It may not be acceptable to rely on the evidence of a witness if the witness disagrees that the student knows their identity.

3.10.5 PREVENTING JUSTICE

Discipline problems may have stressful and perhaps damaging effects on students' academics and future employment. It is paramount to keep disciplinary proceedings on track while ensuring they are fair.⁶⁰¹ If possible, students should be informed that corrective action is being considered as soon as the event giving rise to the allegation occurs. The initial investigation and formal stage of the process should be completed within a reasonable

⁵⁹⁹ Praveen Kumar and others, "Proof Beyond Reasonable Doubts" [2011] SSRN Electronic Journal 1.

⁶⁰⁰ Jaap Bos, "Confidentiality" [2020] Research Ethics for Students in the Social Sciences 149, 173.

⁶⁰¹ Carmela de Maio and others, "Responding to student plagiarism in Western Australian universities: the disconnect between policy and academic staff" (2019) 42 Journal of Higher Education Policy and Management 102, 116.

delay of the allegation being made to the student, and any appeal should be heard within a specific timeframe of the student's appeal.⁶⁰²

If the case is complicated, the student or witnesses cannot attend meetings or hearings, or processes are halted because of an ongoing criminal investigation or the student's upcoming evaluations, delays are likely to occur.⁶⁰³ That's why it's essential to keep the student and any witnesses informed about how the inquiry is progressing and when it's expected to end. These support services may be found through the student's union and can give impartial assistance and guidance. Both students undergoing student disciplinary proceedings and students sharing information concerning the conduct of another student under consideration under those procedures are covered by this rule.

Providers should investigate arranging for students to receive support services from neighbouring institutions, partner providers, or other local community agencies if it is impossible to do so internally. Students with access to well-trained and well-resourced support services rarely need legal counsel.⁶⁰⁴ Educational institutions should allow legal assistance in circumstances involving major disciplinary issues or the possibility of life-altering effects for the student.

It is a good idea to ensure all learners can access processes in formats they can understand. Students' specific requirements should be taken into account when determining whether or not providers should adjust processes. Keeping a log is the best way to keep track of any changes. Providers involved in disciplinary proceedings may have to revise their technique in certain situations. For example, the provider may have to make changes for hearings on misbehaviour or give a student more time to react to claims of wrongdoing.

⁶⁰² Nuarrual Hilal Md Dahlan and others, "Doctrine Of Condonation: Challenges In The Management Of Disciplinary Cases In Public University" [2016] UUM Journal of Legal Studies 130, 139.

⁶⁰³ Marilyn B Klainerg and and Others, "Perspectives on academic misconduct: implications for education and practice" (2014) 44 The Journal of the New York State Nurses' Association 11, 21.

⁶⁰⁴ Asherflynn Hodgson and others, "Legal Aid and Access to Legal Representation: Redefining the Right to a Fair Trial" (2016) 40 Melbourne University Law Review 207, 236.

Setting sanctions may need to consider a student's impairment. When a student's behaviour is related to an underlying mental health problem, the severity of the offence may be reduced. Sometimes, it's better to refer the student to help with (or fitness for) study procedures rather than impose a punishment on them. A complaint about a staff member's behaviour should be directed to the provider's staff disciplinary process. Students on professional courses may be subject to fitness to practice procedures and disciplinary procedures. Students accused of bullying or harassment or of behaviour that may be discriminatory may be referred to a provider's Harassment, Discrimination and Bullying procedures.⁶⁰⁵ In each scenario, the provider should explicitly outline how and in what order the various procedures would be done. The provider should first determine if the incident falls within its disciplinary processes or if it should be handled differently.

More so, the Gulf countries' universities should provide procedures that outline any conditions in which an accusation of misbehaviour may be re-examined (other than through a formal appeal process). For example, if new evidence comes to light that the provider could not have gotten at the time, it may be acceptable for the provider to re-evaluate an accusation. The provider should analyse many factors when considering whether or not to re-examine an accusation.

An ex-student may have plagiarised their PhD thesis, for example. As a result of the allegations of plagiarism, the provider sends a letter to the ex-student stating that it has the authority to revoke a degree if academic misconduct is found. It invites the former student to a special panel meeting to discuss the thesis. An ex-student has confirmed attendance at the panel meeting. The former student has the option to defend their thesis at the conference. Students' plagiarism is deemed highly severe by a panel of judges. The former student's Ph.D. is revoked. The service provider informs the student that they have the right to challenge the verdict they've received.

⁶⁰⁵ Magdalena Cismaru and Romulus Cismaru, "Protecting University Students From Bullying And Harassment: A Review Of The Initiatives At Canadian Universities" (2018) 11 Contemporary Issues in Education Research (CIER) 145, 152.

3.10.6 OTHER PROCEDURES RELATING TO FAIRNESS

There must be fairness and validity in the assessments provided by the service providers. Any cheating threatens academic standards and integrity, and so are most students who receive their diplomas in genuine ways.⁶⁰⁶ Academic misconduct can be defined in different ways by different educators. Providers should ensure that their definitions are explicit and delivered to students understandably. For example, any action by a student which gives or has the potential to provide or enable someone else to acquire an unfair advantage in an examination or assessment or any behaviour that may damage the integrity fundamental to scholarship and research. Infractions should be classified, and the provider's approach to mitigating circumstances and potential fairness should be outlined in procedures.

Academic dishonesty offences are often handled on the "strict liability" premise.⁶⁰⁷ This indicates that a student's intentions are irrelevant to whether or not they have committed the crime. It does not matter that a student did not remove their notes from their pocket throughout the exam; they are still guilty of an examination crime. For certain providers, a student must have behaved knowingly to be charged with a crime. Premeditation, deceit, or dishonesty are some terms used to describe this. The decision-makers must determine if the student was trying to cheat or obtain an advantage. In these circumstances, the decision-makers should consider all information, including the student's testimony, and document their findings.⁶⁰⁸ The student's purpose may not be significant in determining whether or not they committed the offence, but it is likely to be a factor in determining the sentence. However, the provider should clarify how it intends to handle the intent question in its protocols.

Providers should allow students to react to the accusations they have been accused of making. A meeting with the provider's academic misconduct officer or another appropriate

⁶⁰⁶ Ceceilia Parnter, "Academic Misconduct in Higher Education: A Comprehensive Review" (2020) 1 Journal of Higher Education Policy And Leadership Studies 25, 45.

⁶⁰⁷ Adele Thomas and Gideon P De Bruin, "Student academic dishonesty: What do academics think and do, and what are the barriers to action?" (2014) 6 African Journal of Business Ethics 13, 24.

⁶⁰⁸ Rizky Putra Santosa, "The Rasch Model For Exposing Academic Dishonesty: That Student Who Mastery The Task Will Avoid To Cheating?" (2019) 3 International Journal of Academic Multidisciplinary Research 35, 41.

staff member may be required to discuss the complaint. The staff member should decide whether or not a matter can be settled at this level. Without the necessity for formal consideration, straightforward cases can be addressed. For example, the student may confess to the crime, or the accusation could be proven to be false. This method allows for quick and appropriate responses to instances. However, conducting a disciplinary hearing unofficially is not recommended without making notes or preserving documents.

When a student is accused of committing an academic offence, they must be informed in writing at the beginning of the procedure.⁶⁰⁹ All available evidence should be provided to the student. If the student is accused of committing an offence, they should be given a reasonable chance to reply to the charge and supporting evidence before a judgment is reached. During the disciplinary process, the student must be informed of additional or amended allegations and allowed to reply.⁶¹⁰ Even if the provider decides not to discipline the student, it is a good practice to notify the student of any issues that have been expressed about their work or behaviour. Considering a student's admission of a minor offence while deciding on a penalty is essential. Students should be made aware of the ramifications of consenting to punishment at this point in the process. For example, suppose the infraction is noted on a student record or considered in future disciplinary or fitness-to-practice procedures. In that case, the student should be informed of the consequences of this.

The preliminary inquiry can be undertaken at the local or central level. Regardless of the conclusion, the student should be given a written explanation of what will happen next. At this point, students should also have an appeals process. At a departmental level, the provider should have a mechanism to ensure that all departments handle cases uniformly.

The processes used should be based on the nature and complexity of the issues. Disciplinary procedures should be laid out in detail:

⁶⁰⁹ Jean Underwood and Attila Szabo, "Academic offences and e-learning: individual propensities in cheating" (2003) 34 *British Journal of Educational Technology* 467, 477.

⁶¹⁰ Julianne East, "Aligning policy and practice: An approach to integrating academic integrity" (2009) 3 *Journal of Academic Language and Learning* A38, A51.

- Who is covered by the processes, and may the service provider take action against a former student and under what conditions?
- What will happen in the formal stage;
- The investigation staff member's willingness and ability to meet with the student (this is standard procedure in more severe or complicated instances)
- Hearings, meetings, or a panel called under certain conditions;
- How many people will be on the panel? Is the panel allowed to conduct its deliberations online, and who will be on the panel?

Employees previously involved in the matter should not be permitted to conduct a formal inquiry. The name of the employee investigating the claim should not be kept secret. As a result, the student's belief in the process might be shattered. Those who examine charges of misbehaviour should be well taught, aided, and supported. The investigator should meet with the student at the earliest opportunity, which is excellent practice. The student should be notified of the meeting and provided enough information to allow them to react to the allegations, including a copy of the application process, at the time of the meeting. This includes information on where they may get help, such as from the student union or a friend who can accompany them to the meeting. Even if one does not have a full transcript, it is a good idea to provide the student with some record of the encounter.

It is critical to be very explicit about what is being examined to ensure that both the researcher and the student understand the aim and scope of the inquiry and the possible outcomes.⁶¹¹ The investigator may interview employees or students and review records and other evidence. The investigator needs to write a report detailing their findings, the steps they took, and their conclusions. The student or their representative should be provided with copies of the information gathered during the investigation, a copy of the investigation

⁶¹¹ Bilal M. Tayan, "Academic Misconduct: An Investigation into Male Students' Perceptions, Experiences & Attitudes towards Cheating and Plagiarism in a Middle Eastern University Context" (2016) 6 Journal of Education and Learning 158, 166.

report, and information about the future stages in the process. Let the student know whom to contact if they have questions about the case's progress. The investigation may be referred to a disciplinary panel or another senior staff member for a decision to be made.

3.10.7 PANEL OR DISCIPLINARY HEARINGS

A student's right to a fair trial is based on the principle that they cannot be expelled without being allowed to participate in a disciplinary hearing. Although international and regional agreements provide detailed provisions to protect this right, there is a significant discrepancy in how these standards are acknowledged and enforced in the policies and regulations of numerous colleges and institutions. Universities are increasingly shifting from mandatory to discretionary natural justice standards. This shift is regrettable in some instances, as it suggests that universities have the authority to implement specific principles of natural justice in their curriculum, codes of conduct, and administrative structure. The discretionary nature of these principles gives rise to concerns regarding consistency and fairness in dealing with students' rights and administrative disputes.

Hearings or meetings should always be arranged when the charges against the student are serious, or the repercussions for the student are severe.⁶¹² Hearings or meetings should also be convened when there are issues of fact. Panellists should receive sufficient training. Student presence on the panel is a good idea, but it must be separated from those who provide guidance and assistance for students to avoid conflicts of interest.⁶¹³ For example, these questions should be assessed:

- Who can sit on the panel and who can chair it;
- Whether the student can attend the hearing or meeting by alternative means (for example, via video call due to the high prevalence of COVID-19);

⁶¹² Peter J.O. Aloka, "Choice Shifts in School Disciplinary Decision Making: Analysis of Age Differences of Panel Members" (2020) 13 The Open Psychology Journal 86, 94.

⁶¹³ Ikram Ullah, "Lest to Blame Students: The Role of Enforcers in Promoting Academic Dishonesty" [2021] Journal of Academic Ethics 1, 16.

- Whether the hearing or meeting will proceed if a student chooses not to or is unable to attend;
- The process for changing or rescheduling a date if the student or another witness is unable to attend;

The hearing or meeting should be set up quickly, and the student should be given sufficient notice. This means that students will be informed of what is about to happen, how to find help and support, how to be accompanied and what their role in the hearing or meeting will be if they have one. There should be an explanation from the service provider whether a student is allowed to attend the hearing or meeting through video conference. The student must be informed early about the panel members and the content they will evaluate.

Fairness necessitates the absence of any prejudice or reasonable suspicion of bias by panel members.⁶¹⁴ Panel members may be perceived as biased toward the student or the person making an allegation when the student or person has had an ongoing relationship with panel members or when the panel member has previously been involved in misconduct allegations against the student. Some disciplinary cases may necessitate consideration of the panel's ethnic mix or diversity.⁶¹⁵ The panel members responsible for making a judgment must be appropriately taught, resourced, and supported by the service provider.

Several options are available to providers that are having difficulty assembling a panel of persons who have no prior connection to the student, including using personnel from other departments, enlisting the help of a neighbouring provider, or consulting directly with the student.⁶¹⁶ There is no need to make disciplinary proceedings too formal for the healthcare professionals. Student or provider legal representation in disciplinary hearings is not always essential, but it's excellent practice to provide for it if there are strong reasons.

⁶¹⁴ Karen Seashore Louis and others, "Academic Misconduct and Values: The Department's Influence" (1995) 18 *The Review of Higher Education* 393, 422.

⁶¹⁵ Alexander Amigud and David J. Pell, "When academic integrity rules should not apply: a survey of academic staff" (2020) 46 *Assessment & Evaluation in Higher Education* 928, 942.

⁶¹⁶ Iwona Czaplinski and others, "Analysis of moderation practices in a large STEM-focused faculty" [2014] 2014 *IEEE International Conference on Teaching, Assessment and Learning for Engineering (TALE)* 8, 10.

When a meeting or hearing is held, a written record of who was present, what was discussed, and why the decision was made is essential. The learner should be able to grasp the reasoning behind the decision and any imposed penalties. Even if the issue is complex or there is a considerable factual disagreement, an oral recording or transcript of the conference or hearing may be helpful.

3.10.8 THE FORMAL STAGE

The service provider must communicate in writing with each student about the results of the formal stage, explaining the reasoning behind each choice and any penalties imposed. This will assist the student in deciding whether or not to appeal. Information about (i) the student's right to appeal, (ii) the ground that has been charged against them, (iii) the time limit for submitting an appeal, (iv) The relevant procedures, (v) where and how to seek help should also be included in the decision letter.⁶¹⁷ A student's failure to appeal within the time limit should result in the issue being closed, and the student is notified in writing. The completion of the Procedures Letter should be issued at this point if the student requests it, but the letter should state that the provider's internal processes have not been completed. It is essential to allow students to challenge a determination that they've been disciplined and the penalty they've received. Staff members who were not involved in any prior stages of the process should review the appeal. Students (or a representative of the student) might be required to file an appeal in writing, through email, or online using a specific form.

3.10.9 END OF THE APPEAL

The student should get a Completion of Procedures Letter within a specified number of days (the longer, the better) if the appeal is not upheld or allowed to proceed under the grounds of appeal. An explanation of why the decision was made and how it was made should be included or followed by this statement. This will assist the student in determining whether or not to take the subject any further.

⁶¹⁷ Merryl Cooper and Robert Schwartz, "Moral Judgment and Student Discipline: What Are Institutions Teaching? What Are Students Learning?" (2007) 48 Journal of College Student Development 595, 607.

3.10.10 NON-ACADEMIC DISCIPLINE PROCEDURES

A provider's decision about "non-academic misbehaviour" is entirely up to them. In other words, the Gulf's universities are allowed to have several non-academic discipline procedures; however, it was seen above that not all the universities provide for the same. It is better to have even a tiny number of non-academic matters than not having any. Therefore, universities should ensure that their definitions are explicit and understandable to students.⁶¹⁸ Some examples of non-academic discipline procedures may be axed on:

- Inappropriate, abusive, or threatening behaviour, including on social media;
- Compromising the safety of and wellbeing of staff, other students, or visitors;
Sexual misconduct;
- Violations, harassment, and hate crimes;
- Behaviour likely to bring the provider into disrepute, such as disruptive behaviour in the community;
- Internet access abuse, such as visiting inappropriate websites, uploading or downloading inappropriate content;
- Internet access abuse, such as using the Internet for illicit purposes.

Every offence should be outlined, along with the various fines that might be imposed and the method by which the provider considers any mitigating considerations.⁶¹⁹ Non-academic disciplinary measures a provider takes are meant to deal with student wrongdoing rather than settle personal disagreements. It is common for a provider to discipline a student for misusing its facilities or services or for engaging in any other student-related activity. These can be categorised as (i) misconduct that interferes with the provider's academic or

⁶¹⁸ Linda A. Kidwell and Jenny Kent, "Integrity at a Distance: A Study of Academic Misconduct among University Students on and off Campus" (2008) 17 Accounting Education S3, S16.

⁶¹⁹ Yehuda Peled and others, "Predictors of Academic Dishonesty among undergraduate students in online and face-to-face courses" (2019) 131 Computers & Education 49, 59.

administrative operations, (ii) misconduct in or near any premises maintained by the provider, and (iii) Misconduct that hurts the provider's reputation.⁶²⁰

Conduct that harms the institution, its employees, students, visitors, or members of the general public can lead to disciplinary measures. A provider may also take disciplinary action in response to misconduct that occurs during off-campus activities like placements and field excursions while studying at a partner organisation, such as an affiliate school, or on social media.⁶²¹

3.10.11 BULLYING, HARASSMENT, AND OTHER FORMS OF VICTIMIZATION

Providers must have policies to deal with claims of discrimination, harassment, and bullying. They are responsible for guaranteeing that their employees, students, and everyone interacting with them are protected from discrimination, harassment, and victimisation under their relevant legal system, which is not provided in some of the codes of conduct of the university sample above.⁶²²

Non-academic disciplinary procedures, or distinct procedures, may be used to investigate complaints of harassment, discrimination, and bullying.⁶²³ Providers should explicitly describe harassment, discrimination, and bullying as well as offer instances of behaviour that fall under each description in their protocol, such as:

- Using discriminatory language;
- Sexual or physical abuse or assault;
- Verbal or physical violence;
- Sending abusive or threatening comments on social media;

⁶²⁰ Timothy O. Bisping and others, "Modeling Academic Dishonesty: The Role of Student Perceptions and Misconduct Type" (2008) 39 The Journal of Economic Education 4, 21.

⁶²¹ Steve Williams and others, "Academic Misconduct among Business Students: A Comparison of the US and UAE" (2014) 12 Journal of Academic Ethics 65, 73.

⁶²² Hanan Hassan Al-Sarraf, "Academic Misconduct in Higher Education" (2017) 3 Arab Journal of Sciences & Research Publishing 95, 116.

⁶²³ Denise K. Whitford and others, "Discriminatory Discipline" (2016) 100 NASSP Bulletin 117, 135.

- Using discriminatory language;
- Sexual or physical abuse or assault.

Suppose a student reports a possible criminal offence. In that case, providers should do everything they can to help the student understand their options and support them, no matter how they handle the situation.⁶²⁴ The student can report the incident to the authorities, request disciplinary action from the provider, or take no further action. The provider should support the student if they file a police report. Students and employees may be in danger if the provider reports incidents to the authorities.

3.11 CONCLUSION

A crucial revelation arises through this investigation into the complex dynamics of administrative disputes in academia: preserving students' rights through procedural safeguards is essential. Human rights, firmly established in constitutions or bills of rights, serve as an interpretive guide, monitoring tool, and a strong defence against violations, forming the foundation of this undertaking. Reducing government intervention in intellectual pursuits is crucial to fostering university academic freedom. Courts, as protectors of the rights of both state residents and university students, have a vital role in maintaining a delicate equilibrium. However, the pursuit of justice faces obstacles at all levels of government, leading to the gradual erosion of the right to a fair trial.

The complex terrain of academic autonomy grapples with consecutive administrations' constantly changing political objectives. Universities' tepid position exacerbates the erosion of students' intellectual independence and their legitimate demand for a just trial. Upon closer examination, it becomes clear that the current rules and regulations of universities contain gaps and oversights, which give administrators and academics an alarming level of immunity that obstructs students' ability to receive fair treatment. The

⁶²⁴ Li Eriksson and Tara Renae McGee, "Academic dishonesty amongst Australian criminal justice and policing university students: individual and contextual factors" (2015) 11 International Journal for Educational Integrity 5, 15.

infringement of students' rights to a just trial occurs by taking advantage of legal loopholes and omissions in institutional regulations. Judicial review becomes necessary when there is a lack of political determination and institutional responsibility, prompting the need for intervention. A lack of information and resources hinders students' right to a fair trial, making it difficult to access the court system. The delayed resolution of the limited number of cases that make it to the courts perpetuates a situation in which the delay of justice leads to the denial of justice, disproportionately impacting underprivileged students who depend on the courts as their source of hope.

In conclusion, this chapter emphasises the importance of addressing systemic weaknesses to strengthen the protection of students' rights per the international principle of procedural protection. The Qatar model provides a unique perspective on the complexities of educational administrative disputes. When moving forward, educational institutions are responsible for promoting a culture that values openness, accountability, and fair procedures. This means ensuring that every student is treated justly regardless of their situation.

CHAPTER 4

**PROCEDURAL PROTECTIONS OF THE RIGHTS OF STUDENTS IN
QATAR UNIVERSITY ADMINISTRATIVE POLICIES**

4.1 INTRODUCTION

Institutions of higher education strive for excellence in teaching and research. As a result, they forbid dishonest practices in the classroom, like cheating and plagiarism.⁶²⁵ This chapter explores how academic integrity is embodied in international accreditation and quality assurance standards, which determine whether an educational institution should be recognised and how it should be ranked in the pursuit of academic excellence. Compliance with human rights, labour rights, corporate social responsibility, anti-corruption measures, environmental protection, social media use, protection of underage students, anti-radicalisation and extremism, avoidance of conflict of interest, faculty professionalism, student codes of conduct, and human experimentation are all examples of what are considered to be violations of academic integrity. Educational institutions should implement rules that think these varying requirements to give all students equal access to higher education. Teaching and research at universities should be held to the same standards. The policies presented in this chapter serve as preventive measures designed to eliminate or at least reduce disputes between students and universities. What policies are adopted by Qatar University, and what policies should be further adapted to serve this function?

4.2 PROTECTION OF HUMAN RIGHTS

Human rights offer us a set of globally acknowledged principles that may serve as a foundation for developing common values in educational institutions to help students from diverse backgrounds learn and grow together.⁶²⁶ Citizenship and learning to live together

⁶²⁵ Alexander Amigud and David J. Pell, "When academic integrity rules should not apply: a survey of academic staff" (2020) 46 *Assessment & Evaluation in Higher Education* 928, 942.

⁶²⁶ Junhao Zhang, 'Educational Diversity And Ethnic Cultural Heritage In The Process Of Globalization' (2019) 3 *International Journal of Anthropology and Ethnology* 1, 10.

depend on a firm grounding in human rights education, and these lessons are about making a difference and helping build a more equitable world.⁶²⁷ Citizens of the twenty-first century require the skills necessary to function in societies that value diversity and inclusion equally, and it is the responsibility of educational institutions to teach young people how to combat racism and other types of injustice they encounter daily.⁶²⁸ This calls for a curriculum that is relevant to their real-world experiences. It is quite improbable that such an education would be supplied by chance. Both governments and university administrators must take the lead and rally behind this effort. Also necessary is for adults in authority to pay attention to what students have to say, take their perspectives into account, and grow from the lessons the students. It means that we as educators are open to improving our self-evaluation and reflection methods and value these qualities in ourselves.

Moreover, civic education should encourage students to be receptive to, sensitive to, curious about, and eager to interact with others and their viewpoints from many cultural backgrounds.⁶²⁹ Without intercultural awareness, pupils will fail to recognise the lives, viewpoints, and world views of others, developing instead stereotyped impressions that are likely to lead to scepticism, prejudice, intolerance, and discrimination.⁶³⁰ Human rights and citizenship education are inextricably interwoven and benefit from being tethered to a multicultural viewpoint. To be effective human rights educators, we must first humanise our pupils so they may form relationships with those rights and one another. To humanise classrooms, one should create an atmosphere where students feel secure and confident enough to open up about their lives outside the university. Relationship and community building within and outside club meetings are crucial to establishing trust and promoting education.

⁶²⁷ Hajar Idrissi, 'Exploring Global Citizenship Learning And Ecological Behaviour Change Through Extracurricular Activities' (2020) 39 *International Journal of Lifelong Education* 1, 19.

⁶²⁸ Michael A. Gara and others, 'A Naturalistic Study Of Racial Disparities In Diagnoses At An Outpatient Behavioral Health Clinic' (2019) 70 *Psychiatric Services* 130, 134.

⁶²⁹ Dolly Eliyahu-Levi and Michal Ganz-Meishar, 'Designing Pedagogical Practices For Teaching In Educational Spaces Culturally And Linguistically Diverse' (2020) 9 *Journal of New Approaches in Educational Research* 1, 17.

⁶³⁰ Linda Darling-Hammond and others, 'Implications For Educational Practice Of The Science Of Learning And Development' (2019) 24 *Applied Developmental Science* 97, 140.

When students and teachers feel secure and accepted, have healthy relationships with one another, and have respect for their human rights, students are more likely to acquire the skills necessary to participate effectively in a democratic society.⁶³¹ For this purpose, collaborative efforts may bring about more democratic management and decision-making, university policies, regulations, procedures, student engagement, and overall university atmosphere among university administration, teachers, parents, students, and other stakeholders. Even while working in a competitive setting may make even the best among us feel like we do not measure up, it is debatable whether or not a supportive, team-based workplace will let everyone feel like they are making a difference and build confidence in their abilities.

The challenge of racism and xenophobia, crystallised in the 1999 Macpherson report into the murder of Stephen Lawrence in Britain, which for the first time identified 'institutional racism, led to the introduction of new citizenship education programmes in both that country and France around the year 1999, as shown in an illuminating study by Audrey Osler and Hugh Starkey.⁶³² The Groupe Technique Disciplinaire, Éducation Civique, a French government working group, produced guidelines and a curriculum for the revisions in 1996.⁶³³ The activity of political parties, labour unions, and pressure organisations is shown well in the French programme, and the focus on community and local democracy is welcome. The most recent developments in the United States have centred on enhancing the material covered in civics classes. However, how the curriculum is presented has been recognised as being just as crucial if it is to have a long-term effect on pupils. The development of students' civic attitudes, tolerance, and understanding is profoundly influenced by the classroom environment, instructor attitudes, and inclusion of activities based on the active engagement of students.⁶³⁴ American people are taught the "timeless fact" that their liberties are in jeopardy when their government is either too weak or too

⁶³¹ Andrew Whiting and others, 'The Prevent Duty In UK Higher Education: Insights From Freedom Of Information Requests' [2020] *The British Journal of Politics and International Relations* 1, 20.

⁶³² Audrey Osler and Hugh Starkey, *Teacher Education And Human Rights* (2nd edn, Routledge 2017).

⁶³³ Bill Bowring, 'Human Rights And Public Education' (2012) 42 *Cambridge Journal of Education* 53.

⁶³⁴ Adrienne Chan, Donald Fisher and Kjell Rubenson, *The Evolution Of Professionalism* (Library and Archives Canada Cataloguing in Publication 2012).

powerful; the realisation that with rights comes responsibility is often viewed as foundational to participation in political and civic life.⁶³⁵ Tolerance and understanding across party lines have been highlighted as additional benefits of civic education. 'Civic education that incorporates a systematic consideration of the role of dissent in a democratic society, a greater knowledge of diversity, and the more active participation of students in their learning,' as one study put it, leads to a more tolerant and informed populace.

However, there are important takeaways from these nations:

- Establishing standards is one way to guarantee that all levels of government work together to promote civic education.
- Civic education must become more comprehensive and diverse in teaching children various topics and perspectives to foster a well-rounded, knowledgeable, and engaged citizenry.
- Although civic education is a crucial subject, delivering course material and incorporating extracurricular projects are equally essential for capturing students' attention and fostering the growth of their interests and competence.
- Civic education should be maintained and handed on from generation to generation to increase political engagement, cross-cultural understanding, and societal tolerance.

The culture of human rights has gone far in Qatar, and the country has come a long way toward realising some of its goals in this area. Since the recent experiment in Qatar is grounded in the laws and principles of the Constitution, conventions and applicable international norms, it is regarded as one of the top national, regional, and worldwide priorities.⁶³⁶ Qatar places a high value on human rights education and awareness since it

⁶³⁵ Nathaniel A. Moats, 'Did U.S. Governments Violate Individual Human Rights? A Thomistic Response To COVID-19 Government Mandates' (2022) 103 New Blackfriars 35942254

⁶³⁶ Hege Elisabeth Kjos, 'The Primary Applicability Of National Law And The Role Of International Law' [2013] Applicable Law in Investor-State Arbitration 156, 180.

serves as a deterrent to abuse of such rights; at the same time, it is the government's duty to follow various international treaties and documents, including those ratified by the country.

Publicising the provisions of international human rights conventions such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a primary goal of human rights education programmes in Qatar. The information provided should be accurate and up-to-date. It should also be geared toward the development of relevant skills for the intended audiences, with due consideration given to the steps that must be taken to guarantee all people the same rights and opportunities, as well as to counteract the prejudices that can impede the full realisation of those rights and to foster an atmosphere of mutual respect and acceptance.

The current US practices imply that a critical analysis of civic education as part of an entire educational approach is an excellent place to start if you want to foster a politically engaged and civically engaged populace.⁶³⁷ Many American teachers believe that improving students' knowledge of government and citizenship should begin in elementary university. However, knowledge delivery alone is insufficient; additional focus is required, including in-class and extra-curricular activities that actively involve students and help them grasp their role. The current approach to civic education in the United States seems to encourage the cultivation of persons who are both knowledgeable about and open to participating in the nation's political process at the federal, state, and local levels.⁶³⁸ Hopefully, the lessons presented here will help inform the ongoing discussion on civic education in the United Kingdom. Although the experiences of not all nations mentioned above will directly apply to Qatar University, they should serve as inspiration.

⁶³⁷ Jason Gainous and Allison M. Martens, 'The Effectiveness Of Civic Education' (2011) 40 American Politics Research 232, 266.

⁶³⁸ Wiel Veugelers, 'Theory And Practice Of Citizenship Education' [2019] Education for Democratic Intercultural Citizenship 14, 42.

Human rights provide an ideal against which democracy and citizenship may be evaluated. To what degree are different political demands heard, and how well can the political system accommodate individuals whose needs are not now accepted? These are two measures of a democracy's health.⁶³⁹ Citizenship education can instil blind patriotism and identity for the country as determined by the majority, or it may strive to be welcoming and foster solidarity with others based on respect for their inherent worth as individuals and their unique contributions to society. An understanding that disagreements are to be handled rather than repressed is another potential benefit of this kind of education for fostering social cohesiveness.

For civics and human rights education to foster societal harmony, supportive political environments are necessary.⁶⁴⁰ Without open discussion of political issues, this kind of instruction will have no effect. However, it may provide the groundwork for incorporating human rights values into the evolution of democratic processes if political circumstances allow for freedom of thought and expression and people feel freedom from fear. Reference to global norms and expectations may help shape political demands. Such circumstances may hamper humanity's progress toward the paradise envisioned by the Universal Declaration of Human Rights.

4.3 POLICIES AGAINST DISCRIMINATION

All international human rights documents, including the United Nations Charter, the Universal Declaration of Human Rights⁶⁴¹, and the Convention on the Elimination of All Forms of Racial Discrimination⁶⁴², recognise that everyone has the inherent right to be

⁶³⁹ Michael Bratton and Peter Lewis, 'The Durability Of Political Goods? Evidence From Nigeria's New Democracy' (2007) 45 *Commonwealth & Comparative Politics* 1, 33.

⁶⁴⁰ Barton KC and Ho L-C, *Curriculum for Justice and Harmony: Deliberation, Knowledge, and Action in Social and Civic Education* (Routledge 2022).

⁶⁴¹⁶⁴¹ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III))

⁶⁴² International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195.

treated without prejudice.⁶⁴³ To be clear, non-discrimination applies to all areas of human rights, including the economic, social, and cultural. "international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion" is one of the United Nations' stated goals and guiding principles.⁶⁴⁴ As the first international human rights treaty, the International Convention on the Elimination of All Forms of Racial Discrimination was a critical step for governments to begin enforcing the rights outlined in the Universal Declaration of Human Rights.⁶⁴⁵ Additionally, it serves as the primary international tool addressing "racial" bias. In Article 1.1 of this Convention, "racial discrimination" is defined as including but not limited to factors such as race, colour, and national or ethnic origin.⁶⁴⁶ Numerous international and regional human rights accords expressly prohibit any discrimination. However, specific individuals or communities are particularly vulnerable or disadvantaged, making it difficult to exercise their rights without total assistance. To achieve justice, treating individuals unequally at times may be essential, and any attempt at differentiation must be backed up by solid, objective evidence.⁶⁴⁷ Mechanisms should assess whether or not a difference in treatment amounts to discrimination according to objective and reasonable standards. If the conditions are met, the distinction is acceptable and may help end discrimination against historically marginalised groups. Therefore, the right to excellence necessitates not treating everyone equally.⁶⁴⁸

The ratifying nations must respect, safeguard, and fulfil human rights following international human rights treaties. The nature of governments' duties in this area is relevant since the

⁶⁴³ Linda Darling-Hammond and others, 'Implications For Educational Practice Of The Science Of Learning And Development' (2019) 24 *Applied Developmental Science* 97, 140.

⁶⁴⁴ Robert D. Bickel, 'The Non-Discrimination Principle And American Higher Education: Judicial Failure To Recognize The Present Effects Of Past Discrimination' (2008) 20 *Education and the Law* 1, 24.

⁶⁴⁵ International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195.

⁶⁴⁶ Luana Padua Soares and others, 'Prevalence Of Metabolic Syndrome In The Brazilian Xavante Indigenous Population' (2015) 7 *Diabetology & Metabolic Syndrome* 2, 8.

⁶⁴⁷ Wojciech Sadurski, 'Legal Equality' [2008] *Equality and Legitimacy* 266, 267.

⁶⁴⁸ Lourdes Peroni and Alexandra Timmer, 'Vulnerable Groups: The Promise Of An Emerging Concept In European Human Rights Convention Law' (2013) 11 *International Journal of Constitutional Law* 1056, 1085.

right to non-discrimination is universal and cannot be waived; all appropriate means, including legislative, administrative, and judicial action, must be taken to keep their promises.⁶⁴⁹ Equality guarantees fair treatment, with the emphasis placed squarely on the person rather than on any external factors. Assimilationist thinking holds that social norms and prejudices no longer limit a person after becoming part of the dominant culture.⁶⁵⁰ Therefore, for true equality in the classroom, educators must refrain from singling out pupils based on demographic characteristics like disability, race, socioeconomic status, or gender.

There is ongoing discussion over the most effective methods for dealing with prejudice, which may take numerous forms and be experienced differently by different people. International students face discrimination in many contexts, including contact with faculty, staff, other students, and the general public; if overseas students are mistreated, it might discourage them from returning to their previous university.⁶⁵¹ As Brown, Rosnick, and Segrist, continued racial disparity may cause pupils to absorb racist and harmful ideas about their racial group and identity.⁶⁵² In light of what has been discussed thus far, it is reasonable to assume that this internalisation may indirectly affect students' sense of competence, sense of agency, and anticipation of success. Among the unexpected results was the realisation that all students, regardless of their background, may benefit from higher education by opening doors to more and sometimes more prestigious job prospects.⁶⁵³

Similarly, the Equality Act of 2010 in the United Kingdom superseded nine central Acts of Parliament and almost a hundred rules implemented over many decades. It offers a centralised location from which all prohibited forms of discrimination may be derived, making enforcing and complying with the law easier. It streamlines the legislation by

⁶⁴⁹ Michelle J. Bellino and Sarah Dryden-Peterson, 'Inclusion And Exclusion Within A Policy Of National Integration: Refugee Education In Kenya'S Kakuma Refugee Camp' (2018) 40 British Journal of Sociology of Education 1, 24.

⁶⁵⁰ Joan Poliner Shapiro and Steven Jay Gross, *Ethical Educational Leadership In Turbulent Times* (Routledge 2013).

⁶⁵¹ Azilawati Jamaludin, David Hung Wei Loong and Lim Pei Xuan, 'Developments In Educational Neuroscience: Implications For The Art And Science Of Learning' (2019) 5 Learning: Research and Practice 1, 13.

⁶⁵² Danice L. Brown, Christopher B. Rosnick and Daniel J. Segrist, 'Internalized Racial Oppression And Higher Education Values' (2016) 43 Journal of Black Psychology 358, 380.

⁶⁵³ Eva Maria Vögtle, '20 Years Of Bologna - A Story Of Success, A Story Of Failure' (2019) 32 Innovation: The European Journal of Social Science Research 406, 428.

eliminating contradictions and oddities built over time, providing more protection against discrimination in specific contexts.⁶⁵⁴ The overall impact of the Act is to minimise some bureaucracy; this should be less demanding and more effective in certain areas, especially with the introduction of the public sector equality duty, which has replaced the three distinct obligations on race, disability, and gender.⁶⁵⁵ Therefore, it is imperative that all publicly supported institutions, including universities, give adequate consideration to the need to combat prejudice, promote equality of opportunity, and cultivate healthy intergroup relations in everything they do. Additionally, universities should publish equality aims to address any gender pay gap detected and consider the requirement to establish objectives to address the causes of pay inequalities that are reasonably likely to be connected to protected characteristics.⁶⁵⁶

Universities must also consider the issue of inclusion carefully since they all have unique values they hope their students will take with them into the world and use to make a difference as locals and global citizens.⁶⁵⁷ Tertiary education institutions can shift from individual benefits to group benefits by providing inclusive education that considers access, curricula, teaching practices, and assessments. This will thereby develop and potentiate the talents of all individuals rather than just the talents of the elite or a select few.⁶⁵⁸ This line of thinking, combined with the fact that most countries operate on a capitalist economic structure, suggests that inclusive education helps society more than it is focused on power groups or pupils who are already at an advantage.

⁶⁵⁴ Charles Tremper, Sue Thomas and Alexander C. Wagenaar, 'Measuring Law For Evaluation Research' (2010) 34 *Evaluation Review* 242, 266.

⁶⁵⁵ Michael Abiodun Olatokun, 'Does The Law Think That Black Lives Matter? A Reflection Upon The Role Of The Public Sector Equality Duty In Promoting Racial Equality Before The Law' (2021) 9 *The Theory and Practice of Legislation* 85, 95.

⁶⁵⁶ J. R. Shackleton, 'Should We Mind The Gap? Gender Pay Differentials And Public Policy' [2008] *SSRN Electronic Journal* 45, 60.

⁶⁵⁷ Bryan S. Turner, 'Citizenship And The Crisis Of Multiculturalism' (2006) 10 *Citizenship Studies* 607, 618.

⁶⁵⁸ Virginia R. Massaro, 'Global Citizenship Development In Higher Education Institutions: A Systematic Review Of The Literature' (2022) 6 *Journal of Global Education and Research* 98, 114.

Providing a high-quality education to many students is a big problem for today's tertiary education systems in most nations.⁶⁵⁹ Access and student selection are the initial steps toward inclusion in higher education. Diversity-minded policies will create a more welcoming campus and increase opportunities for contact and dialogue between the majority and the minority.⁶⁶⁰ These regulations need to try to recruit and retain a diverse faculty and student body. They should revise the course curriculum to better prepare students for the multicultural workplace of the future. In addition, as globalisation continues to expand, universities must adopt a more global perspective in their approaches to education.⁶⁶¹ Higher education institutions should not force students to conform to their content and delivery methods. Implementing the Universal Design for Learning framework may solve this challenge.⁶⁶²

Therefore, Qatar University needs to ensure the following:

- The need to report every two years on how far along the process of incorporating the general obligation into all operations is;
- Organisations must disclose and produce comparable results for all protected characteristics (or justify any exclusions) every four years.
- A continual need to assess the effects of policy changes and practice updates against the requirements of the general responsibility;
- All workers' protected features must be documented and shared at least once every two years, if not more often, as part of mainstreaming reports;

⁶⁵⁹ M. E. Muntinga and others, 'Toward Diversity-Responsive Medical Education: Taking An Intersectionality-Based Approach To A Curriculum Evaluation' (2015) 21 *Advances in Health Sciences Education* 541, 559.

⁶⁶⁰ Derald Wing Sue and others, 'Racial Dialogues: Challenges Faculty Of Color Face In The Classroom.' (2011) 17 *Cultural Diversity and Ethnic Minority Psychology* 331, 340.

⁶⁶¹ Elsie Anderberg, Birgitta Nordén and Birgit Hansson, 'Global Learning For Sustainable Development In Higher Education: Recent Trends And A Critique' (2009) 10 *International Journal of Sustainability in Higher Education* 368, 378.

⁶⁶² Germine H. Awad, 'The Role Of Racial Identity, Academic Self-Concept, And Self-Esteem In The Prediction Of Academic Outcomes For African American Students' (2007) 33 *Journal of Black Psychology* 188, 207.

- The importance of adding data on board diversity in mainstream reports, such as the number of women and men on the board and how that data has been or will be utilised to promote gender parity in membership;

Admissions rules at Qatar University should foster a community that values and celebrates diversity and inclusion for all applicants. Everyone should be treated with dignity and reasonable within the frameworks in which they participate. According to Leslie, one must have the capacity for judgment and rational thinking to be respected. Accurate recognition relies on the capacity to assess, which provides insight into and appreciation for diversity.⁶⁶³ Qatar University is suggested to expand access, affordability, and attainment to provide more possibilities for all students. An effort should be made to attract students from all walks of life. Qatar University should actively involve and listen to its students to achieve equality and diversity goals.

4.4 RIGHT TO EDUCATION AND DISABILITY

While there has been an uptake in the number of students with disabilities who enrol in college, some have voiced concerns about the resources available. Following international human rights laws, all people, including those with physical or mental impairments, have the right to an appropriate education.⁶⁶⁴ The fundamental principles of universality and non-discrimination in the enjoyment of the right to education are affirmed by several international instruments, including the UNDHR⁶⁶⁵, the ICESCR⁶⁶⁶, and the CRC⁶⁶⁷, among others.⁶⁶⁸ The best way for governments to ensure everyone has access to quality education free from bias is via inclusive education. The right to education is a right to inclusive

⁶⁶³ Lisa M. Leslie, 'A Status-Based Multilevel Model Of Ethnic Diversity And Work Unit Performance' (2016) 43 *Journal of Management* 426, 454.

⁶⁶⁴ Arlene Kanter, "The Right to Inclusive Education for Students with Disabilities under International Human Rights Law" [2019] *The Right to Inclusive Education in International Human Rights Law* 15, 57.

⁶⁶⁵ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)).

⁶⁶⁶ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ratified by Qatar in 2018).

⁶⁶⁷ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

⁶⁶⁸ Audrey Osler and Jon Arne Skarra, "The rhetoric and reality of human rights education: policy frameworks and teacher perspectives" (2021) 13 *Multicultural Education Review* 191, 210.

education since the CRPD⁶⁶⁹ acknowledges that inclusive education systems are necessary for persons with disabilities to enjoy this right.⁶⁷⁰

At the same time, in the same nation, policies may be implemented to exclude, separate, and integrate people with and without disabilities.⁶⁷¹ In reaction to such discriminatory practices, the inclusive education concept has developed. Those who practise inclusion understand that (a) it is their responsibility to remove obstacles that limit or forbid participation and (b) it is the responsibility of a mainstream university to modify its culture, policy, and practice to meet the needs of all students, including those with disabilities.⁶⁷² The educational system must be overhauled to foster relationships based on shared values for all students to reach their full academic potential. Accurate participation, tailored lessons, and welcoming pedagogies are also implied. Equality, participation, non-discrimination, celebrating variety, and disseminating best practices are all essential tenets of inclusive education.⁶⁷³ The inclusive method considers each student an individual with unique strengths, challenges, and potential contributions. It also recognises the link between the university and the larger community as a foundation for fostering inclusive societies characterised by belonging and treats diversity as an educational opportunity.

Article 24 of the Convention reaffirms the right to education for people with disabilities and identifies inclusive education as ensuring that this right is realised.⁶⁷⁴⁶⁷⁵ The term "inclusive education" is used for the first time in a legally binding document, the Convention. Article 9

⁶⁶⁹ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

⁶⁷⁰ Gauthier de Beco, "The Right to 'Inclusive' Education" [2022] *The Modern Law Review* 1329.

⁶⁷¹ Joep T. A. Bakker and Anna M. T. Bosnian, "Self-Image and Peer Acceptance of Dutch Students in Regular and Special Education" (2003) 26 *Learning Disability Quarterly* 5, 14.

⁶⁷² Johanna Lüddeckens and others, "Principals' perspectives of inclusive education involving students with autism spectrum conditions – a Swedish case study" (2021) 60 *Journal of Educational Administration* 207, 221.

⁶⁷³ J. W. Berry, "Multicultural policy in Canada: A social psychological analysis." (1984) 16 *Canadian Journal of Behavioural Science / Revue canadienne des sciences du comportement* 353, 370.

⁶⁷⁴ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3, art 24.

⁶⁷⁵ Arlene S Kanter and others, "The Right to Inclusive Education Under International Law: Following Italy's Lead" (2014) 17 *Journal of International Special Needs Education* 21, 32.

of the CRPD outlines the general duty of states' parties to provide accessibility.⁶⁷⁶⁶⁷⁷ Disabled people have a more challenging time getting what they want in life because of structural and societal constraints. This may affect their ability to use the space around them and access information and resources. Identifying and removing these obstacles is one of the first steps toward genuinely inclusive education.

Institutions of higher learning must provide reasonable accommodations for students with disabilities to ensure equal access to higher education.⁶⁷⁸ It is good to assume that students with disabilities will have higher expectations, get more help, be evaluated and provided with more constructive feedback, and be more actively involved in the classroom at a university that actively promotes.⁶⁷⁹ Recruitment and admission, campus atmosphere, extracurricular activities, academic advising, and financial aid pose particular difficulties for students with disabilities at universities. The lack of recent research makes it hard for institutional actors to comprehend the challenges faced by students with disabilities seeking post-secondary education.⁶⁸⁰

Universities have recently begun to encourage the participation of students with disabilities in all academic disciplines.⁶⁸¹ People with disabilities are defined as those who have long-term physical, mental, intellectual, or sensory impairments, which, in interaction with various barriers, might hinder their full and effective participation in society on an equal basis with others, per the CRPD⁶⁸². For those who struggle with mobility or other impairments, college may be a gateway to greater independence and a better quality of

⁶⁷⁶ Gauthier de Beco, "The Right to 'Inclusive' Education" [2022] *The Modern Law Review* 1329.

⁶⁷⁷ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3, art 9.

⁶⁷⁸ Naomi Schreuer and Dalia Sachs, "Efficacy of accommodations for students with disabilities in higher education" (2014) 40 *Journal of Vocational Rehabilitation* 27, 40.

⁶⁷⁹ Phil Buckley, "Can the effectiveness of different forms of feedback be measured? Retention and student preference for written and verbal feedback in level 4 bioscience students" (2012) 46 *Journal of Biological Education* 242, 246.

⁶⁸⁰ Reidun Tangen, "Listening to children's voices in educational research: some theoretical and methodological problems" (2008) 23 *European Journal of Special Needs Education* 157, 166.

⁶⁸¹ Susan Grimes and others, "Learning impacts reported by students living with learning challenges/disability" (2019) 46 *Studies in Higher Education* 1146, 1158.

⁶⁸² Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

life.⁶⁸³ Students with disabilities suffer the same stresses as their non-disabled classmates and often encounter extra hurdles such as inaccessible curriculum, the attitudes of academic staff, and infrastructural problems, which may put them at a higher risk of dropping out of university.⁶⁸⁴

Colleges and universities often offer various retention initiatives, services, and accommodations to help keep these students on campus.⁶⁸⁵ Additional test time, note takers in class, additional notes supplied by professors, help with learning or studying strategies, exam style adaptations, and assistive equipment and technology are only some of the curricular and instructional accommodations universities offer.⁶⁸⁶ Academic staff at certain universities must participate in awareness-training programmes that help them adopt more accepting mindsets and inclusive pedagogical strategies in the classroom.⁶⁸⁷ Universities worldwide regularly find solutions to infrastructure problems, including inaccessible buildings, a lack of elevators, and a lack of flexible classroom space.⁶⁸⁸ Despite the availability of support services, new studies show that students with disabilities still face significant barriers to full participation in society.⁶⁸⁹ These factors hinder students' ability to acclimate to college life, fully immerse themselves in extracurricular activities, and ultimately achieve academic achievement.

All citizens have the right to education, and the State shall endeavour to make general education compulsory and free of charge; therefore, Qatar University, the first and only national University in Qatar, is dedicated to making its educational opportunities accessible

⁶⁸³ Richard L. Sparks and Benjamin J. Lovett, "Learning Disability Documentation in Higher Education" (2013) 37 *Learning Disability Quarterly* 54, 62

⁶⁸⁴ Anabel Moriña Díez and others, "Students with disabilities in higher education: a biographical-narrative approach to the role of lecturers" (2014) 34 *Higher Education Research & Development* 147, 159.

⁶⁸⁵ Alexander Kurz and others, "Assessing Opportunity-to-Learn for Students With Disabilities in General and Special Education Classes" (2014) 40 *Assessment for Effective Intervention* 24, 39.

⁶⁸⁶ Philip Vickerman and Milly Blundell, "Hearing the voices of disabled students in higher education" (2010) 25 *Disability Society* 21, 32.

⁶⁸⁷ Helen Larkin and others, "Inclusive Practices in Academia and Beyond" [2014] *The Future of Learning and Teaching in Next Generation Learning Spaces* 147, 171.

⁶⁸⁸ Anabel Moriña and others, "Training Needs of Academics on Inclusive Education and Disability" (2020) 10 *SAGE Open* 215824402096275.

⁶⁸⁹ Robert H. Horner and others, "The Use of Single-Subject Research to Identify Evidence-Based Practice in Special Education" (2005) 71 *Exceptional Children* 165, 179.

to qualified individuals with disabilities. Further, to equip citizens with the knowledge to achieve their aspirations and meet the needs of Qatar's society, the Qatar National Vision 2030 stresses the importance of providing high-quality educational and training opportunities appropriate to each individual's aspirations and abilities and access to educational programmes for lifelong learning. These laws ensure that all students at Qatar University, regardless of their background or physical or mental capabilities, have equal access to and participation in the educational process. The University created the Inclusion and Special Needs Support Center so that students with disabilities may fully participate in campus life (ISNSC). There are two main goals that the centre strives to achieve: the first is to improve the quality of services given to a student with disabilities, and the second is to effect systemic change in educational policy, professional development, and community engagement. The present investigation was carried out with the ISNSC at Qatar University. Many students with disabilities use the centre's resources, such as those with mobility, hearing, vision, or learning. To help students with disabilities, the centre offers a variety of services.

By comparison, great strides have been made in Britain toward making accessible higher education a reality for those with impairments. Students with disabilities such as mobility limitations, chronic health concerns, learning disabilities, autism spectrum disorders, or mental health issues might get guidance from a university's advising service. Universities must legally ensure disabled students are treated relatively under the Equality Act of 2010.⁶⁹⁰ Section 20 of the Equality Act 2010 requires higher education institutions to make "reasonable adjustments" for students with disabilities in areas such as teaching and assessment methods and processes, access to classrooms, laboratories, and other learning spaces, and the provision of auxiliary aids like hearing loops, information in accessible formats, and other forms of Non-Medical Assistance.⁶⁹¹ The responsibility to

⁶⁹⁰ Harriet Cameron and others, "Equality law obligations in higher education: reasonable adjustments under the Equality Act 2010 in assessment of students with unseen disabilities" (2019) 39 *Legal Studies* 204, 229.

⁶⁹¹ Lynne Kendall, "Higher education and disability: Exploring student experiences" (2016) 3 *Cogent Education* 1256142.

make reasonable modifications is described in Section 20 of the Act. To fulfil this obligation, three types of changes must be made:

1. To the way things are done, such as a practice
2. To the built environment, such as providing access to a building
3. To auxiliary aids and services, which could include providing specialised computer software or an alternative service

The obligation arises before the event occurs. However, universities and colleges often include disability services teams and disability advisers that help students and employees with questions, oversee internal non-medical assistance, and ensure the institution aligns with relevant laws. The opposite is valid in the United States, where colleges and universities must provide reasonable accommodations for students with a documented handicap.⁶⁹² However, institutions are not obligated to make adjustments that would change the programme's character, add unnecessary costs or red tape to the administration, or reduce or eliminate mandatory course content. The specific procedures for securing accommodations may differ across universities. However, the standard method for obtaining accommodations typically entails registering with the Disability Services Office, providing recent and appropriate documentation of disability from a qualified professional, and undergoing additional disability testing, followed by a determination of the need for and the availability of accommodations, a request for accommodations, and, in some cases, a letter to each professor outlining the accommodations and the process for implementing them.⁶⁹³ Students have to decide whether or not to identify as having a handicap throughout the recruiting and admissions processes. Recruitment best practices, as well as procedures and policies about students with disabilities, may be gleaned from the scholarly literature.⁶⁹⁴

⁶⁹² Matthew Brett, "Disability and Australian Higher Education: Policy Drivers for Increasing Participation" [2016] *Student Equity in Australian Higher Education* 87, 108.

⁶⁹³ Mark Davies and Barbara A. Lee, "Student disability claims in the UK and USA: does the jurisprudence converge?" (2008) 20 *Education and the Law* 107, 150.

⁶⁹⁴ Barbara J. Palombi, "Recruitment and Admission of Students with Disabilities" (2000) 2000 *New Directions for Student Services* 31, 39.

Educators and researchers are being pushed to rethink the campus learning environment in response to the growing number of nontraditional students enrolled in higher education. Educators have a formidable task in designing a university conducive to students' learning. Disabled students' presence in higher education has complicated campus dynamics and heightened sensitivity to the vast diversity of identities on college campuses. The person experiencing the environmental situation is the primary source of the condition's impact on that person. The results might be detrimental, stressful, limiting, exciting, challenging, neutral, or somewhere in between.

To ensure that students at Qatar University can successfully balance their personal and academic lives, the University should work to improve the quality of their health, social relationships, emotions, and mental health. Students' academic success may be strongly influenced by the emotional depth they experience in life. It is essential for programmes designed to help students with disabilities succeed in higher education to consider their emotional and mental well-being as they help these students transition to campus life. Faculty at universities should know the need to make reasonable accommodations for students with disabilities. In lectures, additional assistance implies that the instructor recognises that students may struggle to listen and take notes while still being expected to do anything else, such as follow slides or react to questions. In the presence of such pupils, the instructor should refrain from having the whole class participate in many unrelated activities.

4.5 ANTI-CORRUPTION MEASURES AND ENHANCING ACADEMIC INTEGRITY

Plagiarism, in which one student presents the work of another as their own; impersonation, in which one student attends classes or takes exams on behalf of another; and services, gifts, informal agreements, or payments in exchange for admission, grades, advance copies of examinations and tests, preferential treatment, graduation, or phoney degrees are all

examples of student-involved academic misconduct.⁶⁹⁵ Dishonesty on a personal level and inappropriate behaviour in the classroom go hand in hand with each other. In any of its myriad forms, academic dishonesty is detrimental to the students who partake in it and the educational institutions that permit it to continue.⁶⁹⁶ For years, one of the most critical points of debate regarding academic dishonesty and integrity centred on students' instances of plagiarism. Students are guilty of plagiarism if they use another person's words, ideas, or research without adequately attributing those things to the original author.⁶⁹⁷ A form of academic dishonesty known as "contract cheating" involves the practice of plagiarism.

Some educational establishments in the United Kingdom, such as the University of Manchester, consider contract cheating to be a type of plagiarism; however, others, such as the University of Huddersfield, view it as a separate academic integrity offence, and still others, like the University of Durham present it as a more severe form of academic. Even though research conducted by the QAA (2016) demonstrates that the problem of essay mills is significantly more widespread in terms of the fields of study involved, their analysis suggests that most students with computer degrees appear to be engaging in dishonest behaviour.⁶⁹⁸

Academic dishonesty has been the subject of many studies, many of which have investigated why students plagiarise their work and its consequences. The following are some of the traits that have been identified. However, this list is not exhaustive: gender, age, racial or ethnic inequalities, and moral aptitude. Second, the rules and procedures of higher

⁶⁹⁵ Elena Denisova-Schmidt, "Corruption, the Lack of Academic Integrity and Other Ethical Issues in Higher Education: What Can Be Done Within the Bologna Process?" [2018] *European Higher Education Area: The Impact of Past and Future Policies* 61, 75.

⁶⁹⁶ Donald L. McCabe and others, "Cheating in Academic Institutions: A Decade of Research" (2001) 11 *Ethics & Behavior* 219, 232.

⁶⁹⁷ Syed Shahabuddin, "Plagiarism in Academia" (2009) 21 *International Journal of Teaching and Learning in Higher Education* 353, 359.

⁶⁹⁸ Michael J. Draper and others, "Are Essay Mills committing fraud? An analysis of their behaviours vs the 2006 Fraud Act (UK)" (2017) 13 *International Journal for Educational Integrity* 2, 14.

education institutions have the potential to have a considerable influence on the extent to which students may participate in plagiarism.

At this point, there is an urgent need for both an increase in the standards of professional behaviour and a better knowledge of academic integrity across all aspects of practice. Sadly, there is already a significant body of data indicating that academics may act unethically. Determining authorship credit or dual relationships between students and faculty are two examples of areas where the potential for the abuse of academic power is standard; as a result, the future research agenda might focus more on ways to identify and establish better or "best" practices in these areas. However, such research is problematic from a methodological standpoint and requires the guts to investigate sensitive subjects in specific cultural settings. The fact that human ties and academic authority are so intricately entwined means that the findings of such a study do not automatically or cleanly translate into straightforward or maybe oversimplified policy declarations. Fine-grained analysis is required to disentangle the intricacy of such problems and contribute to a progressive process of cultural change to develop professional self-awareness within the academic community.

According to the study's findings, the likelihood of students plagiarising their work is significantly reduced when they are informed that a programme like Turnitin will analyse the work they produce.⁶⁹⁹ However, even fail-safe systems like Turnitin can have problems "are open to the possibility of being hacked. Students who are aware of plagiarism software have adopted the practice of paraphrasing the work of others to "slip below the radar of the detection".⁷⁰⁰ This has become a common practice among students. Contract cheating, in which the work that is produced is original albeit produced by the essay mill writer rather than the student, is very difficult to detect, even though the Internet and software like

⁶⁹⁹ Nina C. Heckler and others, "Turnitin Systems" (2013) 45 *Journal of Research on Technology in Education* 229, 248.

⁷⁰⁰ James Warn, "Plagiarism software: no magic bullet!" (2006) 25 *Higher Education Research & Development* 195, 208.

Turnitin are available and have made it much simpler for academics to identify instances of straightforward (cut-and-paste) plagiarism.⁷⁰¹

According to Lancaster and Clarke's research, most requests for contract assignments come from the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, and Australia.⁷⁰² This may be because they chose to look at only English-language websites, but Mahmood comes to a similar conclusion. There is little correlation between the location from which a request originates and the local average rate of internet use.⁷⁰³ The overwhelming majority of users contributed two to seven evaluations, which suggests that they had used this resource multiple times within a single academic unit. A few requests for assignments at the graduate and postgraduate levels were made, but most were for evaluations of undergraduate and lower-level units.

According to the research of several authors, there is mounting evidence that increased levels of student stress contribute to rising cheating rates through written agreements.⁷⁰⁴ Most students (or their families) must make significant financial sacrifices to attend college. Repeating a course due to a poor grade may be prohibitively expensive.⁷⁰⁵ Students experience a sense of academic pressure because their grades can affect their ability to continue their education beyond their first degree, maintain their visas (if they are international students), and find employment (if they graduate with a certain GPA).

As a result of systemic changes in today's universities, the expectations placed on students may increase. Still, students may also find more opportunities or reasons to engage in cheating arrangements due to these shifts. Because of factors such as rising student enrolment, larger class sizes, and the prevalence of online education; the heavy and

⁷⁰¹ Mary Walker and Cynthia Townley, "Contract cheating: a new challenge for academic honesty?" (2012) 10 *Journal of Academic Ethics* 27, 44.

⁷⁰² Thomas Lancaster and Robert Clarke, "Contract Cheating: The Outsourcing of Assessed Student Work" [2016] *Handbook of Academic Integrity* 639, 654.

⁷⁰³ Zaigham Mahmood, "Contract Cheating: A New Phenomenon in Cyber-Plagiarism" (2009) 10 *IBIMA* 93, 96.

⁷⁰⁴ Deanna Klein, "Why Learners Choose Plagiarism: A Review of Literature" (2011) 7 *Informing Science Institute* 97, 110.

⁷⁰⁵ Dina Faucher and Sharon Caves, "Academic dishonesty: Innovative cheating techniques and the detection and prevention of them" (2009) 4 *Teaching and Learning in Nursing* 37, 41.

increasing workloads of many educators; the rise of anonymous marking; and the trend toward casualisation of academic teaching, teachers are unable to get to know each student on an individual basis and monitor their academic progress over time. This inability worsens because teachers cannot get to know each student individually.⁷⁰⁶

Although it may be more challenging to determine whether or not the quality of a student's work has decreased as a result of these factors, it is essential to acknowledge that these factors also tend to change students' experiences of higher education in ways that may encourage them to engage in cheating through contracts. This is why it is essential to acknowledge these factors. Not only is it more likely that a student will have difficulty assimilating into the academic community if they hold the belief that they are nothing more than an insignificant component of the learning process, but they are also more likely to have a pessimistic view of the value of higher education and the activities that are associated with it.⁷⁰⁷

Since most suggested methods are derived from those used to address traditional and online plagiarism, it is uncertain how effective the numerous procedures proposed to deter cheating on contracts will be. Colleges and universities must commit to students' academic integrity by implementing strategies to prevent plagiarism. One crucial step is to educate students about the methods used to identify the practice. While it may be concerning as it undermines trust among individuals, this issue diminishes as these practices become more common. However, this could be problematic as it undermines people's ability to trust each other. It is more difficult to prevent people from cheating on contracts. Among the preventative measures that have been proposed are an increased reliance on tests rather than essays or homework completed at home, as well as viva voce oral examinations to validate coursework.⁷⁰⁸ Even though this could be a very effective method, switching written

⁷⁰⁶ Jennifer Peterson, "An Analysis of Academic Dishonesty in Online Classes" (2018) 31 Mid-Western Educational Researcher 24, 33.

⁷⁰⁷ Olivia L. Holden and others, "Academic Integrity in Online Assessment: A Research Review" (2021) 6 Frontiers in Education 1, 10.

⁷⁰⁸ Ann M. Rogerson, "Detecting contract cheating in essay and report submissions: process, patterns, clues and conversations" (2017) 13 International Journal for Educational Integrity 2, 17.

assignments for tests is not always possible. This is especially true in the humanities, where viva voce examinations can be time-consuming.

The global growth of higher education, influenced by the development of knowledge-based economies and emerging nations, will only be sustainable in the long run if academic professionals maintain high ethical standards. An institution's reputation for academic integrity can significantly impact its financial status due to the rise of global university brands and influential worldwide rankings.

Contract cheating, becoming more common in the nations that make up the Gulf Cooperation Council, should not be allowed to compromise students' academic honesty at Qatar University.⁷⁰⁹ It is possible that resolving this issue will serve both the interests of the university, which is interested in preserving high standards of education and the student, who is interested in receiving a quality education. In light of the growing incidence of cheating on contracts, one response that we would advise against taking is to put more resources into devising detection methods. This exclusive emphasis will only inspire contract cheaters to create even more ingenious methods of evading detection as it evolves. "Cheaters" will see this as an opportunity to increase their level of deception. Studies have shown that it is possible to identify and track individuals who cheat on their contractual obligations; however, it is also simple for these individuals to evade detection by concealing their digital footprints in difficult-to-find locations on the Internet or by using aliases when they do leave traces.⁷¹⁰ We also believe that teachers should focus less on identifying students who cheat and more on assisting honest students and developing teaching methods that are less likely to promote cheating.

Precautions to be Taken Against Corruption and Conflicts of Interest As part of Qatar University's efforts to combat corruption, new regulations have been implemented to ensure fiscal transparency and ethical purchasing practices. The distribution of financial aid

⁷⁰⁹ Justin Thomas and others, "Academic integrity and oral examination: an Arabian Gulf perspective" (2013) 51 *Innovations in Education and Teaching International* 533, 543.

⁷¹⁰ Amel Shoaib and Khawla Zahran, "Systematic Collective e-Cheating in a Saudi Arabian Higher Education Context: A Case Study" (2021) 11 *Higher Learning Research Communications* 111, 130.

at universities is governed by policies and procedures designed to eliminate even the appearance of favouritism. They state that "no employee of QU external or internal grant or contract should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature that conflicts with the proper discharge of his or her duties at QU." This applies to both direct and indirect interests. Explicit conflicts include situations in which an employee is interested in a business or transaction that competes with their ability to perform their duties at QU. Regarding contract teaching, it has become abundantly clear that QU does not possess a robust framework for addressing academic integrity and misconduct issues.

Personalised or sequential assessments as deterrents against contract cheating are also believed to be worth investigating. Although some assessment design suggestions are impractical due to their time demands on educators, we believe these assessments should be examined. Even though preventing cheating should not be the sole focus when designing examinations, this will be a consideration in some classroom settings because of the procedures used. It is essential to consider the specifics of each area of research when deciding whether or not to implement such strategies. It would be helpful to acquire additional information regarding the outcomes of these experiments.

Qatar University can offer comprehensive information on various types of student academic misconduct by consistently examining its policies. Each review should clearly define every kind of student academic misconduct and a range of practical examples considering the diverse assessment methods used across various subject areas. Policy frameworks should include guidelines and tools to aid decision-making when choosing appropriate punishments. There have been ongoing concerns about the consistency of procedures in handling cases of academic misconduct by students. These concerns mainly focus on the decision-making process used to assess the severity of a violation and the appropriate punishment.

Thirdly, suppose students were better informed about the significance of having the necessary skills and competencies in addition to the formal certification. In that case, they

might be more motivated to study rather than pass the exam. It is possible to undermine the concept of assignment tasks as consumable products. A learning culture can be fostered by highlighting the intrinsic and extrinsic value of education.⁷¹¹ Those who want to finish their work will value the clarity with which this strategy emphasises its benefits, and some students who would otherwise be tempted by contract cheating could be convinced that it is not in their best interests to do so.

Lastly, fairness and the distribution of resources should be considered to prevent cheating on contracts through these and other choices. A significant barrier for many educational institutions is the time invested in implementing the solutions described above. Figuring out the most effective way to deal with dishonesty in the classroom might require you to prioritise which students will need your instructors' attention and effort. It would be beneficial for everyone involved if these funds were diverted away from dishonest students and used to assist those students attempting to improve their study habits and overall performance.

4.6 CORPORATE SOCIAL RESPONSIBILITIES

Every corporation, for-profit or non-profit, has the same overarching goal: success. There are several paths to achievement. Corporate entities all over the world have recently come to realise that success can be achieved when their stakeholders perceive them as being socially responsible; these stakeholders tend to warm to what the entities do or stand for, which consequently makes a big difference in whether or not the entities achieve their strategic objectives.⁷¹² When determining business goals and making operational decisions,

⁷¹¹ Jacob Filgona and others, "Motivation in Learning" [2020] Asian Journal of Education and Social Studies 16, 37.

⁷¹² Naomi Ellemers and Tatiana Chopova, "The social responsibility of organizations: Perceptions of organizational morality as a key mechanism explaining the relation between CSR activities and stakeholder support" (2021) 41 Research in Organizational Behavior 100156.

a socially responsible corporation considers how those choices affect the company's surrounding community, stakeholders, and environment.

It has always been important for universities to consider CSR as a growth strategy because they are fundamentally social institutions with a mission to advance a social cause.⁷¹³ According to Brown and Cloke, the intimate linkages between universities and the business sector are potentially dangerous to academic freedom and university autonomy.⁷¹⁴ However, in light of the changing times, CSR is vital for universities to work for social welfare. Companies are now expected to be responsible to their shareholders and society; thus, there has been a boom in interest in organisations focusing on social responsibility due to this development. Universities, as centres for the generation and diffusion of information, play an essential part in ensuring a sustainable future and contributing to the solution of problems on a worldwide scale. There is considerable question as to whether or not educational institutions care about the corporate social responsibility activities of their various business partners. Most academic institutions, including colleges and universities, only teach about social responsibility in the context of CSR operations. They do not actively participate in efforts to improve campus communities. However, for universities to compete in the ever-evolving education industry and achieve their objective in a constantly transforming world, they need to be aware that their actions should be consistent with the values and ideals they assert to uphold. This entails developing their passion for CSR in practice and the classroom, emphasising curricular activities. This will benefit not just the organisation but also the community as a whole in the long term.

Many universities adopt a business-like strategy to thrive in the current climate, characterised by factors like globalisation, privatisation of education institutions, and intense rivalry in the higher education market.⁷¹⁵ Moreover, when they adopt this business-like strategy, certain institutions learn the value of CSR as a reputation and advantage-

⁷¹³ Jaqueline Jimena, "What does CSR have to offer in a recession?" (2009) 130 Canadian Mining Journal 11, 11.

⁷¹⁴ Ed Brown and Jonathan Cloke, "Critical perspectives on corruption: an overview" (2011) 7 Critical perspectives on international business 116, 124.

⁷¹⁵ Rory B. Weiner and others, "The Impact of Endurance Exercise Training on Left Ventricular Torsion" (2010) 3 JACC: Cardiovascular Imaging 1001, 1009.

building strategy for their company image, corporate identity, and reputation.⁷¹⁶ Although concerns about CSR have always been a component of the instructional purpose of higher education institutions, CSR tactics are increasingly being used as a part of the competitive strategy these universities use. Therefore, by creating such plans, universities and colleges are finding they can shift their attention from the classroom to internal matters.

Teaching organisational responsibility inside formal structured educational programmes is increasingly considered a top concern in Latin America and Europe. The focus is on preparing workers who can meet today's economy's changing social and environmental demands.⁷¹⁷ Previous descriptive studies have indicated a growing trend over the past decades to incorporate CSR themes into university and business university curricula, while several pedagogical studies have sought to determine the most effective approaches to teaching these concepts.⁷¹⁸ An analysis of the literature shows that social responsibility education positively affects students' attitudes, beliefs, and values.⁷¹⁹

However, comprehensive research on the best strategies and priorities to express CSR education in official academic curricula in Latin American nations is lacking. With this goal in mind, it is anticipated that the institution's marketing strategy may be refined to better meet the educational requirements of its target audience by gaining insight into the preferences of its students for continuing their CSR education. The first step in using this model to inform curriculum development is to define the precise subjects that should be included in university. The complexity of CSR necessitates various theoretical methods and models, but the stakeholder perspective provides a clear framework for determining which aspects of CSR instruction students find most meaningful.

⁷¹⁶ M. G. Serap Atakan and Tutku Eker, "Corporate Identity of a Socially Responsible University – A Case from the Turkish Higher Education Sector" (2007) 76 *Journal of Business Ethics* 55, 68.

⁷¹⁷ Dolores Gallardo-Vázquez and M. Isabel Sanchez-Hernandez, "Measuring Corporate Social Responsibility for competitive success at a regional level" (2014) 72 *Journal of Cleaner Production* 14, 22.

⁷¹⁸ Wim P. Krijnen, "Some Results on Mean Square Error for Factor Score Prediction" (2006) 71 *Psychometrika* 395, 409.

⁷¹⁹ Saleh Alwahaishi, "Significance of work-integrated learning on ethical perception: implications to business students" (2021) 19 *International Journal of Training Research* 183, 201.

Various approaches, including sustainability/CSR, may be taken in higher education. A stand-alone course on sustainable development/CSR and incorporating sustainable development/CSR ideas and technologies into the content of already-existing courses are viable options for integrating this into current business programmes.⁷²⁰ Incorporating sustainability/CSR into the formal curriculum of business sciences is the most significant difficulty faced by universities and the most difficult to address.⁷²¹ CSR may provide advantages for firms when integrated into their operations. Corporate social activities are part of the organisation's strategy and connected to its objectives. For over a decade, CSR has been widely accepted in academic research and practice.⁷²²

Cultivating diverse competencies is contingent on a company's capacity to include sustainability/CSR as a strategic issue in operational choices.⁷²³ Companies need specialists in marketing, accounting, finance, human resources, etc., with a firm grasp of sustainability and corporate social responsibility. Hence, it is essential to teach CSR alongside traditional business topics. Therefore, holistic and integrated approaches to sustainability/CSR education significantly affect students' and employees' development.⁷²⁴ This is because sustainability principles must be integrated into every module of an MBA programme for knowledge to seep in holistically.

Universities should be managed business-like due to the increasing commercialisation of their operations. Thus, higher education institutions should adopt CSR initiatives to gain a competitive edge and a favourable reputation. Furthermore, any institution providing higher education can benefit from students applying their acquired academic knowledge to

⁷²⁰ Timothy A. Hart and others, "Do, but don't tell" (2015) 16 *International Journal of Sustainability in Higher Education* 706, 728.

⁷²¹ Consuelo Benito Olalla and Amparo Merino, "Competences for sustainability in undergraduate business studies: A content analysis of value-based course syllabi in Spanish universities" (2019) 17 *The International Journal of Management Education* 239, 253.

⁷²² Guven Aslan, "Comment on the Paper "Condom-Assisted Transurethral Resection: A New Surgical Technique for Urethral Tumor", *Surgical Science*, Vol. 1, 2010, pp. 46-48" (2011) 02 *Surgical Science* 193, 194.

⁷²³ Mohamad Sufian Hasim and others, "Sustainable Facilities Management: Interviews with FM practitioners for Malaysian universities" (2020) 5 *Asian Journal of Behavioural Studies* 51, 63.

⁷²⁴ Saša Petković and others, "Environmental sustainability and corporate social responsibility of business schools: is there evidence of transdisciplinary effects?" [2022] *Economic Research-Ekonomska Istraživanja* 1, 21.

develop practical applications. Moreover, higher education institutions must engage in responsible practices due to the growing intersection between the intricacies of higher education operations and public interests. Therefore, ethical practices in higher education will become a more attractive long-term value proposition for the institution, benefiting the general public and investors.

Corporate Social Responsibility activities should be strategically planned and implemented by a company's CSR policy, which should be an integrated component of its overall policy and connected with its commercial objectives.⁷²⁵ The policy should be drafted with input from many tiers of management and then approved by the Board. Companies should produce value for all of their stakeholders while also respecting and responding to the needs of each group. All stakeholders should be consulted so that people are aware of potential dangers and may take precautions against them. Ethics, openness, and responsibility must be cornerstones of their governing structures.⁷²⁶ They should not participate in dishonest, shady, or counterproductive business methods. Workers have a right to expect to be treated with respect in their place of employment, and companies are responsible for offering such an atmosphere. They need to ensure that all workers, without exception, can acquire the knowledge and experience they need to progress in their careers. Businesses need to address the issues of climate change head-on by adopting cleaner manufacturing processes, encouraging effective use of energy, and using environmentally friendly technology; reducing, reusing, and recycling trash; and sustainably managing natural resources.

Universities may better serve their stakeholders, improve their image and legitimacy, encourage benchmarking with other institutions, and strengthen their corporate information and control procedures if they publicise CSR data.⁷²⁷ Beyond only describing the economic

⁷²⁵ Ted Brown and others, "Predictors of academic honesty and success in domestic and international occupational therapy students" (2019) 47 *Irish Journal of Occupational Therapy* 18, 41.

⁷²⁶ Irina Lock and Charlotte Schulz-Knappe, "Credible corporate social responsibility (CSR) communication predicts legitimacy" (2019) 24 *Corporate Communications: An International Journal* 2, 20.

⁷²⁷ Marsela Thanasi-Boçe and Selma Kurtishi-Kastrati, "Social responsibility approach among universities' community" (2021) 16 *Journal of Enterprising Communities: People and Places in the Global Economy* 384, 401.

environment confronting the institution, this data would assist universities in explaining their operations to a wide variety of stakeholders by giving a greater degree of CSR transparency about several social and environmental concerns. Despite the widespread academic and business interest, a study of the leading journals covering elements of corporate social responsibility reveals that little research has been conducted to analyse the critical role of universities' sharing of CSR information.⁷²⁸ Also, little research has looked at what motivates businesses to provide social and environmental data online. This information gap is pervasive in all sectors of society, including universities; hence, our study aims to fill a critical gap in the existing literature.

The higher education system in Qatar should take the following steps to implement these ideas: organise panels or seminars where business academics and corporate executives discuss the topics mentioned, establish CSR master's programmes, and learn from the experience of Western institutions in creating such curricula. To incorporate sustainability, CSR, and related concepts into their educational programmes, higher education institutions must make substantial efforts to realign their curriculum and the academic programmes of their faculty.⁷²⁹ The teaching staff's duty is twofold: first, they must ensure that the students understand these concepts, and second, they must encourage the students to develop into responsible leaders. Education for sustainability, education about sustainability, corporate social responsibility, and other related disciplines can affect graduates' perspectives, attitudes, and actions concerning these complex concerns. They may also consider these factors in their potential roles as leaders and workers when making decisions.

Because conducting business in today's interconnected world is so challenging, we must consider environmental and corporate social responsibility issues seriously. Sustainability and corporate social responsibility ought to be included in the curriculum of business ethics classes in educational institutions. Consequently, business universities must be adaptable

⁷²⁸ María Rosario González-Rodríguez and others, "Perceptions of students university of corporate social responsibility" (2012) 47 *Quality & Quantity* 2361, 2377.

⁷²⁹ Francisco J. Lozano García and others, "Sustainability in higher education: what is happening?" (2006) 14 *Journal of Cleaner Production* 757, 760.

in the face of considerable change and take the initiative to cultivate the new skills required to succeed in the Era of Sustainable Development. Most colleges and business universities will need to change to improve their ability to foster education, evolution, and progress, but this will not be an easy process.

4.7 ACADEMIC FREEDOM

For this discussion, the term "academia" refers to an institution of higher learning where students and faculty engage in scientific inquiry to uncover truths and establish a body of knowledge that can be used to address societal problems and satisfy individual curiosities.⁷³⁰ "Freedom" refers to the privilege of inquiring about the world around us, discovering and using methods to answer those questions, and making those solutions in the form of novel scholarly discoveries and insights widely accessible to the public via rapid publishing and distribution.⁷³¹ Few countries worldwide have seen the remarkable expansion and transformation in the higher education sector in Gulf Cooperation Council countries in recent years. To "become less reliant on foreign knowledge and cultivate an educated citizenry that could grow and govern the oil sector," more people are enrolling in higher education programmes.⁷³² Several governments are investing heavily in their educational systems to diversify their economies and better educate their populations.

In cultures such as China and the Islamic Republic of Iran, questioning official viewpoints may result in severe punishments such as being fired or prosecuted. Even in the death penalty, censorship can be rather blunt and obvious. One of the most significant challenges to academic freedom in Western societies is the power held by external actors, such as

⁷³⁰ Merle L. Canfield and others, "The Use of Course Grades in the Assessment of Student Learning Outcomes for General Education" (2015) 5 SAGE Open 215824401561592.

⁷³¹ Kirsi-Mari Kallio and others, "Institutional logic and scholars' reactions to performance measurement in universities" (2021) 34 Accounting, Auditing & Accountability Journal 135, 161.

⁷³² Paul Axelrod, "Academic Freedom and Its Constraints: A Complex History" (2021) 51 Canadian Journal of Higher Education 52, 61.

donor organisations, who decide which research projects will be sponsored and which will not be financed. When it comes to private universities, the administration is frequently worried about "losing customers" if they present viewpoints and claims of truth that could make some students uneasy and scare them away from other educational institutions. This is because some students may be scared away from staying at a private university altogether.

The American Association of University Professors Statement of Principles on Academic Freedom and Tenure guarantees academic freedom in the United States.⁷³³ It is adopted by most colleges and institutions and written into individual professors' contracts. The principles include the unrestricted right to educate and do research and the more contentious right to engage in responsible extramural communication. However, these guidelines are not binding in a court of law; they are called "soft law" instead.

Several instances decided against the backdrop of the McCarthy period when colleges or individual academics were substantially confined if possessing communist or left-wing inclinations, spelt out the constitutional guarantee of academic freedom. In the landmark case *Sweezy v. New Hampshire*⁷³⁴, heard by the United States Supreme Court, Justice Frankfurter wrote a separate concurring decision in which he made a famous observation. At issue, in that case, was an effort by the Attorney General to examine a left-leaning Harvard professor about remarks he made at a New Hampshire public institution. According to Frankfurter, universities have the right to decide what they teach, how they teach, and who is accepted to study there. Because of this ruling, US courts have refined their First Amendment support for academic freedom arguments made by institutions. However, a constitutional right may only be exercised against a state or public authority, such as a state institution and not against a private body's decision.

⁷³³ Frank Donoghue, "Why Academic Freedom Doesn't Matter" (2009) 108 South Atlantic Quarterly 601, 621.

⁷³⁴ *Sweezy v New Hampshire*, 354 U.S. 234 (1957).

The ruling in *Grutter v Bollinger*⁷³⁵ The United States Supreme Court is also widely recognised as a landmark decision. Underrepresented minority applicants to Michigan Law School were given precedence in the admissions process, but this policy was challenged because it violated the Equal Protection principle. Supreme Court Justice Sandra Day O'Connor's majority opinion upheld institutions' right to establish admissions standards. Regarding older British universities, academic freedom is often taken for granted. The Education Reform Act of 1988, which did away with academic tenure and allowed universities to eliminate departments and designate staff superfluous, was the first time this idea was codified into law.⁷³⁶

In exchange, its amendment included a clause protecting academic freedom. This clause requires commissioners overseeing the drafting of university statutes to guarantee that academic staff can question and test established norms and propose novel and controversial ideas without fear of retaliation.⁷³⁷ In practice, academic employees' contracts include protections for intellectual independence. Workers who face disciplinary action because they participate in controversial research or extramural speech may appeal the decision on the grounds of academic freedom to the university's internal or employment tribunal. Universities often aim to avoid public legal fights. Therefore, no instances have been brought to court so far.

The political framework authoritarian state rulers built is the first set of elements. This interaction has far-reaching effects on how more significant topics, such as academic freedom, are interpreted within the context of broader issues, including politics, culture, and education. The major problem is that these frameworks are tightly tied to and reinforce one another. Because of its long history of religious and cultural integration, the educational system in Arab countries offers a second context that defines academic freedom. Therefore,

⁷³⁵ *Grutter v Bollinger*, 539 U.S. 306 (2003).

⁷³⁶ Liviu Andreescu, "Individual Academic Freedom and Professional Acts" (2009) 59 Educational Theory 559, 578.

⁷³⁷ Bruce Chapman and Aedin Doris, "Modelling higher education financing reform for Ireland" (2019) 71 Economics of Education Review 109, 119.

a person's religious convictions are fundamental when deciding the extent of academic freedom.

Qatar University recognises academic freedom, and all faculty members are free to study, talk, explore, teach, research, and publish as long as they comply with their responsibilities and the university's mission. Complete academic and publishing freedom and the freedom to address educational topics in the classroom are vital because the free pursuit of truth and knowledge and the open sharing of that truth and information are essential to the common good.⁷³⁸ The research suggests that universities should take a different approach than traditional workplaces, where workers who speak publicly about their worries about internal affairs might be fired.

In the second example, which marks simply the tip of a vast iceberg, Aubrey Blumsohn, a researcher in Sheffield's medical department, was suspended after publicly voicing concerns about the conduct of a drug trial performed in contract with Procter & Gamble.⁷³⁹ He claimed that Procter & Gamble's assertions about the drug's effectiveness were false since he was not given access to all relevant data. When entering research funding contracts with universities, pharmaceutical corporations often include clauses limiting researchers' ability to publish or share their findings freely. However, owing to the contractual structure of these provisions, challenging them in court may be difficult, even if they impair academic freedom.

Although teachers are individuals entitled to their judgements, values, and points of view, it is unfortunate that students whose views mirror the views of their professors very often receive higher grades than students whose views differ from those of their professors. This is the case regardless of the student's intellectual capacity, judgement, the clarity of their arguments, and the relevance of the topics they present in class or term papers. Indicates that teachers' primary goal is not to cultivate students' critical thinking skills but to manipulate them. Nowadays, "political correctness," which is nothing more than self-

⁷³⁸ Cheryl Hudson and Joanna Williams, *Why academic freedom matters* (Civitas 2016).

⁷³⁹ C. Dyer, "Aubrey Blumsohn: Academic who took on industry" (2009) 339 BMJ b5293-b5293.

censorship due to the fear of being criticised or rejected by peers, students, or the administration, has become widespread in Western universities, particularly private institutions where students are seen as customers. This is especially true in settings where students are treated as customers. Regardless of the factual evidence or how pertinent the topic may be, administrators and instructors are scared to expose students to ideas or points of view that may cause them to feel uneasy. This is the case even when the ideas or points of view are relevant to the topic.

While the GCC region increasingly relies on imported, well-established colleges, it is also making concerted efforts to grow and enhance its higher education system. Education City in Qatar is one of the first such complexes, home to several prestigious American colleges. Gulf political leaders are trying to "transform Arab academia from a site for information receipt to one of knowledge production" to reduce the "development gap" in their country.⁷⁴⁰ The concept of the Gulf being a significant academic player is starting to permeate the Arab world, luring teachers, students, and scientists from all over the globe to the Gulf.⁷⁴¹ Several practical concerns, including those related to academic freedom, are raised by this new development. Certain Gulf states are more progressive than others in the area. Still, it does not mean GCC nations can avoid the "huge importations of manpower and knowledge, especially of American-style higher education. The widespread belief that embracing Western ideas in the classroom has resulted in "the degradation of Muslim culture, the decrease of modesty among women, and a general increase in licentious behaviour" makes this approach to learning risky".⁷⁴² It is feared that the delicate balance between academic freedom and Arab cultural norms may be threatened if the intellectuals at these institutions declare their thoughts and ideals. Education, however, cannot be non-religious, non-moral, and non-political unless colleges and instructors are ready to ignore the most pressing

⁷⁴⁰ Mari Luomi and others, "Environmental sustainability in Qatar's Education City: Strategies, initiatives and education" [2013] QScience Connect 1, 11.

⁷⁴¹ Nnamdi O. Madichie, "An overview of higher education in the Arabian Gulf" (2015) 7 International Journal of Business and Emerging Markets 326, 335.

⁷⁴² Michael H. Romanowski and Ramzi Nasser, "Faculty perceptions of academic freedom at a GCC university" (2010) 40 PROSPECTS 481, 497.

concerns of the day.⁷⁴³ This raises severe concerns about the quality of higher education in the GCC countries.

Huff (2005) notes that one must view academic freedom in Arab nations through two lenses.⁷⁴⁴ The first set of elements is the political framework established by autocratic state authorities. This interplay has far-reaching repercussions on how themes such as academic freedom are perceived in politics, culture, and education. The primary issue is that these frameworks are intricately connected and mutually reinforced. Arab education provides a second setting defining academic freedom due to its long religious and cultural integration history. Therefore, one's religious convictions are essential in determining the bounds of academic freedom.

Qatar University upholds academic freedom, allowing faculty members to engage in scholarly activities such as studying, discussing, exploring, teaching, conducting research, and publishing as long as they fulfil their obligations and align with the university's mission. The unrestricted pursuit of truth and knowledge, along with open communication of this information, are crucial for the public benefit. Therefore, academic and publishing freedom and the ability to discuss educational matters in the classroom are indispensable.

Furthermore, it was determined that a professor's academic freedom does not excuse them from the responsibility to uphold the values and principles outlined in the University's governing statutes. This decision was crucial as it safeguarded the academic freedom of professors. Educators must understand that academic freedom is a right held by both students and faculty members. The instructor should be ready to support the student's right to intellectual investigation and open expression. A faculty member must consistently maintain the trust and respect of their colleagues. It is important to familiarise oneself with the norms and traditions of the academic community. Furthermore, they must adhere to the

⁷⁴³ Michael H. Romanowski and Ramzi Nasser, "Faculty perceptions of academic freedom at a GCC university" (2010) 40 PROSPECTS 481, 497.

⁷⁴⁴ Abdullah Sahin, "Critical Issues in Islamic Education Studies: Rethinking Islamic and Western Liberal Secular Values of Education" (2018) 9 Religions 2, 29.

traditions observed in Qatar. Qatar's Constitution and other local laws grant professors the same rights as all other individuals in Qatar.

4.8 MEASURES TO PREVENT RADICALISATION

Education initiatives that target violent extremism are part of a more significant worldwide trend toward preventing terrorism and working to change conditions that give rise to the dissemination of extremist ideas and the recruitment of new followers.⁷⁴⁵ It is clear that education may be used for either radicalising or de-radicalising young people and that governments in conflict-affected countries are increasingly interested in funding initiatives that oppose violent extremism as part of education programmes. However, no universally accepted definition of "violent extremism" hampers any attempts at research, policy discourse, or programming about the issue.⁷⁴⁶ In addition, the root causes of violent extremism are poorly understood, which means there is a shortage of empirical evidence demonstrating the efficacy of programmes aimed at countering violent extremism. As counterterrorism increasingly intrudes upon the education sector, counterterrorism objectives' impact in reframing education's purpose and the relationship between a university's mission and counterterrorism are becoming increasingly important.⁷⁴⁷ In every piece of literature on international policy, the term always includes breaking the law and violating social norms and values. It always has dire consequences for individuals and communities. One thing to remember is that the concept of injury is debatable, and there are famous and prominent voices in the minority who argue that the majority damages minorities and the powerless by unfairly using political power and economic advantage.⁷⁴⁸

⁷⁴⁵ Rogelio Alonso and Marcos García Rey, 'The Evolution Of Jihadist Terrorism In Morocco' (2007) 19 *Terrorism and Political Violence* 571, 592.

⁷⁴⁶ Freedom C. Onuoha, Chikodiri Nwangwu and Michael I. Ugwueze, 'Counterinsurgency Operations Of The Nigerian Military And Boko Haram Insurgency: Expounding The Viscid Manacle' (2020) 33 *Security Journal* 69, 94.

⁷⁴⁷ Aislinn O'Donnell, 'Pedagogical Injustice And Counter-Terrorist Education' (2017) 12 *Education, Citizenship and Social Justice* 177, 193.

⁷⁴⁸ Richard Jackson and others, *Critical Terrorism Studies At Ten* (Routledge 2019).

Today, in both Arab and non-Arab governments, debates on policy centre on countering radicalism, violent extremism, and terrorism. Communities have been profoundly affected by the dread that these occurrences have sown, how they are linked to more significant conflicts between and within faiths, and how they have shown a lack of social cohesiveness even in ostensibly strong nations.⁷⁴⁹ Universities and colleges are responsible for addressing the rising problem of radicalisation among young people because they provide a fertile breeding ground for it. It is generally accepted that universities should collaborate with their surrounding communities to promote long-term positive social, environmental, and economic change under a "University Social Responsibility" framework.⁷⁵⁰ Socially responsible universities, as outlined by Reiser's model, may effect change along four dimensions: education, organisation, knowledge, and participation.⁷⁵¹ Here, we will examine each of these dimensions in detail and provide concrete instances of what some colleges do to counteract radicalisation on campus. Education is seen as a valuable instrument in the fight against terrorism and violent extremism on a global scale. Over the last decade, western nations have included citizenship education in their primary and secondary university curricula.⁷⁵² Due to a lack of empirical evidence supporting effective teaching methods, colleges are still debating how best to provide civic education to their undergrad and grad students.⁷⁵³ However, universities shape the minds of their students to become better citizens by disseminating information and cultivating values.

With the implementation of the Prevent responsibility in some British institutions, a wider variety of persons are increasingly dealing with counter-terrorism in their regular jobs, giving rise to renewed interest in these concerns. The Prevent strand of the United Kingdom's

⁷⁴⁹ Nora Bensahel, 'A Coalition Of Coalitions: International Cooperation Against Terrorism' (2006) 29 *Studies in Conflict & Terrorism* 35, 49.

⁷⁵⁰ Chen Chen and Vanclay Frank, 'University Social Responsibility In The Context Of Economic Displacement From The Proposed Upgrading Of A Higher Education Institution: The Case Of The University Of Groningen Yantai Campus' (2020) 78 *International Journal of Educational Development* 102268.

⁷⁵¹ Ruxandra Vasilescu and others, 'Developing University Social Responsibility: A Model For The Challenges Of The New Civil Society' (2010) 2 *Procedia - Social and Behavioral Sciences* 4177, 4182.

⁷⁵² Yuqing Hou, 'Comparative Global Citizenship Education: A Critical Literature Analysis' (2020) 2 *Beijing International Review of Education* 537, 552.

⁷⁵³ Richard P. Phelps, 'Synergies For Better Learning: An International Perspective On Evaluation And Assessment' (2014) 21 *Assessment in Education: Principles, Policy & Practice* 1, 29.

counter-terrorism strategy (CONTEST) was given a legal basis in 2015 thanks to the Counter-Terrorism and Security Act.⁷⁵⁴ This implies that some institutions, including universities, must consider the need to keep individuals from getting radicalised while they do their duties.⁷⁵⁵ There is cause for alarm since such a danger stemming from police policy contradicts the idea of human security advocated by the United Nations (UN) and endorsed by the European Union (EU) and several European governments.⁷⁵⁶ This implies that some organisations are legally obligated to develop and execute measures to ensure they meet their preventive responsibility requirements. One of these measures is to provide relevant employees with Prevent awareness training in the hopes that they will be better equipped to help prevent individuals from being pulled into terrorism and to oppose extremist beliefs that pose a danger of drawing people into terrorism.⁷⁵⁷ Several speakers had doubts about whether or not "British values" could be applied to all pupils, especially those who did not identify as British or as having a predominantly British background.⁷⁵⁸ Teachers and students alike questioned the validity of designating the principles as uniquely "British" when they might just as well be described as "human" or "universal" values that could be applied everywhere in the world. The literature that already exists suggests that the university sector generally accepts Prevent in its current form as a safety device.⁷⁵⁹ The Prevent Duty was perceived by many as an extension of existing obligations for protecting students from damage; many educators equated radicalisation with other forms of possible danger faced by pupils, such as sexual exploitation, maltreatment, or drug addiction.

⁷⁵⁴ Fahid Qurashi, 'The Prevent Strategy And The UK 'War On Terror': Embedding Infrastructures Of Surveillance In Muslim Communities' (2018) 4 Palgrave Communications 1, 12.

⁷⁵⁵ *R (on the application of Butt) v Secretary of State for the Home Department* [2017] EWCA Civ 184.

⁷⁵⁶ Clive Walker and Oona Cawley, 'The Juridification Of The UK'S Counter Terrorism Prevent Policy' [2020] *Studies in Conflict & Terrorism* 1004, 1029.

⁷⁵⁷ Andrew Whiting and others, 'The Prevent Duty In UK Higher Education: Insights From Freedom Of Information Requests' [2020] *The British Journal of Politics and International Relations* 1, 20.

⁷⁵⁸ Alex Kenny and Baljeet Ghale, 'Prevent And 'British Values' (2015) 57 *FORUM* 227, 232.

⁷⁵⁹ Lee Jerome, Alex Elwick and Raza Kazim, 'The Impact Of The Prevent Duty On Schools: A Review Of The Evidence' [2019] *British Educational Research Journal* 821, 837.

The United States Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism, introduced in 2011, is primarily based on the British programme Prevent and aims to counter violent extremism by involving communities and supporting the building of resilience from the ground up.⁷⁶⁰ Building Resilience against Terrorism, Canada's strategy for combating terrorism focuses on four main areas: prevention, detection, denial, and response. In 2012, the need for education to combat extremism and build a resilient society that can maintain public safety and peace was pointed out as an omission. However, this function is still obscure in 2022. The French government has launched a Stop Jihadism campaign, which seeks to provide French individuals with the knowledge and skills necessary to identify and avoid radicalisation.⁷⁶¹ The government-run website advertising this programme offers various tools, including infographics. The French Ministry of Education has proposed eleven policies to reduce radicalisation and increase the prevalence of secular, republican ideals in French classrooms.

Community-based CVE initiatives are as numerous as government-run initiatives, and they may be found in neighbourhoods all over the globe.⁷⁶² While all CVE projects share the objective of countering violent extremism, their approaches to doing so vary widely. They consist of community cohesion programmes, mentoring programmes, and educational initiatives aimed at teaching anti-discrimination and the acceptance of cultural/religious differences, as well as increasing surveillance/policing of communities, engaging and conversing with religious leaders, attempting to remove extremist media and propaganda, releasing counter-messages and counter-narratives, and so on.⁷⁶³ However, CVE initiatives have been accused of failing to address the growing threat of right-wing extremism and other secular and political beliefs. However, a closer look at the aforementioned national strategy

⁷⁶⁰ Stevan Weine and others, 'Building Community Resilience To Counter Violent Extremism' (2013) 9 Democracy and Security 327, 333.

⁷⁶¹ Elizabeth Pearson and Emily Winterbotham, 'Women, Gender And Daesh Radicalisation' (2017) 162 The RUSI Journal 60, 72.

⁷⁶² Hedieh Mirahmadi, 'Building Resilience Against Violent Extremism' (2016) 668 The ANNALS of the American Academy of Political and Social Science 129, 144.

⁷⁶³ Lasse Lindekilde, 'Introduction: Assessing The Effectiveness Of Counter-Radicalisation Policies In Northwestern Europe' (2012) 5 Critical Studies on Terrorism 335, 344.

histories reveals that they are mostly always under revision in the face of criticism and emerging extremist developments.

As such, it is evident that education alone cannot significantly prevent violent extremism if it supports exclusive worldviews and condones violence in whatever form. Directly and indirectly, educational policies and practices must address the unique causes of violent extremism if they are to have any influence. Neither business as usual nor one-off fixes will suffice. There should be a balance between short-term and long-term teaching strategies. A significant source of disagreement is the fuzziness around common concepts like "radicalisation," "extremism," and "indicators of radicalisation".⁷⁶⁴ The ability of universal personnel at all levels to define and consistently use policy words is crucial to any policy's success.⁷⁶⁵ Achieving agreed-upon definitions is challenging when the terminology involved is as complex, nuanced, and context-dependent as those driving the Prevent campaign.

Extremism is defined as vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs that call for the death of members of our armed forces, whether in the UK or overseas. In contrast, "radicalisation" is defined as the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.⁷⁶⁶ However, educators must use discretion in determining whether or not a student's actions are motivated by radical ideology.⁷⁶⁷ Therefore, the next step is up to individual choice, which might be discriminatory or liberal. This prompts us to reflect on our attitudes toward others and the factors that shape them.⁷⁶⁸

A Prevent risk assessment strategy, including potential indications of extremist inclinations or radicalised behaviour, must be in place in universities to recognise symptoms of

⁷⁶⁴ J. Githens-Mazer, 'Terrorism, Risk And The Global City: Towards Urban Resilience' (2011) 65 Parliamentary Affairs 896, 898.

⁷⁶⁵ Victor H. Asal, Gary A. Ackerman and R. Karl Rethemeyer, 'Connections Can Be Toxic: Terrorist Organizational Factors And The Pursuit Of CBRN Weapons' (2012) 35 Studies in Conflict & Terrorism 229, 254.

⁷⁶⁶ Jonathan Kenyon, Christopher Baker-Beall and Jens Binder, 'Lone-Actor Terrorism – A Systematic Literature Review' [2021] Studies in Conflict & Terrorism 1, 24.

⁷⁶⁷ Arun Kundnani, 'Radicalisation: The Journey Of A Concept' (2012) 54 Race & Class 3, 25.

⁷⁶⁸ G. Hindle, 'Policing Terrorism In The UK' (2007) 1 Policing 1.

radicalisation. The Prevent responsibility and associated government instructions avoid specifying these indications because of the diversity in triggers, allowing the university to construct its context-specific list.⁷⁶⁹ It is a double-edged sword since it frees up a local and institutional context to choose which indicators to use. However, it also pressures the university to enforce something so intricate and ethereal that it defies description.

The most important of them is adopting more egalitarian and inclusive educational policies and practises that see diversity among students not as deficits to be eliminated but as assets to be cultivated.⁷⁷⁰ Respect for diversity and responsible participation may be fostered when educators place equal importance on students' ability to think critically and creatively and relate to and interact with others. Furthermore, the United Kingdom may serve as a model for Qatar University as it implements counter-radicalisation policies. The ability of educators, instructors, and other university personnel to execute preventative measures via educational institutions is crucial in countries like the United Kingdom. They are on the front lines of prevention because of their close relationships with students and their families. Not all educators feel prepared to broach the subject of violent extremism because of the complexity of the causes at play, which may include social, cultural, religious, or ethnic tensions and disputes.⁷⁷¹ Educators may also be complicit in perpetuating prejudice if they lack the skills to examine the assumptions upon which their teachings are based. Teachers should avoid discussing violent extremism and other divisive topics in the classroom if they do not feel prepared to do so emotionally or professionally.

University-based initiatives are incredibly successful in reaching out to students and providing comprehensive solutions to worries about the rise of violent extremism. University, as a miniature version of society, may give the pupils practice in applying concepts from subjects like civics and critical thinking. They also provide the groundwork

⁷⁶⁹ Lynn Revell, 'Teacher Practice And The Pre-Crime Space: Prevent, Safeguarding And Teacher Engagement With Extremism And Radicalisation' (2019) 1 PRACTICE 21, 36.

⁷⁷⁰ Marta Medina-García, Luis Doña-Toledo and Lina Higuera-Rodríguez, 'Equal Opportunities In An Inclusive And Sustainable Education System: An Explanatory Model' (2020) 12 Sustainability 1, 20.

⁷⁷¹ Torhild Breidlid, 'Countering Or Contributing To Radicalisation And Violent Extremism In Kenya? A Critical Case Study' (2021) 14 Critical Studies on Terrorism 225, 246.

for initiating and participating in transformative volunteerism and community service acts. Skills that strengthen a person's resistance to violent extremism are best acquired via hands-on experience. The phenomena of student radicalisation are complex and nuanced, and more research is needed to grasp its consequences for higher learning fully.⁷⁷² Western colleges and universities have spent the last decade developing policies and procedures to detect, respond to, and counteract student radicalisation.⁷⁷³ Meanwhile, institutions battled to uphold democratic norms and principles of academic freedom. Universities' preventative programmes have been accused of racial profiling and securitising the university environment.

4.9 POLICY REQUIREMENTS FOR THE MANAGEMENT OF ONLINE SOCIAL NETWORKS

This exploratory research shows that people have varying perspectives on and approaches to social media technologies in higher education and their personal lives depending on the environment in which they are used. It also alludes to the fact that many previously disregarded resources are being seriously investigated for use in and even incorporated into conventional classrooms. During this time of change, we must examine the effects of this amalgamation on students and classrooms alike.

Various professions and individuals make use of social media. In addition to serving as a platform for informal social networking and enhancing social capital, social media is utilised for online marketing and promotion, building customer connections, settling customer service issues, and handling consumer complaints. The sector's development may be attributed to the widespread use of ICTs in the modern economy. The world of higher

⁷⁷² Bertjan Doosje and others, 'Terrorism, Radicalization And De-Radicalization' (2016) 11 Current Opinion in Psychology 79, 84.

⁷⁷³ Renata Franc and Tomislav Pavlović, 'Inequality And Radicalisation - Systematic Review Of Quantitative Studies' [2021] Terrorism and Political Violence 785, 810.

education is not immune to the rapid growth of new technologies; since these developments can potentially improve teaching and research in the academy, educators cannot afford to ignore them.⁷⁷⁴

There has been a recent uptick in using social media in the classroom as a teaching tool. Social media is readily available and participatory, two hallmarks of learning media. Both excellent and opposing forces shape the impact of social media on the classroom. The use of social media has facilitated the expansion and improvement of students' academic understanding. Students can access various resources that may aid their education via social media.⁷⁷⁵ In addition, using social media may enhance students' capacity to absorb new knowledge from multiple sources. Social media facilitates student familiarity with and understanding of technology. The evolution of media distribution and user interaction with these new tools was the initial spark that ignited the birth of social media. Students must learn about and investigate technological developments in greater depth to aid their growth because their reliance on technology necessitates that they become proficient in its usage before they can effectively contribute to the next stage of their education.⁷⁷⁶

The prevalence of communication and information technologies influences the learning approaches used in the education sector. E-learning, or distance education, is increasingly used in academic settings. This brand-new development will aid pupils while they study, and diverse student populations will be made manageable with technology.⁷⁷⁷ Because of the innovative educational approaches made possible by social media, students have complete freedom over their academic pursuits. This is because students' use of social media for educational purposes is highly correlated with their engagement in self-regulated

⁷⁷⁴ María-del-Carmen Alarcón-del-Amo, 'Analysis Of Acceptance Of Social Networking Sites' (2012) 6 African Journal of Business Management 8609, 8617.

⁷⁷⁵ Michael Record, 'Implications Of Graphic Organizers In An Age Of Social Media' (2015) 2015 New Directions for Teaching and Learning 73, 86.

⁷⁷⁶ Todd R. Kelley and J. Geoff Knowles, 'A Conceptual Framework For Integrated STEM Education' (2016) 3 International Journal of STEM Education 1, 11.

⁷⁷⁷ Sara Hennessy and others, 'Technology Use For Teacher Professional Development In Low- And Middle-Income Countries: A Systematic Review' (2022) 3 Computers and Education Open 100080.

learning. Students may control their media consumption and the messages they send through social media since they have agency over their educational experiences.

Students may learn from one another, as well as from their instructors and other subject matter experts, via social media. Due to the portability of modern social media platforms, this may be done whenever and wherever suits the user. Students might find new groups to join via social media in the classroom.⁷⁷⁸ Students generally utilise social media to find others who share their interests, hobbies, and points of view. This has the potential to create new online communities that can carry out a wide range of valuable and constructive tasks. The significance that social media plays in the improvement of existing abilities is substantial. It is common knowledge that top-tier individuals may be located rapidly via social media. Suppose a prospective student has an imposing singing voice and decides to record himself singing, upload the video to social media, and share it with his friends and the public. In that case, he may attract the attention of top producers, who may then invite him to record an album or participate in a talent search event.⁷⁷⁹

Dabbagh and Kitsantas argue that in higher education, social networking sites may be utilised for the production and dissemination of knowledge and for cultivating a sense of community via shared activities.⁷⁸⁰ By enabling social networking, we can facilitate the distribution of educational resources, data, updates, and opportunities for interaction and cooperation. Different academics have reached similar conclusions, arguing that social media may facilitate interaction between teachers and students, provide emotional support, boost students' self-esteem, and build partnerships and communities. According to McCarroll and Curran, students may benefit from social media in various ways, including increased opportunities for learning and growth, less anxiety, deeper connections with

⁷⁷⁸ J.A. Cortés and J.O. Lozano, 'Social Networks As Learning Environments For Higher Education' (2014) 2 International Journal of Interactive Multimedia and Artificial Intelligence 63, 69.

⁷⁷⁹ Yogesh K. Dwivedi and others, 'Setting The Future Of Digital And Social Media Marketing Research: Perspectives And Research Propositions' (2021) 59 International Journal of Information Management 102168.

⁷⁸⁰ Nada Dabbagh and Anastasia Kitsantas, 'Personal Learning Environments, Social Media, And Self-Regulated Learning: A Natural Formula For Connecting Formal And Informal Learning' (2012) 15 The Internet and Higher Education 3, 8.

peers, and a stronger sense of belonging.⁷⁸¹ In addition, research has shown that social media may significantly enhance the learning experience via active communication and collaboration.

Social media technologies have been the subject of research in higher education, but their use at the individual student level has received less attention. We do not know, for example, how using these technologies may change a person's willingness to express private opinions in one situation and play the role of the higher education student in a system featuring evaluations that measure learning outcomes in another. Understanding how the same technology will affect or be perceived by the individual is essential. For almost a century, the word "media" has been used to refer to various means of human communication and broadcasting. Attempting to define a study field in a precise and applicable way is difficult. Some other names have similar difficulties, including the phrase "social media," which is still relatively new and encompasses various constantly expanding uses.

It seems that there are several angles from which to examine social media and the likelihood of their usage and implementation, and the factors that will ultimately shape students' adoption of these tools within higher education are equally important to investigate.⁷⁸² The introduction of social media in higher education has been linked to digital dissonance and the digital divide. Students' usage of social technologies and the places they create through their use have been described as causing "digital dissonance".⁷⁸³ Their research revealed that students did not necessarily help each other learn using technological expertise; instead, both students and educators had difficulty striking a workable balance between digital tools' social and educational possibilities.

⁷⁸¹ Niall McCarroll and Kevin Curran, 'Social Networking In Education' [2014] *Digital Arts and Entertainment* 731, 745.

⁷⁸² Hedviga Tkacová and others, 'Credibility And Involvement Of Social Media In Education—Recommendations For Mitigating The Negative Effects Of The Pandemic Among High School Students' (2022) 19 *International Journal of Environmental Research and Public Health* 1, 22.

⁷⁸³ W. Clark and others, 'Beyond Web 2.0: Mapping The Technology Landscapes Of Young Learners' (2009) 25 *Journal of Computer Assisted Learning* 56, 69.

Roblyer et al. studied the likelihood that college teachers and students would use Facebook for personal or academic reasons. Their research reflects that such technology may help facilitate student-teacher communication and collaboration.⁷⁸⁴ According to their study, students were more receptive to using these technologies as teaching aids than teachers. Multiple studies have shown that today's students anticipate, if not insist upon, more social media integration into their classroom experiences.

When compared to our immediate, unrecorded interactions in the real world, the online context provides a precise and, in theory, unlimited memory. However, even when we absorb copious quantities of data about others on social media and worry that our privacy is eroding, this is likely due to changes in how we perceive the privacy of others.⁷⁸⁵ The inability to influence the passage of time is a contributing element, making it difficult to foresee the results of one's actions. Some of the more recent social media platforms, like Snapchat, attempt to address this issue by allowing users to participate without having their posts permanently archived. Acts directed toward other people in the real world are one way that people control their personal space. As Nissenbaum argues, this granularity shifted along with the context and may be absent from online resources.⁷⁸⁶

Other researchers have argued that universities may benefit from using social media to reach and connect with a broader range of people.⁷⁸⁷ Communicators may use social media like Twitter, Facebook, and LinkedIn to attract new students and teachers, solicit donations, and defuse tense situations.⁷⁸⁸ Positive prior experience in business on the benefits of social media marketing and the high adoption rates of social media by the younger generation

⁷⁸⁴ M.D. Roblyer and others, 'Findings On Facebook In Higher Education: A Comparison Of College Faculty And Student Uses And Perceptions Of Social Networking Sites' (2010) 13 *The Internet and Higher Education* 134, 140.

⁷⁸⁵ Pedro Sanches and others, 'Knowing Your Population: Privacy-Sensitive Mining Of Massive Data' (2013) 2 *Network and Communication Technologies* 34, 48.

⁷⁸⁶ Helen Nissenbaum, 'Privacy As Contextual Integrity' (2004) 79 *Washington Law Review* 119, 157.

⁷⁸⁷ Luke Gelinas and others, 'Using Social Media As A Research Recruitment Tool: Ethical Issues And Recommendations' (2017) 17 *The American Journal of Bioethics* 3, 14.

⁷⁸⁸ Falahah and Dewi Rosmala, 'Study Of Social Networking Usage In Higher Education Environment' (2012) 67 *Procedia - Social and Behavioral Sciences* 156, 166.

make using social media as a tool for marketing higher education an appealing proposal.⁷⁸⁹ Similarly, Constantinides and Stagno stated that incorporating social media into the higher education sector will boost consumer involvement, communications, and brand loyalty.⁷⁹⁰ It is logical to suppose that integrating social media apps into university marketing might boost enrollment numbers and aid prospective students in making more educated judgments about their course of study and institution of higher learning.

Jara et al. (2014) argue that the reaction time of colleges employing social media marketing is still crucial.⁷⁹¹ They claimed that, if correctly managed, colleges' social media accounts are the best way for students to get answers to their broad inquiries quickly. The article by Lupton provided valuable insight into particular academics' professional and strategic use of social media and the various advantages these individuals have experienced in their academic careers.⁷⁹² These connections and networks allowed participants to go beyond the confines of academia, facilitating openness and sharing of information, publicising and developing research, and providing and receiving assistance.

Social media allows universities to expand the channels via which their extension and outreach services may inform and engage with their target audiences by disseminating information about events, publications, programmes, and other resources. For university outreach and extension programmes, social media serves as a platform for information dissemination, stakeholder engagement and the development of online communities.⁷⁹³ Klamm agrees that marketers may explain their goods and services to and interact with them

⁷⁸⁹ Danah m. Boyd and Nicole B. Ellison, 'Social Network Sites: Definition, History, And Scholarship' (2007) 13 *Journal of Computer-Mediated Communication* 210, 230.

⁷⁹⁰ Efthymios Constantinides and Marc C. Zinck Stagno, 'Potential Of The Social Media As Instruments Of Higher Education Marketing: A Segmentation Study' (2011) 21 *Journal of Marketing for Higher Education* 7, 24.

⁷⁹¹ Antonio J. Jara, María Concepción Parra and Antonio F. Skarmeta, 'Participative Marketing: Extending Social Media Marketing Through The Identification And Interaction Capabilities From The Internet Of Things' (2013) 18 *Personal and Ubiquitous Computing* 997, 1011.

⁷⁹² Deborah Lupton, 'Critical Perspectives On Digital Health Technologies' (2014) 8 *Sociology Compass* 1344, 1359.

⁷⁹³ Razakh Sakibayev, Spartak Sakibayev and Bela Sakibayeva, 'Development Of Students' Programming Abilities With The Means Of Non-Programming Disciplines And Activities' (2019) 15 *International Journal of Information and Communication Technology Education* 121, 129.

for more incredible and broader feedback, effectively addressing their demands.⁷⁹⁴ The judicious use of social media platforms can significantly improve the quality of services provided by higher education institutions. In particular, young people, notably those in college, love using social media.

For Qatar University to succeed, it must implement an integrated marketing strategy that coordinates the many marketing initiatives across several departments. Without a market-wide approach, the team in charge may not be able to raise traffic as much as they would want. Universities should implement systems to monitor client comments, and inquiries posed through social media to gauge the efficacy of these platforms.

4.10 SECURITY OF CONFIDENTIAL INFORMATION

The right to privacy is an example of first-generation freedom that affirms an individual's autonomy in interactions with the rest of society.⁷⁹⁵ This is a fundamental human right and falls under the umbrella of civil and political rights, which include safeguarding personal liberty against illegitimate government and corporate intrusion.⁷⁹⁶ In addition, the earliest texts of constitutional worth to have codified such fundamental rights and freedoms were civil and political. They were written to constrain governments' unchecked authority over the enjoyment of human rights. To add to this, the right to privacy is included in the category of inviolability, which stands for the sorts of fundamental rights and freedoms that, by their substance, secure life, the possibility of free movement, bodily and mental security, and the safety of the person's domicile.⁷⁹⁷

Each culture has its norms and expectations when it comes to personal privacy. There is no universally recognised concept of privacy, as shown by the wide variety of definitions

⁷⁹⁴ William Klamm and Nancy Klamm, 'William And Nancy Klamm Service Award For 2011: Charles And Leann Blem' (2011) 123 *The Wilson Journal of Ornithology* 848, 849.

⁷⁹⁵ Simon McCarthy-Jones, 'The Autonomous Mind: The Right To Freedom Of Thought In The Twenty-First Century' (2019) 2 *Frontiers in Artificial Intelligence* 1, 14.

⁷⁹⁶ Lorenzo Zucca, 'The Fundamental Legal Right To Informational Privacy V The Fundamental Legal Right To Free Press' [2008] *Constitutional Dilemmas* 114, 141.

⁷⁹⁷ Hildebrandt M, *Law for Computer Scientists and Other Folk* (Oxford University Press 2020).

provided by researchers from various cultures and fields.⁷⁹⁸ Since both the right to identify and privacy are subsets of the broader personality rights, they are considered equivalent. Both stem from people's inherent worth and worthiness, as guaranteed by their rights to dignity and autonomy. However, protecting one's privacy and the right to free speech are not mutually exclusive but complementary rights.

Stakeholders in today's institutions of higher learning include not just traditional patrons like national governments and sponsors but also, increasingly, employers and students. Higher education institutions are responsible for their resource allocation, faculty calibre, and capacity to adapt to changing social and economic conditions.⁷⁹⁹ Institutional efforts to aid student learning in higher education have traditionally used archival student data like high university graduation rates and standardised test scores. Real-time data trails left on institutional learning management systems and other platforms are increasingly used to assist student intervention techniques and influence the following allocation of resources in the context of student retention and achievement in higher education.⁸⁰⁰

Context and the need for knowledge frequently determine whether or not an individual has an absolute right to privacy. Protecting one's privacy and ensuring the security of one's data are inextricably linked, and privacy concerns are warranted whenever and whatever data is gathered, kept, or utilised.⁸⁰¹ Whoever has permission, and however they define it, controls the information that is kept private. Data privacy refers to safeguarding users' private information throughout its collection, transfer, and usage.

The Family Educational Rights and Privacy Act (FERPA) of the United States forbid universities from disclosing students' private information, with few exceptions, such as restricted directory information.⁸⁰² Students' academic records, including mandatory online

⁷⁹⁸ Bernhard Debatin, 'Ethics, Privacy, And Self-Restraint In Social Networking' [2011] Privacy Online 47.

⁷⁹⁹ Todd W. Drummond and Sergij Gabrscek, 'Understanding Higher Education Admissions Reforms In The Eurasian Context' (2012) 44 European Education 7, 26.

⁸⁰⁰ Melina Aarnikoivu and others, 'Working Outside Academia? Perceptions Of Early-Career, Fixed-Term Researchers On Changing Careers' (2019) 9 European Journal of Higher Education 1, 18.

⁸⁰¹ Jon L. Mills, 'Privacy And Its Contemporary Context: Why Privacy Is Disappearing' [2008] Privacy 13, 104.

⁸⁰² Sonja Trainor, 'Student Data Privacy Is Cloudy Today, Clearer Tomorrow' (2015) 96 Phi Delta Kappan 13, 18.

activities in which their identities may be revealed, are considered private and protected by law and cannot be disclosed to the public. Transcripts from the university, comments from admissions officers, semester grades, grade point averages, official transcripts from the present university, and, occasionally, recommendation letters are all part of a student's educational record at a university.⁸⁰³

4.11 CONSTRAINTS IN HUMAN STUDIES

Given the high-stakes nature of international publication, many writers may feel pressured to downplay or ignore flaws in their research for fear of having their work rejected. Research flaws, or "limitations," are the holes in a study's otherwise sound methodology that might potentially alter the study's results and interpretations.⁸⁰⁴ Scientists owe it to their peers to be forthright about the study's caveats. Authors tend to employ vague language when describing their studies' shortcomings, wasting the already limited word count on excessive or irrelevant restrictions. Presenting research limits meaningfully requires describing the potential constraint, explaining the consequence of the limitation, providing feasible alternative methods, and describing efforts to alleviate the limitation.⁸⁰⁵ Setting the study's findings in context helps readers avoid misinterpreting the results.

Participant safety is of the utmost importance in every study. However, if the participant's identity is compromised, they may still be at risk of experiencing bodily danger, psychological suffering, social humiliation, financial loss, or an invasion of privacy. If there is any chance that the participants may be damaged or uncomfortable, compelling arguments are essential. Detailed debriefing, in addition to other techniques and plans that refer to the damage or discomfort reduction approach, may help bring the situation under control. Because of this, it is crucial to include safeguards such as obtaining participants'

⁸⁰³ Bo Chang, 'Student Privacy Issues In Online Learning Environments' (2021) 42 Distance Education 55, 69.

⁸⁰⁴ Donna H. Odierna and Lisa A. Bero, 'Retaining Participants In Outpatient And Community-Based Health Studies' (2014) 4 SAGE Open 1, 11.

⁸⁰⁵ Eyisi Daniel, 'The Usefulness Of Qualitative And Quantitative Approaches And Methods In Researching Problem-Solving Ability In Science Education Curriculum' (2016) 7 Journal of Education and Practice 90, 98.

informed permission, keeping their identities hidden and secret, avoiding any dishonest methods and allowing them to drop out of the study at any moment, among other measures, if necessary.⁸⁰⁶

Ethical guidelines for performing and reporting research are crucial for helping scientists avoid dishonesty. Research ethics also defend against potential damage to the research participants, which adds weight to the investigation's credibility.⁸⁰⁷ Credibility and public confidence may also be maintained if research follows ethical norms. It is crucial to consider ethical concerns early in the research process while designing the study. Thus, the study approach is congruent with addressing ethical concerns and difficulties for optimum effect.

Ethical principles in research guide, teach and oversee scientists to maintain a reliable level of research integrity. Minimising participant risk, obtaining informed consent from identified research participants, maintaining participant anonymity and confidentiality, avoiding deceptive practices, and allowing participants to withdraw from the study are all fundamental ethical principles that must be considered during scientific research's planning and design phases.⁸⁰⁸

There are two main ideas to keep in mind here: (a) goodwill, the idea that the researcher's primary concern should be the well-being of the study's participants, and (b) non-maleficence, the idea that the researcher should do their best to avoid doing any harm to participants and keep their identities secret at all times.⁸⁰⁹ Ethical standards in research may vary from one nation or institution to another. After reviewing the clearance procedure, the institution's ethics committee may identify insufficient ethical requirements in the proposal and reject any research that does not adhere to the most fundamental moral norms.

⁸⁰⁶ Celia B. Fisher and Andrea E. Anushko, 'Research Ethics In Social Science' The SAGE Handbook of Social Research Methods 8, 24.

⁸⁰⁷ Knut Jørgen Vie, 'Can Research Integrity Prevail In The Market? Lessons From Commissioned Research Organizations' (2021) 29 Accountability in Research 415, 441.

⁸⁰⁸ Mark Israel and Iain Hay, 'Research Ethics For Social Scientists' 8, 20.

⁸⁰⁹ Jennifer M. Barrow, Grace D. Brannan and Paras B. Khandhar, 'Research Ethics' [2021] National Library of Medicine 29083578.

Participant protection is at the heart of informed consent, which is why it is essential in clinical studies. Individuals considering participating in a research study will be given a paper outlining the experiment's protocols, expected outcomes, risks, and advantages.⁸¹⁰ The patient should be allowed to review the paperwork with their treating physicians and get clarification on any points they do not fully grasp. Signing this paper indicates that you agree to participate in the trial and that you and the researcher will each keep a copy for your records. Researchers must keep participants informed and address their concerns. The trial participant is not obligated to complete the study after giving informed permission. A volunteer may withdraw from the study at any point throughout the trial.

The concept of "Respect for Persons" stems from the realisation that each individual is worthy of being treated with the dignity and respect to which they are entitled.⁸¹¹ It covers how people are handled when they actively participate in the study and when they are indirectly engaged because of their data or human biological materials. This policy includes materials relevant to human reproduction. Part of being autonomous is having the mental space to weigh options and take decisive action when necessary. Giving someone the benefit of the doubt and letting them make their own decisions without interference is what we mean when we value autonomy. Self-determination is not an individual trait but rather is shaped by the many networks into which an individual is plugged, including those of family, community, culture, society, language, religion, and more.⁸¹² The choices an individual makes may also affect any of these interdependencies.

Researchers always encounter ethical challenges from conflicting commitments and conflicts of interest as they do their job. All study projects involving human subjects must first get ethical clearance to protect participants' and researchers' rights, privacy, and well-

⁸¹⁰ UmeshChandra Gupta, 'Informed Consent In Clinical Research: Revisiting Few Concepts And Areas' (2013) 4 Perspectives in Clinical Research 26, 32.

⁸¹¹ Stephen Darwall, 'Kant On Respect, Dignity, And The Duty Of Respect' [2013] Honor, History, and Relationship 247, 270.

⁸¹² Fern Brunger and Julie Bull, 'Whose Agenda Is It? Regulating Health Research Ethics In Labrador' (2012) 35 Études/Inuit/Studies 127, 142.

being.⁸¹³ Please do not see the process of obtaining ethical permission as a bureaucratic roadblock; instead, see it as a means of showing and proving that your study design respects the rights of its participants. In the same vein, since universities in the United Kingdom are considered public authorities by the General Data Protection Regulation⁸¹⁴, the UK clearly illustrates how the "bundle of duties" designated for public authorities under the GDPR may affect scholarly processing.⁸¹⁵ It can be argued that the GDPR's emphasis on protecting the privacy and rights of individuals as part of the broader responsibilities of public authorities sets the standard for data processing in the context of scholarly research. Accordingly, it seems that the Regulation will result in more new scrutiny and less new flexibility for university researchers.

The exception under Article 85 GDPR may provide researchers more leeway for various reasons.⁸¹⁶ Probably most notably, it gives Member States the authority to create GDPR exemptions for academic expression. The Regulation directs the Member States to balance data protection with the right to freedom of speech and information, which is an extra consideration.⁸¹⁷ Finally, the phrase "academic expression" has various possible applications because of its vagueness. On the other hand, academic institutions in the United States are committed to furthering research as a fundamental human endeavour. This dedication stems from a desire to know and improve the plight of the worldwide community.⁸¹⁸ The institution understands that the participation of human subjects is necessary to advance various academic topics. When doing research with humans, it is imperative that the participants get the highest respect and that their privacy and

⁸¹³ Michael G. White, 'Why Human Subjects Research Protection Is Important' (2020) 20 *Ochsner Journal* 16, 33.

⁸¹⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [2016] OJ L119/1.

⁸¹⁵ Miranda Mourby and others, 'Governance Of Academic Research Data Under The GDPR—Lessons From The UK' (2019) 9 *International Data Privacy Law* 192, 206.

⁸¹⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [2016] OJ L119/1, art 85.

⁸¹⁷ Kamrul Faisal, 'Balancing Between Right To Be Forgotten And Right To Freedom Of Expression In Spent Criminal Convictions' (2021) 4 *Security and Privacy* 1, 14.

⁸¹⁸ s Babb, 'Grinding To A Halt: The Effects Of The Increasing Regulatory Burden On Research And Quality Improvement Efforts' (2009) 49 *Clinical Infectious Diseases* 328, 335.

confidentiality be protected at all times and the trust of human participants and the general public in the procedure of the study is dependent on the researcher's ability to adhere to these ethical standards consistently.⁸¹⁹

Tragic instances of unethical human research have sparked academic and public discussion and the development of national and international rules controlling research ethics. Protecting study participants while encouraging responsible scientific inquiry has been and is central to the development and maintenance of accepted standards and practices in research ethics.⁸²⁰ Ethical concerns in social scientific research should not be brushed aside if we want to protect the credibility of our findings, prevent misdeeds that may reflect poorly on our institutions, and effectively address any new challenges that may arise.⁸²¹ Ethical concerns must be uncovered and addressed throughout the research process's value chain. From the inception of research concepts through the dissemination of research results, this study has listed several primary and fundamental ethical considerations that must be considered in social scientific research.⁸²² Researchers in the social sciences should act ethically by following best practices and avoiding common pitfalls throughout their studies. The paper suggests establishing ethical committees in higher institutions of learning and other research-based institutions to regulate ethical issues related to conducting social science research and guide trainees on the gold standard required in conducting research in the academic environment.⁸²³

⁸¹⁹ Dilmi Aluwihare-Samaranayake, 'Ethics In Qualitative Research: A View Of The Participants' And Researchers' World From A Critical Standpoint' (2012) 11 International Journal of Qualitative Methods 64, 81.

⁸²⁰ Michael G. White, 'Why Human Subjects Research Protection Is Important' (2020) 20 Ochsner Journal 16, 33.

⁸²¹ David B. Resnik and Kevin C. Elliott, 'The Ethical Challenges Of Socially Responsible Science' (2015) 23 Accountability in Research 31, 46.

⁸²² James M. DuBois and Beth Prusaczyk, 'Ethical Issues In Dissemination And Implementation Research' [2017] Oxford Scholarship Online 63, 72.

⁸²³ Lisa Mikesell, Elizabeth Bromley and Dmitry Khodyakov, 'Ethical Community-Engaged Research: A Literature Review' (2013) 103 American Journal of Public Health 7, 14.

4.12 VOLUNTEER WORK AND PARTICIPATION IN SOCIETY

In recent years, various institutions worldwide have been instituting new programmes that emphasise engagement in the local community. Service-based learning and participatory research garner increasing interest from many stakeholders, including government officials, academics, and authorities.⁸²⁴ These transitions occur at an intriguing juncture when institutions are under growing pressure to have a global influence as a result of the research that they do.

Our society is now experiencing a period of profound change due to several factors, including the transition from an industrial to a knowledge-based economy, technological developments, budgetary restrictions in higher education, and social upheavals.⁸²⁵ In this time of transformation on a scale never before seen, it is more necessary than ever for communities and universities to collaborate to benefit society. While few other social institutions are in a better position than colleges and universities to spark significant societal change, progress toward improving the relationship between higher education and society might seem to be moving at a snail's pace. Higher education institutions have tremendous human, financial, organisational, and intellectual resources that may be used to address significant issues facing society. In addition, many businesses have a long history in the communities that they now serve. Both the community and the organisation stand to gain from the efforts made by the institution to raise the standard of living in the areas immediately around the facilities it operates. Despite this, it is commonly believed that universities and colleges seldom live up to their full potential regarding the improvement they may bring to their surrounding communities.

Companies participating in strategic planning may help them weather upheavals and adjust to changing conditions more effectively.⁸²⁶ It paves the way for performance evaluation by

⁸²⁴ Budd Hall and Rajesh Tandon, *Social Responsibility And Community Based Research In Higher Education Institutions* (Brill 2021).

⁸²⁵ Zheng Gongcheng and Wolfgang Scholz, 'Global Social Security And Economic Development: Retrospect And Prospect' (International Labour Organisation 2019).

⁸²⁶ Antonio Miceli and others, 'Thriving, Not Just Surviving In Changing Times: How Sustainability, Agility And Digitalization Intertwine With Organizational Resilience' (2021) 13 Sustainability 1, 17.

providing objective data for tracking progress, identifying and fixing deviations from the plan, and deciding how to allocate resources. This data can be used to track progress, identify and fix deviations from the plan, and decide how to allocate resources. Effective strategic planning is characterised by having substantial input from customers and other stakeholders, a comprehensive analysis of critical external trends, a restricted number of clearly defined strategic concerns and opportunities, and built-in criteria for review and adaption of the plan.⁸²⁷ The most effective method of strategic planning may be determined in part by considerations such as an organisation's history of planning, the culture of the company, as well as both internal and external influences.⁸²⁸ After the process is stable, more planning phases could be included to ensure the strategy is comprehensive.

There is a misalignment between the longer-term processes shown in the North East of England and the strategies implemented for commercialisation by universities in the United Kingdom.⁸²⁹ These strategies appear to be predicated on a basic model of organisational transformation within higher education institutions. Still, this model does not align with the longer-term processes in the North East of England. Institutions are anxious to enhance their engagement but lack the self-assurance to do so without seeing comparable initiatives succeed elsewhere. We have mentioned this before, and once they were given the money, universities were responsible for implementing the essential changes across their campuses.⁸³⁰ Each policy intervention established a fund into which institutions might compete for institutional money. On the other hand, the initiatives have been carried out in different situations without first attempting to drive through any organisational cultural changes. As a result, the efforts did not create a sturdy basis for the further expansion of an engaged culture inside the institution.

⁸²⁷ Francesco Parola and others, 'Revisiting Traffic Forecasting By Port Authorities In The Context Of Port Planning And Development' (2020) 23 *Maritime Economics & Logistics* 444, 494.

⁸²⁸ John M. Bryson, Lauren Hamilton Edwards and David M. Van Slyke, 'Getting Strategic About Strategic Planning Research' (2017) 20 *Public Management Review* 317, 339.

⁸²⁹ Jeremy Howells, Ronnie Ramlogan and Shu-Li Cheng, 'Universities In An Open Innovation System: A UK Perspective' (2012) 18 *International Journal of Entrepreneurial Behavior & Research* 440, 456.

⁸³⁰ Claudiu Coman and others, 'Online Teaching And Learning In Higher Education During The Coronavirus Pandemic: Students' Perspective' (2020) 12 *Sustainability* 1, 24.

Many universities worldwide engage in community service in strikingly similar ways. Today, many educational institutions see engagement as a means of more effectively fulfilling their instructional, research, and service responsibilities.⁸³¹ Many types of community-university relationships have developed over time in the United States. Some examples of these relationships include cooperative extension, outreach programmes, continuing education programmes, top-down administrative initiatives, faculty professional service and research, and student volunteer initiatives.⁸³² Service learning is a methodology that actively includes the university's service role in the teaching function. As opposed to traditional, hierarchical, and exclusive ways of university outreach, service learning has inspired a renewed passion for community service.⁸³³ It deviates from the conventional practice of dividing the work done at academic institutions into three categories: teaching, research, and community service. It is inappropriate to see activities such as teaching, research, or helping one's society via civic involvement as a general alternative to professional service or application.

The massification of education, the corporatisation of higher education, and changes in society's expectations of the purpose of universities have all contributed to lowering the boundaries that formerly existed between campuses and the surrounding communities.⁸³⁴ To accommodate universities' rising role in the growth of their local, national, and international communities, there is an increasing need for creative new models of university-community cooperation. According to the concept of an "engaged university" in participatory democracy, educational institutions must cultivate students "who not only succeed in their chosen specialised area but who are responsible and active citizens both of their own country and of the globe."⁸³⁵ These students must be successful not only in their

⁸³¹ Jana Lay-Hwa Bowden, Leonie Tickle and Kay Naumann, 'The Four Pillars Of Tertiary Student Engagement And Success: A Holistic Measurement Approach' (2019) 46 *Studies in Higher Education* 1207, 1224.

⁸³² Ellen Peters and others, 'Affect And Decision Making: A "Hot" Topic' (2006) 19 *Journal of Behavioral Decision Making* 79, 85.

⁸³³ Irene Arellano and Stephanie J. Jones, 'Exploration Of University Faculty Perceptions And Experiences Of Service-Learning As Engaged Scholarship Of Teaching And Learning' (2018) 18 *Journal of the Scholarship of Teaching and Learning* 111, 129.

⁸³⁴ Vesna Holubek, 'The Changing Idea Of Higher Education' [2017] *The Modern Higher Education Review* 47, 55.

⁸³⁵ Natalie Bolzan and Fran Gale, 'Using An Interrupted Space To Explore Social Resilience With Marginalized Young People' (2011) 11 *Qualitative Social Work* 502, 516.

chosen specialised area but also in their own country and worldwide. As a consequence, there is a growing body of international literature that analyses university-community engagement on various topics.⁸³⁶ Some examples of these topics include fostering civic education and democratic citizenship, conducting community-focused scholarship for social transformation, and forming partnerships to address specific community issues by conducting research, advocating for change, and providing resources.

There is a possibility that policy reform efforts may hamper community engagement in higher education. We concentrate on how the government's foresight has contributed to forming relationships between the local community and academic institutions that will last over time.⁸³⁷ In addition, we discuss a few counterexamples to illustrate how government policies might make it more difficult for communities to collaborate with educational institutions. Drabenstott has recognised that public policies have the potential to develop stronger links between higher education institutions and local companies.⁸³⁸ The failure of community participation initiatives in higher education is partially attributable to the absence of support and buy-in from one or more primary stakeholder groups such as students, faculty members, staff, administrators, alums, parents of students, policymakers, and community members. Projects that include the community should involve stakeholders at every phase of the process, from the initial brainstorming through the evaluation of the finished product.⁸³⁹ Only through active engagement is it possible to attain personal investment and long-term profitability. Regrettably, it is often the component that receives the least attention. Teaching and research are traditionally the two primary focuses of university missions, but in recent years, community service has also become more critical, and there has to be more emphasis placed on bridging the gap between classroom and laboratory instruction and other types of community participation,

⁸³⁶ Rubin B, *Making Citizens* (Routledge 2012).

⁸³⁷ Caixia Mao, Ryu Koide and Lewis Akenji, 'Applying Foresight To Policy Design For A Long-Term Transition To Sustainable Lifestyles' (2020) 12 Sustainability 2, 18.

⁸³⁸ Mark Drabenstott, 'An Effective Overhaul Of Federal Economic Development Policy' (2008) 22 Economic Development Quarterly 83, 91.

⁸³⁹ Andy Pike, Andrés Rodríguez-Pose and John Tomaney, 'Local And Regional Development In The Global North And South' (2013) 14 Progress in Development Studies 21, 30.

such as service learning.⁸⁴⁰ This threefold objective of higher education could be helped because its three goals complement one another.

QU plans to expand its student body and make necessary adjustments to its curriculum to ensure its graduates are equipped to fulfil the demands of Qatar Vision 2030. QU will create an all-encompassing enrollment strategy to direct future university development in light of these shifts. QU will engage industry and other stakeholders to advise on programme design and changes and evaluate academic programmes against international standards to meet the community's requirements better. QU will assess students' progress against well-defined learning objectives at institutional and programmatic levels. The institution will enable its students to grow professionally and intellectually by offering individualised academic support services and state-of-the-art facilities. QU will support active learning and online courses to help teachers improve curricula. To increase its focus on research, QU will provide a wide range of research opportunities to undergraduate and graduate students. Attracting and keeping a high-quality faculty and staff and providing them with the resources and atmosphere they need to be effective are essential to achieving these goals.

The double-benefit approach for social action in higher education provides an additional advantage in the form of a favourable effect on the organising institutions.⁸⁴¹ Colleges and universities that provide meaningful volunteer opportunities for their students benefit not just the students and local communities but also their own strategic goals and the quality of life for their alums.⁸⁴² Participating in social activities may prove a university's dedication to the common good and expand the public benefits it provides. Students will show leadership in the community via high-quality social action, strengthening the university's position as a

⁸⁴⁰ Lorenzo Compagnucci and Francesca Spigarelli, 'The Third Mission Of The University: A Systematic Literature Review On Potentials And Constraints' (2020) 161 *Technological Forecasting and Social Change* 1, 20.

⁸⁴¹ Laura Heiskala, Jani Erola and Elina Kilpi-Jakonen, 'Compensatory And Multiplicative Advantages: Social Origin, School Performance, And Stratified Higher Education Enrolment In Finland' (2020) 37 *European Sociological Review* 171, 185.

⁸⁴² Simona Činčalová and Martina Černá, 'Volunteering Of Czech College Students – Experience And Motivation' (2021) 14 *Journal on Efficiency and Responsibility in Education and Science* 78, 88.

force for good in the region.⁸⁴³ In addition to enhancing employability skills via experiential learning, which is becoming more recognised by employers, social action improves the entire student experience in various ways. This twofold effect is typical of the 'double benefit' approach developed by Step Up To Serve's quality standards as an industry standard.

Student social action in the local community that is meaningful, effective, and maintained benefits the community at large and boosts the reputation of the institution doing the social work, increasing the public's support and admiration for the institution.⁸⁴⁴ Universities need to be seen to have positive engagement with the communities in which they are based to keep up with the competition in the increasingly commercialised higher education market. This is because the public's judgement is increasingly based on personal experience and peer review rather than traditional marketing and outreach.

University Services for Community, in addition to preparing human resources to achieve necessary development for the working class and enabling members to cope with scientific and technological changes in the modern era, also provides avenues for experienced teaching staff to benefit from production and service associations, conduct research, and hold conferences that enhance the community's status and help resolve its issues.⁸⁴⁵ In other words, in addition to preparing human resources to achieve necessary development for the working class and enabling members to cope with scientific and technological changes in the modern era, University Services for Community also, in addition, the university can provide working people of any age with the information and abilities that are necessary for them to achieve success in the professions that they have chosen and to raise their prospective earnings via continuing education programmes.⁸⁴⁶ In conclusion, they may

⁸⁴³ Stefan Brauckmann, Petros Pashiardis and Helene Ärlestig, 'Bringing Context And Educational Leadership Together: Fostering The Professional Development Of School Principals' [2020] *Professional Development in Education* 1, 10.

⁸⁴⁴ Elizabeth A. Fisher, 'Motivation And Leadership In Social Work Management: A Review Of Theories And Related Studies' (2009) 33 *Administration in Social Work* 347, 367.

⁸⁴⁵ Álvaro Nicolás-Agustín, Daniel Jiménez-Jiménez and Francisco Maeso-Fernandez, 'The Role Of Human Resource Practices In The Implementation Of Digital Transformation' (2021) 43 *International Journal of Manpower* 1, 18.

⁸⁴⁶ Ben Jongbloed, Jürgen Enders and Carlo Salerno, 'Higher Education And Its Communities: Interconnections, Interdependencies And A Research Agenda' (2008) 56 *Higher Education* 303, 324.

lend a hand in disseminating information to local community members and recent college graduates. This may be done to raise community members' awareness of the issues plaguing the area, find solutions to those issues, and keep community members updated on professional advancements that may be useful to them in their respective fields.

The approach and framework described here can serve as an efficient set of strategic tools for individual institutions and the whole higher education system.⁸⁴⁷ It is possible to generate an empirical map of involvement throughout the whole campus, which may help guide decision-making at the institution and improve student results. Academic units, faculties, and institutions will be able to map the proportion of engaged and non-engaged academic activities, as well as the primary forms of interaction that do occur, on which to base a new strategy or determine where additional strategic intervention may be necessary to construct forms of interaction with sets of partners that do not currently exist, whether on teaching networks with communities or research networks with science councils, other universities.⁸⁴⁸ This can be done to determine where additional strategic intervention may be necessary to construct forms of interaction with sets of partners that do not currently exist. This methodology provides a basis for establishing strategic initiatives that are more adapted to their unique settings and more by the objectives of their respective institutions.

4.13 ENVIRONMENT PROTECTION

Sensitising the public on the many interconnected aspects of the environment and development is essential for achieving policies, goals, and targets for sustainable development and environmental conservation.⁸⁴⁹ When people are informed and fully grasp

⁸⁴⁷ Wendy Maria Purcell, Heather Henriksen and John D. Spengler, 'Universities As The Engine Of Transformational Sustainability Toward Delivering The Sustainable Development Goals' (2019) 20 *International Journal of Sustainability in Higher Education* 1343, 1357.

⁸⁴⁸ Linda Darling-Hammond and others, 'Implications For Educational Practice Of The Science Of Learning And Development' (2019) 24 *Applied Developmental Science* 97, 140.

⁸⁴⁹ Justice Mensah, 'Sustainable development: Meaning, history, principles, pillars, and implications for human action: Literature review' (2019) 5 *Cogent Social Sciences* 1653531.

our planet's difficulties, they are more likely to be fully invested in and motivated to take practical steps toward a more sustainable future.

Countries and regional Asian-Pacific organisations have implemented various ways of conducting environmental education initiatives in response to the recognition of education as a key driver of change in the area.⁸⁵⁰ Generally speaking, the region's environmental education information and communication patterns mirror the worries of people and civilisations in flux. It has been argued that several of the most pressing environmental problems, including climate change, ocean acidification, and chemical pollution, are rooted in the consumption decisions of individual people and can be characterised as large-scale collective action dilemmas in which individual and group rationality are at odds with one another. The positive effects of our consumption trickle down to us as individuals, while the adverse effects of environmental degradation are distributed throughout society.⁸⁵¹ If individuals are unwilling to make sacrifices on their own, then a third party, usually the government, will have to step in to facilitate widespread cooperation. However, it will be futile if individuals refuse to accept the intervention. So, for a sustainable path, people need to be ready to make personal sacrifices for the environment and willing to accept and comply with government policies. Therefore, one of the most pressing issues we face is figuring out how to establish and develop sustainability standards.

Improved education is frequently cited as a way to change course and move toward a more sustainable future. However, there is still debate about whether or not education impacts people's pro-environmental attitudes. Numerous studies have shown that persons with more excellent education are more inclined to support environmental causes by, for example, purchasing ecologically friendly goods and services, voicing ecological concerns, and voting for environmental-friendly candidates.⁸⁵² Higher education, as the argument

⁸⁵⁰ Jennifer L Molnar and others, "Assessing the global threat of invasive species to marine biodiversity" (2008) 6 *Frontiers in Ecology and the Environment* 485, 492.

⁸⁵¹ Daphne T. Greenwood and Richard P. F. Holt, "Growth, Inequality and Negative Trickle Down" (2010) 44 *Journal of Economic Issues* 403, 410.

⁸⁵² Fatma Sadik and Semra Sadik, "A Study on Environmental Knowledge and Attitudes of Teacher Candidates" (2014) 116 *Procedia - Social and Behavioral Sciences* 2379, 2385.

goes, equips people to deal with the complexities of climate change, which contributes to environmental damage in many ways. Furthermore, it is suggested that learning something new may lead to the development of new values and the emergence of new priorities, such as the value of maintaining a safe and healthy environment.⁸⁵³

However, there is mounting evidence that moral-normative concerns play an even more significant role in guiding attitude formation for issues closely related to collective interests and significantly contribute to explaining low-cost behaviours such as policy support, suggesting that environmental concern may be grounded in self-interest-based cost-benefit calculations. Using Schwartz's norm-activation model as a starting point, numerous studies show how pro-social or environmental values and general environmental beliefs make the individual aware of a situation's negative consequences and attribute personal responsibility for creating and thus preventing these consequences.⁸⁵⁴ The culmination of these variables is an individual's adoption of standards that encourage them to take care of the environment in various ways and to support legislative initiatives that do the same.⁸⁵⁵ It is questionable whether or not pro-environmental norms are influenced by higher education, and the consequences are inconsistent. They may rely on whether or not colleges and universities prioritise the development of students' emotional intelligence in addition to their logical reasoning. While some research has shown that more education is associated with more liberal social norms, other longitudinal studies have found the opposite. Our second hypothesis contends that pro-environmental norms, which are the product of higher education, account for the positive impact on policy support we see.

Higher education institutions are increasingly being called upon to play a role in environmental sustainability initiatives as the issue of ecological sustainability rises globally. It is widely understood that educating society's members is central to the mission

⁸⁵³ Olawole Fawehinmi and others, "Exploring the Interplay of Green Human Resource Management, Employee Green Behavior, and Personal Moral Norms" (2020) 10 SAGE Open 215824402098229.

⁸⁵⁴ Shalom H. Schwartz, "An Overview of the Schwartz Theory of Basic Values" (2012) 2 Online Readings in Psychology and Culture 3, 17.

⁸⁵⁵ Thomas O. Wiedmann and others, "The material footprint of nations" (2013) 112 Proceedings of the National Academy of Sciences 6271, 6276.

of colleges and universities.⁸⁵⁶ When it comes to history, culture, and location, each college or institution is entirely its own. Since they have become used to their environment, they feel comfortable there. They may utilise their resources, including their expertise and skilled workforce, to solve problems and address regional, national, and international concerns.⁸⁵⁷ The information can be shared among universities by establishing a robust regional network. These may help foster mutual respect and excellent relations among neighbours. Colleges and universities may take the lead in promoting ecological stability.

The results of further study into the quantitative link between education and agricultural productivity have produced key insights that may be modelled to show how education affects attempts to preserve natural resources. Many studies have proved the availability of educational possibilities to increase agricultural production.⁸⁵⁸ A change in viewpoint, motivation, and action is required for an education programme to have a lasting influence and, therefore, for successful conservation initiatives. Some evidence suggests that the provision of livelihood opportunities and community outreach programmes as part of the administration of protected area systems may impact environmental protection by affecting individuals' attitudes and behaviours.⁸⁵⁹ This makes sense when considering that the costs connected with conservation initiatives often affect residents' attitudes; hence, programmes designed to reduce or eliminate these costs should, at the very least, make some headway toward improving unfavourable viewpoints.

The rapid development of the nation, which relied heavily on fossil fuels and had a devastating impact on the surrounding ecosystem, prompted the Qatari government in the 2000s to make environmental sustainability one of its top priorities. In 2008, Qatar National Vision 2030 (QNV), a long-term planning statement based on a four-pillar concept of

⁸⁵⁶ Florian Findler and others, "The impacts of higher education institutions on sustainable development" (2019) 20 *International Journal of Sustainability in Higher Education* 23, 38.

⁸⁵⁷ Carl-Ardy Dubois and Debbie Singh, "From staff-mix to skill-mix and beyond: towards a systemic approach to health workforce management" (2009) 7 *Human Resources for Health* 7, 19.

⁸⁵⁸ M. N. Asadullah and S. Rahman, "Farm productivity and efficiency in rural Bangladesh: the role of education revisited" (2009) 41 *Applied Economics* 17, 33.

⁸⁵⁹ Abbott L. Ferriss, "The Domains of the Quality of Life" (2001) 72 *Bulletin of Sociological Methodology/Bulletin de Méthodologie Sociologique* 5, 19.

sustainable development that covers human, economic, social, and environmental development, reinforced its place as a primary policy concern in the country. At Qatar University, however, there are sustainability programmes, attempts to protect the environment, and even specialised courses and student clubs that might be helpful in this area. Nevertheless, they have a short shelf life if not carried out appropriately. Various activities and programmes are being carried out, but it does not seem that environmental efforts are included in the many organisations' objectives. Concerning the aftereffects, the monitoring systems are woefully inadequate; nonetheless, some positive developments have been seen, such as monitoring the use of utilities at one institution.

At Qatar University, a greater emphasis is placed on environmental sustainability activities, recognising that the message will have the most impact if communicated via everyday problems and topics. Most students are familiar with recycling programmes and would support efforts to establish such programmes at the University. When it comes to adopting environmentally responsible activities, students exhibit a diverse array of behaviours. A correlation exists between students participating in environmental education programmes and adopting more environmentally friendly behaviours, which may contribute to the programmes' increased efficacy.

Environmental education should be available to people of all ages, not only university graduates. Every stage of learning, from undergraduate to post-graduate, must include a foundational ideological class within the larger framework of continuous environmental education to foster sustainable growth. In today's world, access to information and communication technology is necessary to improve the level of ecological education the general population receives to promote sustainable development. It would seem that the use of information and communications technologies in the classroom and other innovative solutions based on an interdisciplinary approach to sustainable development have much potential. By employing this strategy, students better understand the linked nature of social, political, economic, and environmental challenges.

4.1.4 DESIGNING CURRICULUM IN COLLEGES OF LAW: IS QATAR IN COMPLIANCE WITH INTERNATIONAL STANDARDS IN HIGHER EDUCATION?

Students under the age of obligatory schooling receive full-time, supervised instruction. The curriculum includes Arabic, Islamic studies, and Qatari history, according to the Qatari Ministry of Education's regulations.⁸⁶⁰ English is the primary mode of education. Plans and schemes of work that reflect the school's curricular policy are available to students. As a result of the policy's implementation, pupils learn to talk, listen, read, and write fluently. Student learning includes various subjects, from linguistics, mathematics, science, technology, social studies, and the arts. All pupils are allowed to study and grow through the curriculum. The high school curriculum does not include aesthetic education, music, and theatre. However, extra-curricular activities make up for this.

Students of all ages and abilities can benefit from the course content, including those with learning disabilities.⁸⁶¹ SEN Individualised learning plans are designed for each student to guarantee they can participate in the programme and improve.⁸⁶² The Early Years Curriculum ensures that children have abundant learning experiences and chances for growth. However, teaching computer science at the Foundation Stage (FS) is a squandered opportunity. In recent years, Read Write Inc. has invested heavily in tools and training for teachers and administrators to help students improve their reading and writing skills.⁸⁶³

Teachers in the first and second grades are beginning to use a more skill-based, themed curriculum. Work in progress is shown here. Specific instructors are now successfully using

⁸⁶⁰ Sakina Fatima, 'Qatar: Islamic Education, Arabic Compulsory For Private Schools' (*The Siasat Daily*, 2021) <<https://www.siasat.com/qatar-islamic-education-arabic-compulsory-for-private-schools-2139270/>> last accessed 30 April 2025.

⁸⁶¹ Les Bell and Howard Stevenson, 'Education Policy' (2006) 7 Seventh Annual GCES Symposium 1.

⁸⁶² Sarita Singh, 'Understanding And Promoting The Student Support Program In International School, Doha, Qatar' [2021] Proceedings of the 1st International Conference on Science and Technology in Administration and Management Information, ICSTIAMI 2019, 17-18 July 2019, Jakarta, Indonesia 1.

⁸⁶³ Double KS and others, 'The Importance of Early Phonics Improvements for Predicting Later Reading Comprehension' (2019) 45 British Educational Research Journal 1, 13.

Qatari historical lesson materials to help students acquire map-reading abilities.⁸⁶⁴ However, timetable limits may hinder the implementation of a themed curriculum. Specialised physical education, music, and language arts instruction enrich the general education curriculum. Fundamental reading, writing, communication, and mathematics skills are taught and emphasised throughout the school.

Key Stage 3 pupils have access to a wide range of educational opportunities. Students take classes in history, geography, French, art, DT, PE, and ICT in addition to the required core subjects of English, maths, and science. In particular, the history and geography syllabi reflect the pupils' global nature. Students in Key Stage 4 can choose from courses leading to IGCSE, including new topics like business enterprise and commerce. There is a new Year 10 tutorial for students who need extra help this year. Students whose skills may not be addressed by other curricular areas can now take IGCSEs in Travel & Tourism, Commerce, and Business Enterprise.

The school offers 17 AS-level and 14 A-level courses at Key Stage 5. The school accommodates students' preferences wherever feasible, even with small classes. Tutors at the end of Key Stage 5 ensure that children are well-prepared for life beyond school, especially for university. The lack of a secondary school PSHE programme is a wasted chance to improve current services. QIS has a well-qualified and full-time careers counsellor who works with students in grades 9 through 13 on a complete work/life development framework. The role of a school psychologist To ensure that students enter or re-enter the UK education system at an appropriate level, the curriculum considers curricula and external assessment accreditation typically employed in UK schools.⁸⁶⁵

Students can take on leadership roles, such as being a school council member. As a result, several leadership roles are available, including head boy and head girl. All high school classes can attend the Model UN's three-day Leadership Conference. The Duke of

⁸⁶⁴ Sever SD and Tok ME, 'Education for Sustainable Development in Qatar' [2022] *Gulf Studies* 329, 347.

⁸⁶⁵ Duarte N and Vardasca R, 'Literature Review of Accreditation Systems in Higher Education' (2023) 13 *Education Sciences* 1, 19..

Edinburgh International Award allows pupils to develop leadership skills and prepare them for the challenges of adulthood.

Twelve methods addressed EFA goals in the Dakar Framework of Action (2000). According to the ninth paragraph of the Framework, governments and other organisations attending the World Education Forum will implement these initiatives. Qatar's commitment level regarding such tactics is the following.⁸⁶⁶ The Human Development pillar of Qatar's National Vision 2030 focuses on education, health, and workforce development as the three points of an interconnected and complete development triangle.⁸⁶⁷ This pillar aims to empower the people of Qatar to construct a flourishing society and change the economy from a sole dependency on oil and gas to a more knowledge-based and highly competitive world order. This may be accomplished through the establishment of world-class health and education systems and the creation of a highly motivated labour force that includes both residents and expatriate employees with relevant experience.

National Vision 2030, which aims to develop Qatar into an advanced nation by 2030, pledges to create a world-class educational system that equips individuals with the skills to realise their goals and satisfy Qatar's changing demands. The Education and Training Sector Strategy 2011-2016 was developed as a comprehensive programme to execute changes from early childhood education through higher education and lifelong learning to achieve that aim.⁸⁶⁸ Quality, justice, and mobility are at the heart of the approach, which aims to give students as many educational options as possible.

In 2013, a mid-term evaluation of the strategic programmes and initiatives was conducted, and several suggestions were made. Some dealt with implementation, while others dealt with strategy, monitoring, and evaluation procedures. Two new initiatives have been added

⁸⁶⁶ UNESCO, 'The Dakar Framework For Action' (World Education Forum 2000).

⁸⁶⁷ Hend AlMuftah, 'Human Development In Qatar' [2017] Global Encyclopedia of Public Administration, Public Policy, and Governance 6308, 6313.

⁸⁶⁸ Sheikha Hind Bint Hamad Al Thani, 'Education And Training' (Qatar Education and Training 2017).

to strengthen the educational foundation for students through the 12th grade, including providing more high-quality early years education and ensuring that students have the necessary skills for the first three years of school and when moving up the educational ladder.

An educational curriculum designed in response to Qatar's National Vision 2030 and education sector strategy should prioritise excellence, inclusion, openness, flexibility, balance, importance, relevance, complementarity, and cohesion. All these characteristics must be included in the curriculum. The curriculum aims to provide equal educational opportunities for all students, regardless of their learning styles or circumstances. Enhancing a concept's flexibility and adaptability can be achieved by allowing teachers to innovate, providing students diverse educational opportunities, and offering various academic or professional paths. Students can choose from options, including different learning paths (academic or professional).

In 1999, the six countries that comprise the GCC got the ball rolling on establishing an accreditation organisation. This was prompted by a global effort led by UNESCO, which kicked off the process of official consideration. Because a significant amount of time would pass before the agency (if it were ever to become a reality) could begin its work, several independent nations initiated the process internationally. Because Qatar did not have a separate ministry of higher education and only had one national university, it could directly include representatives from various constituencies not directly affiliated with the national government. Therefore, it was in Qatar's best interest to adopt the model used in the United States.

Most GCC states have historically placed a significant emphasis on both secondary and post-secondary education.⁸⁶⁹ Due to the rapid expansion of higher education and the accompanying need for new regulations and adjustments, Higher education institutions in the GCC have been compelled to raise their quality standards and seek additional financing

⁸⁶⁹ Lucy Bailey and others, 'Conceptualizing School Leadership In The Gulf Cooperation Council (GCC) Cultures: Demarcating Challenges For Research' (2019) 49 Educational Management Administration; Leadership 93, 111.

and research assistance because of their low visibility in worldwide university rankings and the pressures of international graduate competition.

Some changes that have been made to higher education in the GCC include the establishment of academic accreditation and quality certification agencies, financing programmes, and research development projects.⁸⁷⁰ Several GCC governments simultaneously establish accreditation or quality assurance organisations for academic institutions. Corrupt academic practices taint most educational institutions around the world. There is no exception to this rule regarding universities in the Arab world. According to the definition provided by the World Bank, corruption can be described as "the misuse of public office for private benefit."⁸⁷¹ Whether or not we consider education a public benefit determines whether or not we believe that corruption in educational institutions meets this criterion.

Article 13 of UCAC⁸⁷² states that its goal is to promote active participation by individuals and groups outside the public sector, such as civil society, non-governmental organisations, and community-based organisations (CBOs), in preventing and fighting corruption.⁸⁷³ As stated in Article (13), public information initiatives and educational programmes, such as those in schools and universities, may help to enhance participation in the Convention's efforts to combat corruption.

Academic dishonesty, fraud, plagiarism, and other types of academic malpractice, such as falsifying documents, are all examples of academic misconduct that can undermine an institution's commitment to providing the highest possible educational and learning

⁸⁷⁰ Abdulrahman M. Abouammoh, 'Higher Education In The GCC States:' [2013] National Employment, Migration and Education in the GCC 265, 286..

⁸⁷¹ Susan Rose-Ackerman, 'Corruption' [2008] Readings in Public Choice and Constitutional Political Economy 551, 556..

⁸⁷² United Nations Convention Against Corruption, 31 October 2003, 2349 UNTS 41.

⁸⁷³ Max Bader and others, 'Civil Society Against Corruption In Ukraine: Pathways To Impact' (2019) 5 Kyiv-Mohyla Law and Politics Journal 1, 35.

standards for its students.⁸⁷⁴ Academic institutions should develop policies to accommodate differences and increase equal access to education for all students, regardless of their background or circumstances. This would ensure that all students have the same opportunities to pursue their educational goals. It wasn't until recently that formal quality control and academic certification systems were implemented in higher education institutions across the Arab world.⁸⁷⁵ Some people have pointed out that the procedures for quality assurance have not kept up with the rapid expansion that has recently taken place in the higher education sector.

According to a report, even though the licencing requirements for private and governmental institutions in Arab nations are likely to be stringent, follow-up monitoring is frequently lacking. Consequently, educational institutions in Europe and the United States now depend on third-party organisations to evaluate the quality of their academic programmes. As was mentioned earlier, there is a requirement for "a powerful regional accrediting authority to set and maintain standards of art and designed education." "Prestige" may also play a role in pursuing international accreditation from independent authorities in Europe or the United States. At this point, all public schools operate as independent schools. During this time, the fundamental ideas of choice, freedom, and diversity have steadily deteriorated (except for accountability).

Consequently, schools, the evaluation of curricula, and the professional development of teachers are all now directed by a framework based on standards. The school is no longer an autonomous organisation and instead falls under the government's jurisdiction regarding employment policies, professional advancement opportunities, and financial matters.⁸⁷⁶ Throughout history, schools have avoided the Supreme Education Council to preserve a high

⁸⁷⁴ Julia Christensen Hughes and Sarah Elaine Eaton, 'Academic Misconduct In Higher Education: Beyond Student Cheating' [2022] *Academic Integrity in Canada* 81, 102.

⁸⁷⁵ Mohammed Ahmed Mohammed Hamdatu, Dr. Ahmed Gumaa Siddiek and Dr. Fahad A/Rahman Al-Olyan, 'Application Of Quality Assurance & Accreditation In The Institutes Of Higher Education In The Arab World (Descriptive & Analytical Survey)' (2013) 3 *American International Journal of Contemporary Research* 104, 115.

⁸⁷⁶ Bhujendra Nath Panda, Laxmidhar Behera and Tapan Kumar Basantia, 'World Scenario Of Regulatory Bodies Of Teacher Education Programs' [2022] *Oxford Research Encyclopedia of Education* 1, 10.

degree of autonomy over issues such as the selection of operators and the distribution of budgets. Despite this, the school maintains control over the instructional methods, teacher incentives, a professional development strategy, and the hiring of new staff members. Testing that is both frequent and rigorous, as well as systematic school evaluations, are becoming increasingly used to evaluate changes in student performance.

The most significant aspects of the reforms implemented are improvements to school counselling, curricula evaluation, and professional development.⁸⁷⁷ The standards and evaluations of educational programmes taught in schools are compared globally. At this time, there is a widespread consensus that students' work is learner-focused. A portion of Qatar's student population is now educated by teachers who are better prepared and better trained in classrooms centred on the needs of the students and housed in upgraded facilities that meet global benchmarking norms.

In addition, the College of Education at Qatar University suspended all of its programmes. It reorganised itself by the reforms being implemented at the same time those reforms were being implemented. While Both Cornell and Texas A&M have established sister campuses in Qatar as part of the country's Education City initiative. This program's primary objective is to improve the general level of education enjoyed by Qatari citizens.⁸⁷⁸ As the process of change continues, an increasing number of children will benefit. Even though the reform has many positive aspects, parents and others have voiced significant concern regarding Independent Schools and the funding they receive.⁸⁷⁹ Consequently, the government has adopted a more stringent stance on regulation, which may have hampered efforts to improve performance. According to recent studies, a significant amount of work still needs

⁸⁷⁷ 'Education Policy Outlook 2015' [2015] Education Policy Outlook.

⁸⁷⁸ C. Stasz, 'Assessing Skills For Work: Two Perspectives' (2001) 53 Oxford Economic Papers 385, 405.

⁸⁷⁹ Michael H Romanowski and others, 'Qatar'S Educational Reform: The Experiences And Perceptions Of Principals, Teachers And Parents' (2013) 5 International Journal of Education 108, .

to be done before the K–12 education system in Qatar can provide its citizens with an adequate education for employment or post-secondary study.⁸⁸⁰

Qatar University took its first steps toward obtaining accreditation from the SACS in the fall of 2009, and it has not stopped working toward this objective since then.⁸⁸¹ Because SACS encourages the verification of institutions' effectiveness, the teaching staff in all seven colleges and programmes developed course-specific learning goals for each student to use in evaluating the programmes. Following the conclusion of each academic semester, the programme directors and faculty analyse the applicants' performance based on the pre-selected course goals for the subsequent academic year to reflect on and enhance the delivery of instruction for subsequent academic years.

The SEC ensured that all participants of the educational system were protected at all times by providing all the necessary regulations and provisions. In addition, when schools were opened, they needed to meet the state's safety and security standards. Consequently, the Ministry of Interior's Civil Defense Department inspects all schools to meet safety and security standards. Annual evacuation exercises are conducted at all schools in Qatar. Various training programmes and awareness events are held to educate students and administrators on proper fire, disaster, or other procedures.

For this reason, the Council serves on the Permanent Committee for Emergency, which conducts research and devises strategies for dealing with catastrophes. There are also regulations and protocols to ensure a speedy disaster response and the safety of transportation and communication, as well as strategies for awareness and distribution through the media to deal with natural catastrophes, fires, building collapses, and others.

One aspect of this framework is to promote values such as tolerance, peace, and nonviolence, as well as social responsibility, respect for others, public property

⁸⁸⁰ Amir Abou-El-Kheir, 'Qatar'S K-12 Education Reform: A Review Of The Policy Decisions And A Look Into The Future' [2017] Doha Institute for Graduate Studies 1.

⁸⁸¹ Sawsan Saridar Masri and Hisham Arnaouty, 'Architecture Program Accreditation: A Pathway To Graduates International Mobility' (2015) 1 Athens Journal of Architecture 65.

preservation, and volunteerism. The Values Education Program also won the Arab Education Bureau award for the best educational project in the Gulf States in 2010.

CHAPTER 5 – RECOMMENDATIONS AND CONCLUSION

5.1 INTRODUCTION

This thesis has examined the procedural safeguards in student disciplinary proceedings at Qatar University and other universities in the GCC, arguing that the current system lacks sufficient legal protections to ensure fairness, proportionality, and adherence to natural justice principles. The research has demonstrated that legally binding code of conduct and procedural fairness mechanisms does not properly take into account the right to a fair trial within the university's disciplinary framework. Through an analysis of Qatari law, international human rights standards, and Islamic legal principles, this study has identified critical gaps in the university's approach to disciplinary procedures. The findings highlight that existing disciplinary mechanisms do not align with fundamental due process rights, including access to legal representation, transparency in decision-making, and an independent review of disciplinary decisions. These shortcomings raise concerns about the university's compliance with both domestic administrative law and international legal obligations.

The research has answered the six core questions underpinning this thesis. Firstly, it has established that the university is making considerable efforts to establish a codified disciplinary framework consistent with the rule of law. Secondly, it has shown that procedural current roles, regulations and principle —such as the absence of clear evidentiary standards and limited appeal mechanisms—create inconsistencies in disciplinary outcomes. Thirdly, the analysis showed that although Qatari administrative law permitted judicial oversight of university disciplinary decisions, the limited scope and inconsistent application of this oversight often allowed university authorities to exercise broad discretion with minimal accountability. Fourthly, a comparative legal analysis has shown that best practices in other jurisdictions, particularly those incorporating human rights protections in higher education governance, could be easily adapted to Qatar's legal context. Fifthly, the study has examined the potential role of Islamic legal principles in reinforcing fairness and proportionality in student disciplinary cases. Lastly, the research

has proposed reforms to improve procedural safeguards while respecting Qatar's legal and cultural framework. Based on these findings, this chapter shall provide for recommendations based on the issues identified throughout the thesis.

Recommendation 1: Advocating for the principles of natural law and justice

The main focus of this thesis has been the urgent requirement to apply the principles of international human rights law to resolve conflicts between academic institutions and students. The main contention is that these disputes, which are inherently sensitive and crucial in determining the educational path of individuals, require a subtle and principled approach based on international standards of justice and human rights.⁸⁸² The core principle of this proposal is the unwavering affirmation that fundamental principles of equity, rationality, and proportionality should serve as the foundation of the decision-making process in these instances. The principle of fairness, as established in international human rights agreements, requires that dispute resolution procedures be characterised by transparency, impartiality, and consistency to protect the rights of both parties involved.⁸⁸³

Significantly, the thesis has argued for the crucial task of harmonising the interests of both the academic institution and the student when resolving disputes. Recognising each party's legitimate concerns and rights is essential for promoting a culture of fairness and equity in the educational system. This requires an approach that surpasses mere decision-making and encourages a thorough examination of the diverse interests involved.⁸⁸⁴ Recognising and evaluating the interests of both parties involved is crucial to achieving a fair and impartial resolution. This approach ensures that the outcome addresses not only the conflict's legal aspects but also considers the wider ethical and human rights concerns.⁸⁸⁵

⁸⁸² Nicholas Burnett, 'International Education Policies, Issues, and Challenges' (2014) 5 *Revue Internationale de Politique de Développement* 27, 36.

⁸⁸³ David Beatty, 'Proportionality' [2004] *The Ultimate Rule of Law* 7, 28.

⁸⁸⁴ Hans de Wit and Ligia Deca, 'Internationalization of Higher Education, Challenges and Opportunities for the next Decade' [2020] *European Higher Education Area: Challenges for a New Decade* 3, 11.

⁸⁸⁵ Cheryl Pritlove and others, 'The Good, the Bad, and the Ugly of Implicit Bias' (2019) 393 *The Lancet* 502, 504.

A crucial aspect of this argument is the claim that students have the right to procedural safeguards to protect their rights while resolving disputes.⁸⁸⁶ This includes the entitlement to a just and impartial trial and challenging a decision through the appeal process. A fair hearing is not a mere procedural formality but a manifestation of justice principles, guaranteeing the student a real chance to present their case, challenge evidence, and participate in a meaningful conversation with the academic institution.⁸⁸⁷ This principle, firmly established in the international human rights law framework, highlights procedural equity's significance as a fundamental aspect of justice.

Similarly, the ability to appeal serves as a crucial measure in safeguarding the rights of students. It functions as a means to correct mistakes, contest unfair rulings, and, ultimately, enhance the credibility of the entire conflict resolution procedure. Acknowledging and maintaining the right to appeal strengthens the dedication to impartiality and responsibility within educational establishments.⁸⁸⁸ Moreover, the recognition that Qatari courts have the authority to consider appeals from students contesting decisions made by universities highlights the importance of a comprehensive legal system that includes a wide range of procedural safeguards. This jurisdictional mandate strengthens the availability of justice for students, guaranteeing they have access to a fair and unbiased organisation when challenging decisions that could significantly affect their academic futures.

Principles of fairness, reasonableness, and proportionality should guide the decision-making process. It is essential to strike a delicate balance that considers the legitimate interests of both parties. Crucially, students have the right to strong procedural safeguards, such as the right to a just hearing and to challenge a decision. By acknowledging the authority of Qatari courts to handle appeals from students, an additional level of legal

⁸⁸⁶ Felix Olayinka OF, 'University Students' Right to Fair Trial: How Adequate Is Legal Protection' (2020) 7 International Journal of Human Rights and Constitutional Studies 247, 263.

⁸⁸⁷ Martin Ruck, Abramovitch R and Keating DP, 'Children's and Adolescents' Understanding of Rights: Balancing Nurturance and Self-determination' (1998) 69 Child Development 404, 417.

⁸⁸⁸ Recep Akçay and Puren Üzümlü, 'University Students' Perceptions and Attitudes about Freedom of Claiming Educational Rights: Ege University' (2016) 4 Universal Journal of Educational Research 1958, 1964.

certainty is established, confirming the dedication to fairness and responsibility within the educational system.⁸⁸⁹ In the ever-changing and globalised academic world, it is crucial to prioritise these principles to safeguard and prioritise students' rights in educational policies and practices in Qatar and internationally.

Recommendation 2: Adhering to international law in domestic courts

Incorporating international law into domestic courts guarantees justice and equity, particularly in resolving conflicts between students and universities. Within the State of Qatar, the acknowledgement and regard given to international agreements, such as the Covenant on Civil and Political Rights, as outlined in Article 6 of the constitution, emphasise the state's dedication to worldwide principles of fairness and human rights.⁸⁹⁰ Article 68 of the constitution establishes a balanced relationship between domestic and international legal norms, emphasising the equal importance of international conventions and national laws.

The constitutional recognition of international conventions as possessing equal authority to domestic laws is a substantial step towards cultivating a legal atmosphere that surpasses national boundaries.⁸⁹¹ This acknowledgement demonstrates Qatar's forward-thinking legal framework and reinforces its dedication to upholding the principles established in international instruments. Specifically, when conflicts arise between students and universities involving fairness, academic honesty, and personal liberties, it is crucial to incorporate international law into domestic court proceedings. An essential instrument in this context is the Arab Charter on Human Rights, which notably includes the principle of fair trial.⁸⁹²⁸⁹³ Qatar's compliance with this charter demonstrates its dedication to

⁸⁸⁹ *Right to Higher Education Unpacking the International Normative Framework in Light of Current Trends and Challenges* (UNESCO 2022).

⁸⁹⁰ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 6.

⁸⁹¹ Barbara von Rütte, 'Beyond Sovereignty' [2022] *The Human Right to Citizenship* 87, 211.

⁸⁹² Ahmed Almutawa, 'The Arab Court of Human Rights and the Enforcement of the Arab Charter on Human Rights' (2021) 21 *Human Rights Law Review* 506, 532.

⁸⁹³ Arab Charter on Human Rights (adopted 15 September 1994, entered into force 15 March 2008).

guaranteeing that legal proceedings, including those concerning students and universities, conform to the principles of equity and impartiality. Integrating these global standards into the national legal system protects against capricious decision-making. It strengthens the fundamental principle that every person, including students, has the right to a just and unbiased trial.⁸⁹⁴

Furthermore, the congruity between Islamic Law and the acknowledgement of fundamental human rights, such as the right to a fair trial, reinforces the argument for incorporating international law into domestic courts.⁸⁹⁵ Recognising essential human rights under Islamic Law is consistent with the principles established in international conventions. The alignment of Islamic Law with international human rights norms establishes a consistent legal framework that can efficiently resolve conflicts in the education sector, particularly those concerning procedural fairness and the right to a fair hearing. Incorporating international law into domestic courts when handling disputes between students and universities bolsters the legal system's legitimacy and fosters a more thorough and all-encompassing approach to resolving conflicts.⁸⁹⁶ Qatar's domestic courts can utilise a wide range of internationally recognised legal principles by referring to established international legal instruments, such as the ICCPR⁸⁹⁷ and the ACHR⁸⁹⁸. This enhances the benchmarks of justice and cultivates a legal atmosphere sensitive to the changing dynamics of the global community.

In addition, integrating international law into domestic courts strengthens Qatar's position as a conscientious participant in the global community, dedicated to promoting human rights and establishing a fair and impartial society.⁸⁹⁹ Applying international legal norms in

⁸⁹⁴ Fahad Alzumi, 'Constitutional Courts in the Arab World and Freedom of Expression: A Defender or Suppressor' (2022) 15 Middle East Law and Governance 1, 20.

⁸⁹⁵ Dawood Ahmed and Muhammad Abbasi, 'Islamic Constitutionalism' [2023] Democracy under God 151, 190.

⁸⁹⁶ Brianne Leyh, 'The Role of Universities and Law Schools in Documenting Serious International Crimes and Advancing the Rule of Law' (2021) 17 Utrecht Law Review 87, 101.

⁸⁹⁷ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

⁸⁹⁸ Arab Charter on Human Rights (adopted 15 September 1994, entered into force 15 March 2008).

⁸⁹⁹ Raquel Regueiro, 'Shared Responsibility and Human Rights Abuse: The 2022 World Cup in Qatar' (2020) 25 Tilburg Law Review 27, 39.

resolving disputes between students and universities conveys a strong message about the country's commitment to establishing a legal framework that is not isolated but incorporates the most effective methods and principles supported by the international community. Effectively incorporating international law into domestic courts necessitates a deliberate endeavour to synchronise domestic legal processes with the criteria outlined in international treaties.⁹⁰⁰ This may entail integrating pertinent clauses into national laws, ensuring that legal practitioners possess extensive knowledge of international legal standards, and cultivating a judicial atmosphere that appreciates and upholds the principles of equity and impartiality outlined in international treaties.

Although incorporating international law into domestic courts may be a possible obstacle, the advantages significantly surpass any perceived complexities. The global interconnectedness of education and the growing adoption of legal principles across different countries require establishing a legal framework beyond national borders.⁹⁰¹ When dealing with conflicts between students and universities, which may involve people from various backgrounds, it is essential to have a legal system that recognises and follows international standards. This ensures a fair and impartial resolution.

Introducing international law into domestic courts when resolving disputes between students and universities is both praiseworthy and essential. Qatar's constitutional acknowledgement of international conventions and their equal status to domestic laws, along with its commitment to the ACHR⁹⁰² and the alignment of Islamic Law with fundamental human rights, establishes a strong basis for incorporating international legal standards into domestic legal processes.⁹⁰³ This decision not only conforms to worldwide justice standards but also strengthens Qatar's dedication to cultivating an impartial, encompassing legal atmosphere in accordance with the principles embraced by the global

⁹⁰⁰ Soderland HA and Lilley IA, 'The Fusion of Law and Ethics in Cultural Heritage Management: The 21st Century Confronts Archaeology' (2015) 40 *Journal of Field Archaeology* 508, 522.

⁹⁰¹ Klaus Beiter, 'The Protection of the Right to Education by International Law' [2006] Brill Academic Publishers 85, 154.

⁹⁰² Arab Charter on Human Rights (adopted 15 September 1994, entered into force 15 March 2008).

⁹⁰³ Mao J and Ahmad Gady AA, 'Arab Charter on Human Rights & International Conventions' (2021) 12 *Beijing Law Review* 425, 466.

community.⁹⁰⁴ With the growing globalisation of education, it is essential to incorporate international law into domestic courts. This is not just a suggestion but a vital measure to establish a legal structure that goes beyond national boundaries and ensures the preservation of justice and human rights worldwide.

Recommendation 3: Promoting Ethics and Fairness

To promote a more ethical and fair educational environment in the Gulf region, I suggest adopting a comprehensive code of ethics that goes beyond individual universities and establishes a uniform framework that can be applied throughout the region. Establishing a code of conduct guarantees uniformity and equity when dealing with ethical dilemmas in different academic environments.⁹⁰⁵ An exemplary code of ethics would clearly define the limits of acceptable conduct for students and university staff, cultivating an atmosphere that prioritises honesty, openness, and mutual regard. Universities in the Gulf region can collectively maintain academic integrity, honesty, and accountability by implementing a radicalisation ethical code.⁹⁰⁶ This action establishes a demanding benchmark for moral behaviour and conveys a strong statement regarding the region's dedication to promoting a climate of honesty in education.

I strongly support developing and implementing a comprehensive human rights policy by universities in the Gulf region, alongside establishing a model code of ethics. Acknowledging and honouring human rights is essential for establishing an all-encompassing and equitable educational setting. Implementing such a policy would establish a well-defined structure for advocating and protecting the rights of every individual in the academic community,

⁹⁰⁴ Heerdt D and Roorda L, 'Lessons Learned in Qatar: The Role of the Netherlands and Its Businesses in Addressing Human Rights Abuses in Mega-Sporting Events' (2023) 70 Netherlands International Law Review 19, 64.

⁹⁰⁵ John O'Neill and Roseanna Bourke, 'Educating Teachers about a Code of Ethical Conduct' (2010) 5 Ethics and Education 159, 172.

⁹⁰⁶ Tomaia Foltýnek and Dita Dlabolová, 'Academic Integrity in Eastern Europe: Beyond Corruption and Plagiarism' [2020] A Research Agenda for Academic Integrity 40, 54.

regardless of their background or identity.⁹⁰⁷ The human rights policy should conform to global norms and encompass principles such as the right to education, freedom of speech, and protection against discrimination. Universities in the Gulf region can contribute to establishing an educational environment that respects all academic community members' fundamental dignity and rights by officially acknowledging and supporting a human rights policy.⁹⁰⁸

I advocate for creating and enforcing a comprehensive policy on non-discrimination in universities throughout the Gulf countries, in addition to a human rights policy. Discrimination based on gender, ethnicity, religion, or any other characteristic should not exist in an educational environment that aims to be inclusive and fair.⁹⁰⁹ Implementing a non-discrimination policy would function as a preemptive action to thwart discrimination and effectively handle any occurrences that may occur. Through the explicit articulation of a commitment to non-discrimination, universities can establish a conducive atmosphere that promotes the recognition and esteem of each individual, thereby cultivating a sense of acceptance and inclusiveness.⁹¹⁰ This policy would conform to international human rights norms and demonstrate the Gulf region's commitment to fostering diversity and equality in higher education.

Moreover, considering the worldwide apprehensions regarding radicalisation and extremism, I strongly support formulating and implementing a policy that focuses explicitly on countering radicalisation and extremism in Gulf State universities. Universities have a vital role in influencing society's intellectual and ideological environment. Therefore, they must reduce the dangers linked to radicalisation and extremism. An all-encompassing policy would encompass precautionary actions, educational endeavours, and systems for detecting and resolving any indications of radicalisation or extremist conduct within the

⁹⁰⁷ Mel Ainscow M, 'Promoting Inclusion and Equity in Education: Lessons from International Experiences' (2020) 6 Nordic Journal of Studies in Educational Policy 7, 16.

⁹⁰⁸ Duygu Sever and Evren Tok, 'Education for Sustainable Development in Qatar' [2022] Gulf Studies 329, 347.

⁹⁰⁹ Carol Robinson, Louise Phillips and Ann Quennerstedt, 'Human Rights Education: Developing a Theoretical Understanding of Teachers' Responsibilities' (2018) 72 Educational Review 220, 241.

⁹¹⁰ Tristan McCowan T, 'Human Rights within Education: Assessing the Justifications' (2012) 42 Cambridge Journal of Education 67, 81.

academic community.⁹¹¹ By actively addressing these challenges, universities in the Gulf region can promote an atmosphere that values tolerance, critical thinking, and intellectual diversity.

Finally, regarding administrative cases concerning conflicts between universities and students, I firmly support incorporating human rights principles. Administrative decisions can significantly affect individuals' lives and academic paths. These decisions must be based on principles prioritising fairness, due process, and safeguarding individual rights.⁹¹² Integrating human rights principles into administrative procedures guarantees that conflicts are resolved in a way that respects the dignity and entitlements of all parties concerned. This may entail establishing channels for recourse, ensuring the transparency of decision-making procedures, and safeguarding the right to a fair hearing in instances of disciplinary measures.⁹¹³ By incorporating human rights considerations into administrative cases, universities in the Gulf region can enhance the legitimacy of their decision-making processes and promote a culture of justice and fairness within the academic community.

Adopting a model code of ethics, formulating policies on human rights, non-discrimination, and non-radicalisation, and incorporating human rights principles into administrative cases are crucial for establishing a more ethical, inclusive, and equitable educational environment in the Gulf region. These initiatives conform to global norms and demonstrate a dedication to cultivating a culture of honesty, respect, and equity within the academic community. Universities have a crucial role in shaping future leaders and thinkers of society. They must actively adopt these principles to contribute to developing a region that highly values education as a foundation of progress and enlightenment.

⁹¹¹ Marlies Sas and others, 'The Role of Education in the Prevention of Radicalization and Violent Extremism in Developing Countries' (2020) 12 *Sustainability* 1, 12.

⁹¹² Gabriel Adebayo, 'Counter-Radicalization Policies and Policing in Education: Making a Case for Human Security in Europe' (2021) 7 *Heliyon* 1, 17.

⁹¹³ Ben Jongbloed and others, 'Transparency in Higher Education: The Emergence of a New Perspective on Higher Education Governance' [2018] *European Higher Education Area: The Impact of Past and Future Policies* 441, 454.

Recommendation 4: Improving Procedural Framework

Considering the complex issues between students and universities and the broader educational context, I propose a comprehensive set of suggestions to improve procedural systems, safeguard individual rights, and uphold academic honesty. An essential factor is the urgent requirement for a thorough evaluation of the procedural process in student-university disputes to guarantee the complete implementation of human rights principles. A practical review should include assessing current policies, procedures, and mechanisms to identify and address current rules, regulations and principle that could strengthen the rights of individuals involved in disputes.⁹¹⁴ The objective should be to create a procedural structure that is clear, fair, and by global human rights norms, thereby promoting a setting where justice is not only administered but also perceived to be administered.

For students to pursue legal action against the university, it is crucial to guarantee their access to legal assistance. This can be accomplished by offering free services supported by the government. Ensuring legal representation for students in such cases is crucial to maintaining equilibrium in power dynamics and guaranteeing a just and unbiased resolution.⁹¹⁵ In its role as a guardian of justice, the government should proactively implement measures to create systems that offer legal assistance to students who lack the financial resources to participate in legal proceedings. This adheres to principles of equity and strengthens the dedication to guaranteeing that justice is attainable for everyone, irrespective of socio-economic standing.

Incorporating Codes of Conduct or codes of ethics into school curricula is a proactive approach to educating students about their rights and responsibilities within the academic setting.⁹¹⁶ By integrating these ethical guidelines into the educational framework, students thoroughly comprehend the principles that regulate their behaviour and interactions within

⁹¹⁴ Aaron Lau, 'Mediation as an Alternative Dispute Resolution to Resolve Interpersonal Conflicts in Hong Kong Universities' (2022) 25 Public Administration and Policy 264, 278.

⁹¹⁵ Valesca Lima and Miriam Gomez, 'Access to Justice: Promoting the Legal System as a Human Right' [2019] Encyclopedia of the UN Sustainable Development Goals 1, 10.

⁹¹⁶ Daniella Forster and Bruce Maxwell, 'Using Codes of Professional Ethics and Conduct in Teacher Education: Pitfalls and Best Practice' [2022] Ethics and Integrity in Teacher Education 25, 42.

the university environment. This educational initiative promotes a culture of integrity and responsibility while also providing students with the necessary knowledge to navigate the complexities of the academic world ethically and morally.⁹¹⁷

Faculty members, including staff and administrators, have a crucial influence on the dynamics of the student-university connection. To establish a relationship based on fairness and respect, extensive training on the standards that need to be implemented is crucial. Training programmes should prioritise conflict resolution, practical communication skills, and a comprehensive comprehension of students' and universities' rights and obligations. This training improves faculty members' professionalism and helps create a supportive and favourable academic environment.

Accreditation agencies must prioritise academic integrity as a fundamental criterion when offering academic accreditation. They have a vital role in assessing and approving the quality of educational institutions. By prioritising academic integrity in their evaluation procedures, these agencies foster a culture of accountability and excellence within universities. This guarantees that institutions are not solely dedicated to delivering excellent education but also to maintaining the utmost levels of academic integrity and ethical behaviour.

Proactive preventive measures must be implemented to effectively tackle the widespread problem of academic misconduct and corruption in student-university disputes. Preventive strategies should include educational initiatives, such as integrity campaigns and awareness programmes, and promoting a culture emphasising academic honesty.⁹¹⁸ Furthermore, universities should establish and enforce effective mechanisms for identifying and resolving academic dishonesty, such as plagiarism and cheating. Implementing these preventive measures helps uphold the integrity of the educational system and decreases the occurrence of conflicts associated with academic misconduct.⁹¹⁹

⁹¹⁷ Sarup Mathur and Kathleen Corley, 'Bringing Ethics into the Classroom: Making a Case for Frameworks, Multiple Perspectives and Narrative Sharing' (2014) 7 *International Education Studies* 136.

⁹¹⁸ Yevhen Sulima and Svitlana Dienizhna, 'Academic Integrity: Ethical and Legal Regulation in the University Community' [2020] *International Scientific Journal of Universities and Leadership* 120, 141.

⁹¹⁹ Colin James, 'Academic Integrity in Legal Education' [2015] *Handbook of Academic Integrity* 1, 14.

University collaboration and information exchange on comparative models for addressing administrative disputes is essential to a proactive approach.⁹²⁰ Facilitating the creation of communication channels among universities to exchange best practices, valuable insights, and practical strategies for resolving disputes promotes a collaborative learning atmosphere. By working together, institutions can leverage their collective experiences, creating more efficient methods for resolving administrative disputes.⁹²¹ Regional conferences, workshops, and partnerships can facilitate collaboration to enhance dispute-resolution processes and maintain uniformity in implementing principles related to fairness and justice.

These recommendations promote a comprehensive approach to tackling issues within the relationship between students and universities. These recommendations aim to establish an extensive and proactive framework by encompassing procedural reviews, incorporating ethical guidelines in education, providing legal aid, faculty training, adherence to accreditation standards, implementing preventive measures against academic misconduct, and fostering collaborative efforts. By implementing these measures, universities in the Gulf region can cultivate an educational milieu that upholds human rights principles, guarantees equity, and advances academic honesty, thereby contributing to establishing a strong and morally principled educational framework.

5.2 CONCLUSION

The findings of this thesis underscore the necessity of establishing a robust and balanced framework that governs the relationship between universities and students. Higher education institutions are not merely academic service providers but serve as crucial sites of intellectual

⁹²⁰ S. N Ankrah and Omar Al-Tabbaa, 'Universities-Industry Collaboration: A Systematic Review' [2015] SSRN Electronic Journal 387, 408.

⁹²¹ Markus Perkmann and Kathryn Walsh, 'University-Industry Relationships and Open Innovation: Towards a Research Agenda' (2007) 9 International Journal of Management Reviews 259, 280.

development, ethical reasoning, and civic engagement. However, the absence of well-defined legal protections for students risks creating an imbalance of power where administrative discretion supersedes fairness. Universities must not only uphold academic integrity but also ensure that students' rights are protected through clear, enforceable mechanisms. A legal and ethical approach to academic governance is essential to fostering an environment where both students and institutions can thrive while maintaining mutual accountability.

A critical aspect of this discussion is the role of procedural fairness in university decision-making. The right to be heard, the ability to contest decisions, and access to impartial adjudication are fundamental legal principles that must extend into the academic sphere. The lack of due process in handling student grievances, disciplinary actions, and academic disputes can result in significant injustices that undermine trust in the education system. This study demonstrated that universities in the Gulf region, including Qatar, often operated under administrative models that granted significant discretion to university officials, while only offering limited and unclear opportunities for students to challenge unfair decisions. In the absence of a structured appeals process, students were left vulnerable to arbitrary administrative rulings with potentially lasting effects on their academic and professional futures. Strengthening procedural safeguards within university governance is, therefore, essential in ensuring that student rights are not only recognized but also effectively protected.

From a legal standpoint, the enforcement of student rights must be grounded in both national legal frameworks and international legal standards. The Qatari Constitution, particularly Article 68, explicitly incorporates international treaties into domestic law, reinforcing the applicability of global human rights principles within national jurisdictions. Instruments such as the ICCPR⁹²² and the ACHR⁹²³ provide essential legal foundations for protecting students against unfair treatment in educational institutions. These legal frameworks emphasize the importance of non-discrimination, due process, and access to effective remedies—principles that should be embedded within university policies. However, the challenge lies in ensuring that these legal

⁹²² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

⁹²³ Arab Charter on Human Rights (adopted 15 September 1994, entered into force 15 March 2008).

protections are not merely theoretical but actively implemented within institutional structures. Without proper enforcement mechanisms, the legal rights afforded to students remain largely symbolic, with little practical impact on their lived experiences within academic institutions.

A major finding of this thesis was the urgent need for standardized ethical guidelines across universities in the Gulf region. At the time of this study, many institutions operated without a clear or universally accepted ethical framework governing student rights, disciplinary procedures, and academic integrity. This lack of standardization resulted in inconsistent decision-making, with similar cases being handled differently depending on each university's internal policies. Establishing a region-wide ethical code that prioritizes fairness, inclusivity, and accountability would provide a uniform standard for all institutions, ensuring that student rights are upheld irrespective of the university they attend. Such a framework should not only outline broad ethical principles but also establish concrete procedural guidelines for handling disputes, addressing misconduct, and ensuring transparency in university decision-making. The ethical foundation of higher education should be reinforced through ongoing institutional reforms that prioritize student welfare alongside academic excellence.

Moreover, ethical considerations must extend beyond institutional policies to the very structure of academic decision-making. The role of student representation within university governance is an essential factor in ensuring that policies are fair, inclusive, and reflective of student interests. At present, many universities in the Gulf region have attempted to provide strong mechanisms for student participation in decision-making processes. This lack of representation exacerbates the power imbalance between students and administrators, where students have little say in policies that directly affect their education and academic standing. Universities must establish independent student councils, advisory committees, and participatory governance structures that provide students with a platform to voice their concerns and contribute to institutional policymaking. Without meaningful student representation, universities risk becoming overly bureaucratic entities that prioritize administrative convenience over student welfare.

The need for effective dispute resolution mechanisms within universities is another key issue highlighted in this research. Currently, many academic institutions rely on internal disciplinary boards and administrative panels to handle student grievances and misconduct cases. However, the lack of independent oversight in these proceedings raises concerns about fairness and impartiality. Universities must adopt more transparent and accountable dispute resolution mechanisms, such as independent review boards or ombudsman offices that provide neutral and objective assessments of student complaints. Additionally, legal aid programs should be established to support students who lack the knowledge or resources to navigate complex institutional procedures. Ensuring that students have access to legal representation when facing disciplinary actions or academic disputes would significantly enhance fairness and accountability within universities.

Beyond institutional policies, there is a pressing need for broader educational reforms that integrate legal and ethical literacy into university curricula. Universities must move beyond treating ethics as an abstract academic discipline and instead embed ethical reasoning within all aspects of academic life. This includes incorporating more courses on ethics, human rights, and legal reasoning within university programs, ensuring that students are well-equipped to understand and advocate for their rights. Faculty members and administrative staff should also undergo regular training on ethical decision-making, procedural fairness, and inclusive governance. These measures would foster a culture of integrity and respect for student rights, transforming universities into spaces where justice is not only taught but actively practiced.

The role of academic accreditation bodies in upholding student rights is another critical consideration. Accreditation should not solely focus on academic performance metrics but should also assess universities' compliance with ethical standards, procedural fairness, and student welfare policies. Universities that fail to implement transparent dispute resolution mechanisms or that engage in discriminatory practices should face consequences, including the risk of losing their accreditation status. By integrating student rights protections into accreditation criteria, regulatory bodies can incentivize universities to adopt best practices in governance and student engagement. This approach would ensure that academic institutions are

held accountable for their policies and that students are not left without recourse when facing institutional injustices.

In addition to regulatory oversight, inter-university collaboration should be encouraged to promote the exchange of best practices in governance, dispute resolution, and student engagement. Universities should not operate in isolation but should actively participate in regional forums, academic alliances, and student rights initiatives that foster a collective approach to improving academic governance. Establishing a regional consortium of universities dedicated to upholding student rights would create opportunities for knowledge-sharing, policy standardization, and collective problem-solving. Through collaboration, universities can develop more effective strategies for addressing academic disputes, ensuring transparency, and fostering a culture of ethical leadership in higher education.

Furthermore, technological innovation presents new opportunities for enhancing transparency and accountability within universities. Digital platforms can be used to streamline administrative procedures, automate appeals processes, and provide students with direct access to legal resources. Online dispute resolution mechanisms, artificial intelligence-driven case management systems, and blockchain-based academic record-keeping can significantly improve efficiency and fairness in university decision-making. By leveraging technology, universities can create more accessible and transparent governance structures that empower students and reduce the potential for institutional bias.

To ensure the sustainability of these reforms, universities must also develop robust monitoring and evaluation mechanisms that systematically assess the effectiveness of student rights protections over time. This requires a multi-faceted approach, including regular audits of university policies to identify gaps and inconsistencies, comprehensive student feedback surveys that capture the lived experiences of students, and independent evaluations conducted by regulatory bodies to provide an impartial assessment of institutional compliance. Additionally, universities should establish dedicated committees or task forces responsible for overseeing these evaluations and ensuring that any necessary reforms are implemented in a timely manner. By continuously reviewing and refining policies based on empirical data, universities can adapt

to evolving challenges, address emerging concerns, and maintain a governance structure that not only aligns with principles of justice and fairness but also fosters a culture of accountability and continuous improvement.

A crucial aspect of ensuring student rights is the development of stronger legal recourse mechanisms for students who experience unfair treatment within universities. Currently, many institutions lack clear pathways for students to escalate grievances beyond internal university structures, leaving them with limited options for justice. Establishing external review bodies, either at the national level or through independent higher education regulatory agencies, would provide students with an impartial avenue for seeking redress. These external mechanisms should have the authority to review university decisions, mandate corrective action, and hold institutions accountable for violations of student rights. Additionally, national student advocacy organizations should be strengthened to offer legal support, policy advocacy, and awareness campaigns on student rights, ensuring that students have access to independent resources outside the university framework.

Another critical area for reform is the financial accessibility of higher education. While this thesis has focused primarily on procedural fairness and student rights within university governance, financial barriers remain a significant obstacle to educational equity. Universities should implement transparent tuition policies, establish robust financial aid programs, and ensure that financial constraints do not disproportionately impact students from marginalized backgrounds. Ensuring affordability in higher education aligns with broader human rights principles and contributes to a more inclusive academic environment.

The digital transformation of higher education governance offers new possibilities for enhancing transparency, efficiency, and accessibility. Online portals where students can track the progress of their appeals, anonymous reporting systems for academic misconduct, and AI-driven fairness assessments in decision-making could all contribute to a more accountable system. By integrating technology with ethical governance, universities can ensure that their policies remain relevant and responsive to the evolving needs of students, creating a more equitable academic landscape.

Ultimately, this thesis demonstrates that ensuring student rights in higher education requires a multidimensional approach that integrates legal protections, ethical standards, institutional reforms, and technological advancements. The recommendations outlined in this research provide a comprehensive roadmap for transforming universities into institutions that not only prioritize academic excellence but also uphold principles of justice, fairness, and accountability. The Gulf region has the potential to lead the way in developing a higher education system that serves as a model for ethical governance and student empowerment. However, achieving this vision requires sustained commitment from policymakers, academic leaders, and students themselves.

The future of higher education must be one where student rights are not an afterthought but a foundational principle that guides all aspects of university governance. By embedding fairness, transparency, and inclusivity within institutional frameworks, universities can cultivate an academic environment that fosters intellectual growth while upholding the fundamental values of justice and equity. Only through these reforms can the education system truly fulfill its role as a driver of social progress and human development. As shown in the thesis, Qatar University may provide a good model for the procedural protection of students rights in administrative disputes that may be adopted in other universities in the GCC region.

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