



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD**Forty-second session****CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY****Concluding observations: Qatar**

The Committee considered the initial report of Qatar (CRC/C/OPSC/QAT/1) at its 1130th meeting (see CRC/C/SR.1130), held on 17 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations:

A. Introduction

The Committee welcomes the submission of the State party's initial report, as well as the submission of the written replies to its list of issues (CRC/C/OPSC/QAT/Q/1). It further notes with appreciation the constructive efforts made by the high level and inter-ministerial delegation to provide additional information in the course of dialogue.

The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial report on 12 October 2001 contained in CRC/C/15/Add.163.

B. Positive aspects

The Committee welcomes the adoption of the new Constitution, which strengthens the human rights and freedoms of all citizens and, in particular, protects children, providing care for young persons and protecting them from exploitation and neglect.

The Committee notes with appreciation that the State party has revised the provisions of the Criminal Code (Act No. 11 of 2004), the Code of Criminal Procedures (Act No. 23 of 2004) and the Labour Code (Act No. 14 of 2004).

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The Committee welcomes the adoption of the Law No. 22 of 23 May 2005 on Banning the Employment, Training and Participation of Children in Camel Racing. It also welcomes the State party's investments in the development of robot jockeys and its efforts to promote the use of these robots instead of child jockeys.

The Committee also expresses its appreciation at the establishment of the Qatari House for Sheltering and Human Care, which provides protection, care and recovery for trafficked persons, including children.

Finally, the Committee welcomes the establishment of two offices, the office for human rights in the Ministry of the Exterior and the national office for combating trafficking in persons within the Supreme Council for Family Affairs, which raise awareness of trafficking in human beings in order to prevent this phenomenon and also assist victims of trafficking.

C. Principal areas of concern and recommendations**C.1. General measures of implementation****Reservation**

The Committee welcomes the information that the State party intends to review its general reservation made upon accession to the Protocol. The Committee is of the view that the general nature of the reservation raises concern as to its compatibility with the object and purpose of the Optional Protocol.

The Committee recommends that the State party expedite the review regarding the general nature of its reservation with a view to withdrawing it, or narrowing it, in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993.

Coordination and evaluation of the implementation of the Optional Protocol

The Committee takes note of the coordination and implementation functions of the Supreme Council for Family Affairs and its Childhood Department, and their collaboration with an expert advisory body, the Childhood Committee. It notes with appreciation the establishment of a coordinating committee to strengthen coordination and cooperation in the field of child issues, particularly between the Government bodies and civil society organizations. However, the Committee is concerned that the coordination does not cover all areas of the Optional Protocol.

The Committee recommends that further steps be taken by the State party to strengthen its efforts to coordinate and evaluate the implementation of the Optional Protocol through the Supreme Council for Family Affairs. It also recommends that the State party continue to bring together Government bodies, civil society organizations and private institutions in order to promote the full implementation of the Optional Protocol throughout the country.

National plan of action

The Committee notes that the State party is in the process of developing a national plan of action for children as a follow-up to the outcome document "A World Fit for Children" (A/RES/S-27/2). While taking note of the recommendations adopted by the Committee on trafficking in persons chaired by the Minister of the Exterior and the implementation work of the subsequently established subcommittee on trafficking in persons chaired by the Supreme Council for Family Affairs, the Committee is concerned about the delay in finalizing the national plan of action. It emphasizes the importance of incorporating all issues covered by the Optional Protocol in the plan of action.

The Committee recommends that the State party strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action for children, with time bound targets. It recommends that the State party pay particular attention to combating child labour and eliminating trafficking and the sexual exploitation of children, including child prostitution and child pornography, in the national plan of action, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children, and that it provide a specific budget allocation and adequate follow-up mechanisms for this plan's full implementation. The Committee further recommends that, in the course of developing the national plan of action, the State party conduct research and provide comprehensive statistical data on the extent, nature and changing patterns of trafficking in children in Qatar.

Dissemination and training

The Committee welcomes the joint programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Ministry of Education to disseminate information on the rights of the child in schools. It also notes with appreciation the State party's collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the training sessions on the Convention on the Rights of the Child provided for professionals in April 2005. Despite these very positive steps taken, the Committee is concerned that the question of sexual exploitation of children, including child pornography, is not adequately taken up as a subject for public discussion in the Qatari society, and that the awareness of sexual exploitation is still insufficient.

The Committee recommends that the State party continue and strengthen measures to disseminate information on the provisions of the Optional Protocol within the Qatari society, especially among children, parents and other caregivers and professionals working with and for children, in order to prevent and eliminate sexual exploitation and pornography involving children. The Committee recommends that the State party consider launching a national communication strategy to combat all types of sexual exploitation of children, one that includes information and awareness-raising campaigns and the use of school curricula and appropriate materials tailored for children.

Data collection

The Committee regrets the lack of statistical data on the number of children trafficked to and from Qatar, as well as in the country, and the number of reported cases of sale of children, child prostitution and child pornography. However, it notes that the data on children used as jockeys in camel races includes some information on trafficking and the sale of children.

The Committee recommends that the State party conduct an in-depth, analytical study on the trafficking and sale of children, child prostitution and child pornography, and that the State party systematically collect data on all areas covered by the Optional Protocol and use such data to assess progress and design policies and programmes to further implement the Optional Protocol. The data should cover all children under the age of 18 years and be disaggregated by sex and by those groups of children who are in need of special protection.

Budget allocations

The Committee notes that many official State bodies focus on children's issues, for example the Supreme Council for Family Affairs, and that these bodies allocate a part of their budget to the implementation of the Optional Protocol. However, it regrets the lack of specific information on these budget allocations.

The Committee recommends that the State party provide specific information on budget allocations for the implementation of the Optional Protocol in its next periodic report.

C.2. Prohibition of the Sale of Children, Child Pornography and Child Prostitution

Existing criminal or penal laws and regulations

The Committee expresses its appreciation for the State party's efforts to criminalize the sale of children, child prostitution and child pornography. Nevertheless, the Committee is concerned that the provisions of the Criminal Code do not include all purposes and forms of the sale of children included in article 3, paragraph 1, of the Optional Protocol, notably the transfer of organs of the child for profit. It also notes with concern that the wording of the Criminal Code's provisions on prostitution provides for gender disparities, e.g. females can be induced or incited to engage in prostitution, but males can be induced or incited to engage in debauchery.

The Committee recommends that the State party continue its efforts to amend the provisions of the Criminal Code with a view to fully covering all purposes and forms of the sale of children, particularly the transfer of organs of the child for profit. The Committee also recommends that the State party review the formulation of articles 296 and 297 of the Criminal Code in order to have a gender neutral approach to the criminalization of prostitution.

C.3. Penal/Criminal Procedure

Jurisdiction over the offences referred to in article 3, paragraph 1, of the Optional Protocol

The Committee notes with concern the principle of "double criminality" in article 18 of the Criminal Code, which requires that a person who has committed a serious or lesser offence abroad can be punished in Qatar only if the act is punishable under the law of the country in which it was committed. The Committee is concerned that this requirement hinders the prosecution of offences referred to in the Optional Protocol.

The Committee recommends that the State party amend its legislation in order to abolish the requirement of "double criminality" for prosecution in Qatar of offences committed abroad.

Extradition

The Committee notes with concern that extradition is made only upon existence of a bilateral agreement and on the basis of reciprocity.

The Committee recommends that the State party amend its legislation by making extradition possible, using the present Optional Protocol as a legal basis for extradition in respect of such offences.

C.4. Protection of the rights of child victims

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol

The Committee is concerned about the lack of specific provisions to protect the rights and interests of trafficked child victims during the criminal investigation and justice process, in particular when these children take part in the process as plaintiffs or are called to testify.

The Committee recommends that the State party bring its legal provisions into full conformity with article 8 of the Optional Protocol in order to ensure that trafficked children are provided with protection, access to health care, adequate assistance and social reintegration services when they are involved in the criminal investigation and justice process. It further recommends that the State party be guided by the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20).

The Committee welcomes the services provided for child victims by the Qatari Foundation for the Protection of Children and Women.

The Committee recommends that the State party continue to provide adequate financial, human and technical resources for the Qatari Foundation for the Protection of Children and Women in order to allow it to carry out its activities under the Optional Protocol and to ensure that these activities are in full compliance with the provisions of the Optional Protocol.

As regards the repatriation of former Sudanese camel child jockeys, the Committee notes with appreciation the project for social and psychological recovery of these children led by the Qatar Charitable Society in collaboration with the National Council for Protecting Childhood in Sudan. However, the Committee is concerned that these kinds of services are only available in the context of specific projects and that individual children seeking help are provided with only a limited number of services.

The Committee recommends that the State party continue and strengthen its efforts to provide adequate recovery assistance and social reintegration services, including psychiatric and medical care, counselling and education, for all children who are or will be victimized by being used as camel jockeys. It recommends that the State party continue to repatriate these children and to take all necessary measures to reunite them with their families when this is in the best

interests of the child. The Committee recommends that the State party continue its collaboration with concerned countries in this matter, and seek technical assistance from, among others, UNICEF.

While welcoming the establishment of a telephone hotline, currently under the authority of the Qatari Foundation for the Protection of Women and Children, for child victims of violence and abuse, the Committee is concerned about the unclear role of this hotline and as to whether the hotline is accessible to children in the most vulnerable situations, such as children trafficked for exploitative purposes.

The Committee recommends that the State party provide financial and technical support for the telephone hotline for child victims of violence and abuse in order to maintain and expand this service to the whole country. It also recommends that the hotline receives a toll-free, 3-digit phone number so that neither the helpline nor the child needs to pay for accessing hotline services, and that the hotline provides 24-hour service. The Committee recommends that the State party support the Qatari Foundation for the Protection of Women and Children to ensure that children, particularly the most marginalized children, are aware of and can access the hotline, and that the hotline continue to provide access to appropriate physical and psychological treatment and other services for children .

C.5.Prevention of the sale of children, child prostitution and child pornography

Measures Adopted to Prevent Offences Referred to in the Optional Protocol

While referring to the Law No. 22 of 23 May 2005 on Banning the Employment, Training and Participation of Children in Camel Racing, the Committee is concerned about the evidence that Qatar was a destination country of trafficked children, particularly for use as camel child jockeys, before the adoption of this law.

The Committee recommends that the State party take all necessary measures to effectively implement the Law on Banning the Employment, Training and Participation of Children in Camel Racing (Law No. 22 of 23 May 2005) in order to ensure that children are not used as jockeys in camel races, and that the State party carry out regular unannounced inspections in camel races . It recommends that the State party ensure that all perpetrators, for example persons responsible for trafficking and employing children as camel jockeys, are prosecuted for offences enumerated in article 3, paragraph 1, of the Optional Protocol. As regards prevention, the Committee recommends that the State party share its good practices through bilateral and multilateral cooperation in the Gulf region. It further recommends that the State party provide detailed information on the results of the implementation of the Law on Banning the Employment, Training and Participation of Children in Camel Racing in its next periodic report.

C.6. International assistance and cooperation

Prevention

While noting the very high number of migrant workers in the State party, and particularly female domestic workers' status on the margins of society, the Committee is concerned at the situation and vulnerability of migrant workers' children in the Qatari society. The Committee is also concerned about the situation of trafficked children, for example those used to work as camel jockeys, who are particularly vulnerable to all forms of exploitation. The Committee regrets that the State party has not ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).

The Committee recommends that the State party take special measures to address the situation of vulnerable groups of children, such as the children of migrant workers or trafficked children, who are at particular risk of being victims of multiple forms of exploitation. It recommends that the State party allocate adequate human and financial resources for the implementation of programmes for the protection of the rights of vulnerable children, paying particular attention to their access to social and health services and education. The Committee further recommends that the State party consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).

Law enforcement

The Committee notes with appreciation the numerous bilateral agreements and memorandums of understanding signed by the State party in the domain of judicial and security cooperation.

The Committee encourages the State party to continue and strengthen its bilateral, regional and multilateral cooperation for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution and child pornography, particularly with law enforcement agencies of States facing problems in this area.

C.7. Follow-up and dissemination

Follow-up

The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia , by transmitting them to the members of the Council of Ministers and the Advisory Council (*Majlis al #Shura*), as well as to municipalities (*baladiyat*), when applicable, for appropriate consideration and further action.

Dissemination

The Committee recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children, in order to generate debate and awareness of the Optional Protocol, its implementation and its monitoring.

C.8. Next report

In accordance with article 12, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its second periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention .
