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Civil and Political Rights**

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**Initial report submitted by Qatar under article 40 of the
Convention, due in 2019*, ****

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



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Part I

Introduction

1. The State of Qatar acceded to the International Covenant on Civil and Political Rights on 21 May 2018, pursuant to Decree No. 40 of 2018, with the Covenant entering into force in the State on 21 August 2018.
2. On acceding to the Covenant, the State of Qatar lodged the reservations and declarations set forth below.

I. Reservations

3. The State of Qatar does not consider itself bound by the following provisions of the International Covenant on Civil and Political Rights for the reasons stated below:
 - (i) Article 3, with regard to provisions relating to the inheritance of power, as it contravenes the provisions of article 8 of the Constitution;
 - (ii) Article 23, paragraph 4, as it contravenes Islamic sharia.

II. Declarations

- (i) The State of Qatar shall interpret the term “punishment” in article 7 of the Covenant in accordance with the legislation applicable in Qatar and Islamic sharia;
 - (ii) The State of Qatar shall interpret article 18, paragraph 2, of the Covenant on the basis of the understanding that it does not contravene Islamic sharia. The State of Qatar reserves the right to implement this paragraph in accordance with such understanding;
 - (iii) The State of Qatar shall interpret the term “trade unions” and all related matters mentioned in article 22 of the Covenant in line with the Labour Code and national legislation. The State of Qatar reserves the right to implement this article in accordance with such understanding;
 - (iv) The State of Qatar shall interpret article 23, paragraph 2, of the Covenant in a manner that does not contravene Islamic sharia. The State of Qatar reserves the right to implement this paragraph in accordance with such understanding.
 - (v) The State of Qatar shall interpret article 27 of the Covenant to mean that those professing and practising their own religion must do so without violating the rules of public order and public morals, the protection of public safety and public health, or the rights and basic freedoms of others.
4. The State of Qatar has the honour to submit this initial report to the Human Rights Committee under article 40, paragraph 1, of the Covenant and in conformity with the Committee’s guidelines and general recommendations. The State of Qatar affirms its commitment to the principles and purposes articulated in the Covenant. In the report, the measures it has taken to implement the Covenant will be described in detail.

Procedure and methodology for the preparation of the report

5. This report is a joint national report and was prepared by a government committee established by a decision of the Council of Ministers at its 31st ordinary meeting of 2018, held on 7 November of that year. Chaired by the Secretary-General of the Ministry of Foreign Affairs, the committee comprises members drawn from a number of government entities, including the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Justice, the Ministry of Education and Higher Education, the Ministry of Administrative Development, Labour and Social Affairs, the Ministry of Public Health, the Ministry of Commerce and Industry, the Ministry of Culture and Sports, and the Planning and Statistics Authority. The committee is mandated to prepare the State’s initial reports for submission under the International Covenant on Civil and Political Rights and the International

Covenant on Economic, Social and Cultural Rights, and to discuss the reports before the respective committees as provided in the Covenants.

6. The report is divided into three parts. The first part contains an introduction and information on the procedure and methodology for the preparation of the report. The second part contains substantive information, arranged in sequential order, on the measures taken by the State to implement articles 1 to 27 the Covenant. The third part concerns remaining or emerging obstacles to the exercise of the rights enunciated in the Covenant, in addition to information on measures taken to overcome those obstacles.

7. In January 2019, the State of Qatar submitted the common core document¹ forming part of the reports of States parties to treaty mechanisms. The document contains basic information on the land and population, general political structures and legal framework for human rights protection in the State of Qatar.

8. In line with the practice recommended by human rights treaty bodies,² the present report was transmitted to the National Committee for Human Rights³ for feedback and also to the Qatar Foundation for Social Action⁴ in the context of cooperation with civil society organizations. In submitting this initial report to the Committee, the State of Qatar affirms its full readiness to cooperate in responding to any queries or requests for clarification concerning the implementation of the Covenant. The State of Qatar wishes the Committee continued success in its work to promote and protect human rights.

Part II

Measures taken by the State to implement the Covenant

9. This part describes the legislative, institutional, administrative and procedural measures taken by the State to implement the Covenant. It sets out specific information relating to articles 1 to 27 thereof, dealing with each article and its provisions in sequence.

Article 1

Right of self-determination

10. The Qatari Constitution guarantees the right of self-determination in article 7 thereof, which provides that: “The foreign policy of the State is founded on the principle of strengthening international peace and security through encouraging the peaceful settlement of international disputes and promoting the right of peoples to self-determination, non-interference in the internal affairs of States and cooperation with peace-loving nations.”

11. The State of Qatar recognizes the right of peoples and governments to permanent sovereignty over their natural wealth and resources, in accordance with national interests. Article 29 of the Qatari Constitution provides that: “Natural wealth and resources are the property of the State, which shall preserve and utilize the same as provided by law.” Act No. 3 of 2007, concerning the utilization of natural wealth and resources, as amended by Act No. 8 of 2015, also establishes that all natural wealth and resources are the property of the State and may not be utilized, transferred or traded except as provided by law.

12. Believing as it does in the inalienable right of peoples to self-determination, the State of Qatar has supported the United Nations resolutions providing for that right.

¹ See document HRI/CORE/QAT/2019.

² The State of Qatar is under obligation to submit reports to the following treaty bodies: the Committee on the Elimination of Racial Discrimination; the Committee on the Rights of the Child; the Committee against Torture; the Committee on the Elimination of All Forms of Discrimination against Women; the Committee on the Rights of Persons with Disabilities; the Human Rights Committee; and the Committee on Economic, Social and Cultural Rights.

³ See para. 19 of the present report.

⁴ See para. 19 of the present report.

Article 2

Respect for and protection of rights and access to remedies

13. The State of Qatar subscribes to all international legal principles and norms that protect the individuals within its territory, whose rights it ensures on the basis of the social justice enshrined in the country's Permanent Constitution, which was approved by a public referendum in April 2003, ratified by His Highness the Emir in 2004 and entered into force in June 2005. In terms of the legal framework, the principle of equality and non-discrimination is embodied in part II, articles 18 and 19, of the Constitution, concerning the fundamental components of society. Article 18 provides that: "Qatari society is founded on the core values of justice, benevolence, freedom, equality and moral rectitude." Hence, in accordance with article 18, equality is one of the underpinnings on which Qatari society is based. The principles articulated in article 18 of the Constitution are reinforced by article 19, which provides that: "The State shall preserve the underpinnings of society and guarantee security, stability and equal opportunities for citizens." All State policies are therefore required to take account of and safeguard the core values of society referred to in article 18, including the principle of equality, which in Qatar is a noble principle that enjoys constitutional protection; no law or statute can be enacted if it runs counter to that principle. Under Act No. 12 of 2008, promulgated on 18 June of that year, the Supreme Constitutional Court was established to adjudicate in disputes over the constitutionality of laws and regulations, thereby further strengthening the protection provided for the principle under the Constitution.

14. The general principle of equality set out in article 18 of the Constitution is elaborated in detail in part III, articles 34 and 35, concerning public rights and duties. Article 34 provides that: "Citizens are equal in rights and duties." Guaranteeing the right to equality before the law and non-discrimination, article 35 provides that: "All persons are equal before the law and there shall be no discrimination among them on grounds of sex, origin, language or religion." Part III of the Constitution (arts. 34–58) enshrines fundamental rights and freedoms, following the principle that rights are complementary, interdependent, interrelated and indivisible. It thus provides guarantees of economic, social, cultural, civil and political rights. Part III of the Constitution further guarantees human rights in Qatar by enshrining public rights and freedoms as legal provisions at the very heart of the Constitution, according them primacy over ordinary laws and making them binding. The Constitution also affirms that these rights may be neither regulated nor modified in such a way as to restrict or diminish them. Article 146 states that the provisions on public rights and freedoms may be amended only in order to increase safeguards for citizens.

15. The aforementioned constitutional protection of the right to equality and non-discrimination was strengthened by the State's accession to the International Convention on the Elimination of All Forms of Racial Discrimination in 1976. Under article 68 of the Permanent Constitution, which explicitly provides that treaties and conventions have the force of law once they have been ratified and published in the Official Gazette, the provisions of the Convention are valid in the State of Qatar and have the force of law, with no obstacles preventing their application by the courts. Article 6 of the Permanent Constitution furthermore expressly provides that: "The State shall respect international charters and treaties and strive to implement all international conventions and treaties to which it is a party."

16. All citizens and residents in the State of Qatar enjoy the rights and freedoms set forth in part III of the Permanent Constitution, without distinction as to sex, origin, language or religion. Article 52 of the Constitution explicitly states that: "All persons lawfully resident in the State are entitled to protection of their person and property as provided by law". The constitutional and legal framework for securing equal rights and non-discrimination has been strengthened through measures to promote the right of legal recourse, as will be later explained in detail.

17. All State institutions and organs are required to observe the principle of equality and non-discrimination enunciated in articles 18, 34 and 35 of the Permanent Constitution and to refrain from engaging in any action or practice that involves, encourages or fosters discrimination. The rule applies across the board; all State institutions have a constitutional and legal duty to uphold the principles of equality, justice and non-discrimination.

18. In conformity with the guarantees enshrined in the Constitution, the State has enacted primary and secondary legislation with provisions ensuring that rights are upheld and that means of redress are available. These include:

- Act No. 17 of 2018 concerning the establishment of a migrant workers' support and insurance fund;
- Act No. 13 of 2018 amending article 7 of Act No. 21 of 2015, which regulates the entry, exit and residency of non-nationals, so as to abolish the requirement for an exit permit;
- Act No. 11 of 2018 concerning political asylum;
- Act No. 10 of 2018 concerning the permanent residency card;
- Act No. 15 of 2017 concerning domestic workers, which provides legal protection for domestic workers in keeping with International Labour Organization (ILO) Convention No. 189, concerning decent work for domestic workers, and applicable international standards;
- As approved by the Council of Ministers at its meeting of 19 October 2016, a law amending provisions of the Labour Code (Act No. 14 of 2004) so as to establish a committee or committees for the settlement of all labour disputes arising from the application of the Labour Code or employment contracts;
- Act No. 16 of 2016 concerning mental health, which explains general rights relating to treatment, such as the patient's right of access to necessary treatment in accordance with medically recognized standards, in addition to respect for patient autonomy and privacy;
- Act No. 13 of 2016 concerning personal data privacy protection;
- Act No. 15 of 2016 concerning civil human resources, which established the principle that public officials have equal rights and duties, without distinction among them;
- Act No. 22 of 2015 amending provisions of the Criminal Code (Act No. 11 of 2004);
- Act No. 12 of 2015 amending provisions of Decree-Law No. 17 of 2010 governing the National Committee for Human Rights so as to increase the Committee's independence and provide immunity and legal safeguards for the Committee and its members;
- Emiri Decision No. 6 of 2015 reorganizing the Administrative Control and Transparency Authority with the aim of promoting achievement of the highest indicators of integrity and transparency in the field of public service and working to combat corruption in all its forms and manifestations;
- Act No. 1 of 2015 amending provisions of Labour Code (Act No. 14 of 2004) on wages protection;
- The Minister of Labour and Social Affairs' Decision No. 4 of 2015 regulating the wages protection system for workers subject to the Labour Code;
- The Minister of Labour and Social Affairs' Decision No. 18 of 2014 determining the requirements and specifications pertaining to adequate housing for workers, taking into account the relevant international standards;
- Act No. 14 of 2014 concerning cybercrime prevention;
- Act No. 12 of 2013 amending provisions of Act No. 7 of 2007 concerning the settlement of administrative disputes, in particular article 3, paragraph 4, thereof on the right to claim compensation;
- Act No. 7 of 2013 concerning social health insurance, which introduced a compulsory health insurance system to ensure the delivery of primary health care services to all Qatari citizens and to the country's residents and visitors;
- Act No. 6 of 2013 concerning the Health and Education Fund, which is aimed at delivering sustainable financial resources in support of health and education services and providers;

- Act No. 15 of 2011 concerning the prevention of human trafficking;
 - Act No. 19 of 2008 determining the sum of blood money (*diyah*) payable for unintentional killing;
 - Act No. 12 of 2008 concerning the establishment of the Supreme Constitutional Court;
 - The Family Code (Act No. 22 of 2006);
 - The Civil Code (Act No. 22 of 2004), which makes no distinction between citizens and residents in respect of the civil rights for which it provides;
 - The Code of Criminal Procedure (Act No. 23 of 2004), which provides for the equality of all citizens and residents in the territory of the State in criminal proceedings, evidence gathering, investigation, trial and enforcement of judgements.
19. A number of national governmental and non-governmental institutions have also been established to promote and protect human rights, including:
- The Human Rights Department at the Ministry of Foreign Affairs, which was established in 2003 to monitor human rights cases at the regional and international levels. Its functions are to work in conjunction with the competent State entities in offering opinions and advice on human rights matters and issues referred to it and in expressing a view on draft international human rights instruments to which the State wishes to accede; take part in preparing the human rights reports required under international conventions for submission to international monitoring bodies; coordinate the preparation of appropriate replies to reports by international organizations and non-governmental organizations (NGOs) on the human rights situation in Qatar and to reports by foreign governments on human rights cases in Qatar; follow meetings and activities organized by regional and international organizations in the field of human rights; coordinate in order to engage the concerned authorities in such activities; forward to the competent entities and follow up on any complaints received from outside the country about human rights violations; and formulate plans and proposals for making use of the advisory services and technical assistance offered by international organizations in the sphere of human rights;
 - The Human Rights Department at the Ministry of the Interior, which was established pursuant to the Minister of the Interior's Decision No. 26 of 2005. Among others, the functions of the Department are to take steps in conjunction with the relevant ministerial bodies to achieve the aims of international human rights instruments in the context of the Ministry's activities; receive, study and investigate complaints submitted to the Ministry by individuals or through the National Committee for Human Rights; examine the causes of complaints and make recommendations accordingly; visit penal institutions, deportation centres and security facilities to ascertain their compliance with the laws and regulations applicable in Qatar and the absence of human rights violations; submit periodic reports to the higher authorities; publish bulletins and circulars for sensitizing the relevant bodies within the Ministry to human rights issues; and organize seminars and talks aimed at raising human rights awareness;
 - The Family Affairs Department⁵ at the Ministry of Administrative Development, Labour and Social Affairs, which was established in 2014 and took over the functions of the Supreme Council for Family Affairs as the foremost authority vested with competence in all family-related matters. The Ministry also examines and follows up on cases involving the rights of children, women, persons with disabilities and older persons;
 - The National Committee for Human Rights, which was established in 2002 as an independent national institution for the protection and promotion of human rights. The Committee is regulated by Decree-Law No. 17 of 2010, which was promulgated with the aim of affording it more guarantees and broadening its mandate in compliance with the Paris Principles governing national human rights institutions

⁵ See paras. 35 and 36 of the present report.

around the world. The Committee was accredited with “A” status by the Geneva-based Global Alliance of National Human Rights Institutions for the first time in 2010 and successively for the second time in December 2015. The Committee proposes ways of promoting and monitoring achievement of the objectives of international human rights conventions and instruments to which the State is a party; makes recommendations concerning the State’s accession to other human rights conventions and instruments; examines human rights abuses and violations; seeks to resolve human rights complaints reported to it; coordinates with the authorities on the action to be taken; proposes ways of addressing abuses and violations and preventing their occurrence; makes suggestions to the relevant bodies concerning the consistency of current legislation and bills with the international human rights conventions to which the State is a party; monitors and prepares reports on the human rights situation in the country and submits such reports, with comments, to the Council of Ministers; disseminates awareness and education about human rights and freedoms; instils human rights principles in both theory and practice; and conducts field visits to penal and correctional institutions, detention centres, workers’ accommodation blocks, health facilities and educational establishments in order to monitor the human rights situation in each;

- The Qatar Foundation for Social Action, which was established in 2013 to promote the country’s human and social development and the creation of a self-confident society of values and positivity. In accordance with Decree-Law No. 21 of 2006, concerning private foundations serving the public interest, as amended, it was instituted as one such foundation with the aims of developing the civil society organizations operating under its umbrella; building and advancing their capacities; furthering and invigorating their role; and formulating strategies, policies and programmes to foster their advancement and so enable them to accomplish the goals for which they were established. In this context, the civil society organizations currently operating under the umbrella of the Qatari Foundation for Social Action are:⁶
 - The Social Protection and Rehabilitation Centre (Aman), which works to protect the rights of women and children who are victims or at risk of violence and family breakdown;
 - The Family Counselling Centre (Wifaq), which deals with family matters;
 - The Orphan Care Centre (Dreama), which works to protect children who are orphaned or of unknown parentage;
 - The Centre for the Empowerment and Care of Older Persons (Ehsan);
 - The Shafallah Centre for Persons with Disabilities;
 - The Social Development Centre (Nama), which works to empower youth;
 - The Best Buddies Qatar initiative, which aims to secure the participation of persons with disabilities in public life;
 - The Nur Centre for the Blind, which aims to deliver exemplary services to its client groups and integrate them into the community.

Right of access to justice and redress

20. The right of access to justice is guaranteed and protected under the Permanent Constitution, article 135 of which provides that: “The right of access to justice is inviolable and guaranteed to all. The law shall prescribe the procedures and conditions for the exercise of this right.” The Code of Criminal Procedure, the Code of Civil and Commercial Procedure, the Settlement of Administrative Disputes Act and the Family Code govern the procedures for recourse to the justice system. Where harm is established, the court may award fair compensation to the injured party for the harm incurred. Article 19 of the Code of Criminal Procedure (Act No. 23 of 2004), as amended, provides that: “Anyone who suffers direct personal harm as the result of an offence may bring a civil claim against the

⁶ The aims of several of these organizations will be covered in detail in the discussion of the articles of the Covenant.

accused during the course of the investigation or before the court considering the criminal proceedings.” Articles 32 to 60 of the Code regulate the procedures for conducting inquiries, gathering evidence and carrying out preliminary investigations to assist the Public Prosecution Service and the judiciary in detecting offences and in apprehending and convicting offenders. No distinction is made among citizens or between citizens and residents. Under article 19 of the Code, victims of offences are entitled to bring civil claims for compensation, a right also guaranteed under the general rules of the Civil Code.

21. The Qatari judiciary performs its mission as provided in article 130 of the Constitution, which states that: “Judicial authority is independent and vested in courts of different types and levels. Courts shall give their judgements in accordance with the law.”

22. The Civil Service Human Resources Act No. 15 of 2016 regulates the complaints mechanism available to public officials wishing to seek justice and redress. Pursuant to the Prime Minister’s Decision No. 17 of 2018, a committee was also established to examine grievances and complaints filed by public officials in relation to their entitlements under the Act. The concerned parties are notified of the committee’s decisions within 10 days of their date of issuance. The committee may invite the director of the human resources department of the government entity responsible for the decision that is the subject of the complaint, or other officials of government entities, to attend its meetings in order to provide required information.

23. The State of Qatar is keen to observe and guarantee the right of access to justice for all groups within the community, including migrant workers subject to the Labour Code (Act No. 14 of 2004). In that context, it amended some of the Code’s provisions, pursuant to Act No. 13 of 2017, so as to create committees for the settlement of labour disputes at the Ministry of Administrative Development, Labour and Social Affairs. Chaired by a first instance court judge selected by the Supreme Judicial Council and comprising two members designated by the Minister, one of whom must have accounting expertise, the committees are vested with competence to resolve all individual disputes arising from the application of the Labour Code or employment contracts. Their decisions are summarily enforced and may be appealed by the concerned parties before the competent court of appeal division. By its Decision No. 6 of 2018, the Council of Ministers established committees for the settlement of labour disputes, together with their rules and procedures and the mechanism for the enforcement of their decisions, and determined their emoluments. The committees are responsible for settling as a matter of urgency, within a maximum period of three weeks, all disputes arising from the application of the Labour Code or employment contracts that are referred to them by the competent department where its mediation has failed to bring about an amicable settlement. The parties are permitted to appeal before the competent appeal court division against decisions handed down by such committees. The Labour Code also provides that the courts shall continue to have jurisdiction in respect of cases brought prior to the date of its entry into force. The Code of Civil and Commercial Procedure, the Code of Criminal Procedure and the Criminal Code furthermore provide for the right of all residents to a fair hearing and of suspects to be presumed innocent until proven guilty. The authorities immediately inform suspects of the charges against them as a matter of routine and defendants may choose their own counsel or accept counsel appointed at State expense to represent them throughout the pretrial period and during trial. Free interpretation services are normally provided as necessary to defendants from the moment they are charged and during all proceedings. Defendants have the right to confront and cross-examine prosecution witnesses and complainants; present their own witnesses; introduce their own evidence of innocence; and examine evidence held by the Government. They are also afforded the opportunity to make a statement at the end of the trial. They are furthermore entitled to appeal against judgements handed down at first instance and to appeal in cassation against appeal decisions.

24. In establishing these committees, the aim of the Government is to provide redress and achieve justice for migrant workers in disputes arising from the application of the Labour Code or employment contracts and to enable them to avoid lengthy and complex litigation proceedings. The Ministry of Administrative Development, Labour and Social Affairs also coordinates with worker representatives at embassies in following up disputes involving citizens served by the embassy concerned. Workers having left the country may designate their embassy or any person whom they deem suitable to represent them before such committees.

25. In this context, in addition to the functions mentioned in paragraph 19 of the present report, the Human Rights Department at the Ministry of the Interior is competent to examine complaints from migrant workers with a view to identifying and resolving the cause of the complaint. Where an employer is found to have acted abusively, the necessary action is taken and the worker may change jobs without the employer's approval, as provided in article 22 of Act No. 21 of 2015 regulating the entry, exit and residency of non-nationals. In handling complaints, the Department uses as its reference the latter Act, the Labour Code and other relevant laws and is governed in its actions by the principles of equality, non-discrimination, impartiality and justice. It also endeavours to streamline procedures and be respectful of the complainant's time.

26. The Department handled 3,043 complaints in 2017 and 2018, during which 1,878 jobs were changed temporarily and 3,914 permanently.

27. Decree-Law No. 38 of 2002 establishing the National Committee for Human Rights states in article 2, paragraph 3, that the Committee is competent to consider human rights abuses and propose ways of addressing them and preventing their recurrence. Article 3 provides that: "The aim of the Committee shall be to promote and protect human rights and freedoms, to which end it may perform the following functions and tasks ... 3. Examine human rights abuses and violations; seek to resolve human rights complaints reported to it; coordinate with the authorities on the action to be taken; and propose ways of addressing abuses and violations and preventing their recurrence."

28. Article 395 of the Code of Criminal Procedure (Act No. 23 of 2004) provides that: "Prosecutors shall have the right to enter designated places of detention within their area of jurisdiction in order to ascertain that no one is being unlawfully held therein. They may examine and take copies of the registers, speak to detainees and listen to any complaints they may wish to make. They must be provided with every assistance in accessing the information that they require." Article 396 of the Code provides that: "Anyone held in a designated place of detention may at any time make a written or verbal complaint to the official in charge of such place and request that the official report it forthwith to the Public Prosecution Service after recording it in a register kept for that purpose. Anyone who learns that a person is being detained unlawfully or in a place not designated for detention shall notify a prosecutor who, on being so notified, must proceed without delay to the place where the person is being held, investigate the matter, order the release of the person detained unlawfully and make a report to that effect."

29. Article 369 of the Criminal Code provides that: "Any persons who commit any of the offences provided for in this and the three preceding chapters and who, in so doing, cause harm to their spouse, ascendants or descendants shall be prosecuted only on the basis of a complaint from the victim. Victims may withdraw their complaints at any stage in the proceedings and may also seek a stay of the final judgement against the offender at any time they wish."

30. The Military Service Code (Decree-Law No. 31 of 2006) devotes various articles to such issues. Examples include article 71, paragraphs 3 to 11, which state that military personnel must comply with the laws, regulations and statutes in force and also treat the public with courtesy. Under article 72, paragraphs 16 to 21, it is prohibited for military personnel to abuse the powers vested in them, overstep their duties and mistreat or threaten subordinates. The prescribed penalties for doing so are set out in articles 85 and 86 of the Code.

31. Article 73 of the Code states that any person who commits an act prohibited by the Code is liable to disciplinary action. Article 84 also provides that public officials have the right to designate an officer licensed in law to defend them before the disciplinary board. Anyone convicted likewise has the right of appeal as provided in article 87 of the Code.

Article 3

Non-discrimination between men and women

32. The Qatari Constitution affirms the principle that all citizens are equal before the law in rights and duties, irrespective of gender, thereby guaranteeing the protection of women from all forms of discrimination, affording them equal opportunities that enable

them to strengthen their capacities, protect and promote their rights and participate positively in the development of society.

33. National legislation enacted in recent years has focused on measures to promote women's rights, eliminate discrimination between women and men, and lay the foundations for gender equality in all spheres. In prescribing rights and determining obligations, all Qatari laws employ generic terms and therefore make no distinction between men and women.

34. The principle of equality of the sexes in all domains is also reflected in various national laws providing for, among others, the equal right to education (art. 2 of the Compulsory Education Act No. 25 of 2001); equal access to health-care services; equal access for women to housing (Act No. 2 of 2007); equality in the conduct of public affairs, with women entitled to stand for election to municipal councils and to hold important political office; and equal access to public service positions and to all rights prescribed in the Civil Service Human Resources Act No. 15 of 2016.

35. As mentioned in paragraph 19 of the present report, the Family Affairs Department was created at the Ministry of Administrative Development, Labour and Social Affairs in response to the State's desire to establish a higher governmental body devoted to the family, with a focus on women and their needs and future aspirations, in line with the comprehensive development plan encapsulated in the Qatar National Vision 2030. The aim of the Department is to promote and advance the status and role of women in society; preserve strong and cohesive families that take care of their members and uphold high moral and religious values and ideals; and further the implementation of national strategies, plans and policies relating to women. In addition to its delivery of social care, the Department formulates and refines social development programmes and monitors their implementation in conjunction with the competent authorities, exercising to that end all of the necessary powers and functions, which include:

- Elaborating strategies, policies and programmes designed to promote women's welfare; achieve women's interests; guarantee social security and stability for women; and accomplish the goals articulated in international instruments dealing with women's affairs;
- Following up on all efforts undertaken to implement the international instruments dealing with women's affairs and rights to which the State of Qatar is a party;
- Expressing views on draft instruments on protection for women; working to strengthen women's capacities; empowering women for economic and social participation, especially in the realm of decision-making; increasing employment opportunities for women; and supporting women professionally;
- Proposing draft legislative instruments on women's affairs; and cooperating with international and regional bodies and organizations concerned with women's affairs;
- Representing the State in regional and international conferences and committees dealing with women's affairs; organizing conferences, seminars and panel discussions; and conducting research into women's issues;
- Delivering social care; formulating, refining and monitoring the implementation of social development programmes; overseeing and licensing day nurseries; determining the day nursery enrolment age; and approving education curricula.

36. The Family Affairs Department has undertaken various initiatives for the advancement of women, including the following:

- Organizing training workshops and programmes for productive families⁷ on the development of household projects;
- Participating in local exhibitions staged for productive families as part of heritage and national celebrations;

⁷ Household production is an economic activity involving family members and overseen by the head of household (male or female). This definition focuses not on the nature of the products but on the nature of work as an economic activity.

- Supervising a group of sales outlets provided for productive families by support agencies;
- Participating in outside activities for the empowerment of productive families;
- Organizing in 2017 an incentive prize for productive families and an accompanying exhibition (*Aswaq Qatariya*);
- Organizing family cohesion programmes aimed at raising awareness of the valuable role of families.

37. Legislative measures have also been taken towards establishing a national committee to deal with the affairs of women, children, older persons and persons with disabilities. At its 18th ordinary meeting held on 15 May 2019, the Council of Ministers approved a draft decision on the establishment of such a committee.

Women in the Qatar National Vision 2030

38. With the aim of building a society that promotes justice and equality, the Qatar National Vision 2030 embodies the principles enshrined in the Permanent Constitution of the State of Qatar: protecting public and private freedoms; fostering moral and religious values; strengthening customs, traditions and cultural identity; and guaranteeing security, stability and equality of opportunity. The Qatar National Vision 2030 sets a number of goals for family cohesion and women's empowerment, specifically:

- Preserving strong and cohesive families that take care of their members and maintain high religious and moral values and humanitarian ideals;
- Developing a sound social structure and building effective public institutions and strong and active civil society organizations;
- Building an effective social protection system for all Qataris that takes account of their civil rights, values their contribution to the development of society and ensures an income adequate for the preservation of dignity and health;
- Strengthening women's capacities and empowering women for social and economic participation, especially in the realm of decision-making;
- Holding training courses and workshops for the empowerment and advancement of women.

39. The first national strategy (2011–2016) included a sectoral strategy for family cohesion and women's empowerment, which identified a target of eight key development outcomes in the three core areas of family cohesion, social care and women's empowerment as a means of furthering the objectives of the Qatar National Vision 2030. In pursuit of those outcomes, 12 interrelated projects were initiated with a view to: promoting the role of the Qatari family as the mainstay of society; increasing parental responsibility and reducing reliance on domestic workers; lowering the rates of domestic violence; creating a victim protection and support system; providing support systems for families in special circumstances, such as those with members who have disabilities or are juvenile offenders; minimizing the exposure of Qatari families to socioeconomic risks; improving family financial management and the health, well-being and safekeeping of children; increasing support for working families, particularly women; expanding the number of women in leadership and political decision-making positions; and reducing general stereotyping of women's roles and responsibilities. Family cohesion projects were grouped in line with three main sectoral outcomes, including the reduction of domestic violence and the provision of protection and support for families affected by such violence.

Equality of women and men in the exercise of political rights

40. The State supports women's access to leadership positions and women's involvement in public administration, which includes the exercise of political rights, such as the right to vote and stand for election to municipal councils, in conformity with international norms, in particular international conventions relating to women's affairs that the State has ratified, foremost among them the Convention on the Elimination of All Forms of Discrimination against Women.

41. The first time that a Qatari woman assumed ministerial office was in 2003, since when women have held important ministerial portfolios, including at the Ministry of Education, the Ministry of Health and the Ministry of Information and Communications Technology. In the most recent ministerial reshuffle, a woman was appointed as the Minister of Public Health. Qatari women have also been appointed to leadership positions in the public and private sectors and in civil society organizations. They have also filled key judicial posts, including those of judge and deputy public prosecutor. A Qatari woman first entered the Shura Council, which serves as the national parliament, in November 2017 following an Emiri decision to appoint 28 new members to the Council, including 4 women, thereby affirming the wise leadership's belief in the important decision-making role played by women.

42. In recent years, the number of Qatari women working in the diplomatic corps has grown. Eighteen women entered the diplomatic service between 1996 and 2002, with the figure rising to 38 by 2010. In 2019, the number of female Qatari diplomatic officials had multiplied to 167, including 4 serving as ambassadors. In November 2017, a Qatari woman was appointed for the first time as the official spokesperson for the country's Ministry of Foreign Affairs, thus joining the group of Qatari women holding senior diplomatic and political positions.

43. Qatari law guarantees to women the equal right with men to register for voting and to vote and stand for election. In the most recent municipal council elections, held in 2019, women accounted for 48 per cent of registered voters. Table 1 shows the percentage of women's participation in the first to fifth municipal council elections held between 1999 and 2015.

Table 1
Women's political participation in municipal council elections (1999–2015)

	<i>Women (number)</i>				<i>Women as a percentage of the total</i>			
	<i>Registered voters</i>	<i>Actual voters</i>	<i>Candidates</i>	<i>Elected</i>	<i>Registered voters</i>	<i>Actual voters</i>	<i>Candidates</i>	<i>Elected</i>
1999	9 665	7 484	6	0	44	43	3	0
2003	11 055	2 985	1	1	48	39	1	3
2007	13 608	7 054	3	1	48	51	3	3
2011	16 221	6 120	4	1	50	45	4	3
2015	9 704	6 826	5	2	45	47	4	7

Source: Statistical data for municipal council elections, Ministry of the Interior, State of Qatar.

Equality of the sexes in the acquisition of citizenship

44. The Permanent Constitution affirms in article 41 that: "Qatari citizenship and the rules pertaining thereto shall be determined by law. Those rules shall have a constitutional character." The Nationality Act No. 38 of 2005 regulates the acquisition, grant, removal and reinstatement of citizenship, without distinction between women and men, except in the case of a Qatari woman married to a non-Qatari. In that instance, neither the woman's spouse nor her children are granted citizenship, as the grant of or right to citizenship is based on *jus sanguinis*, meaning that children take their father's citizenship for reasons connected with dual citizenship. Citizenship-related matters are at the sovereign discretion of the State.

45. In applying the rules for the grant of Qatari citizenship, priority is given to those with a Qatari mother. Qatari women who marry non-Qataris lose their citizenship only if it is established that they have acquired their spouse's citizenship. In that event, they may recover their Qatari citizenship by renouncing the acquired citizenship.

The Criminal Code

46. There are no discriminatory provisions against women in the Qatari Criminal Code (Act No. 11 of 2004), which criminalizes and imposes penalties to deter violence in all its forms and manifestations. Indeed, the Code provides protections for the person in general

and for women in particular, criminalizing numerous acts of violence that may be directed at women because they are women (gender-based violence), as in rape, sexual assault, exploitation in prostitution, and abortion. The Code also criminalizes acts of violence against the person in general. Article 279 thereof, which deals with the offence of rape, provides for a penalty of life imprisonment or death. If the offender is an ascendant of the victim, the penalty is death. Article 286 of the Code provides in addition that anyone who sexually assaults another person using coercion, threat or deception is liable to a penalty of imprisonment of up to 15 years. Under article 288, furthermore, a victim's young age is considered an irrebuttable presumption in law.

47. Qatari law similarly addresses the issue of psychological violence against women. Article 291 of the Criminal Code specifically criminalizes all forms of indecent assault against a female, including by way of remarks, gestures or movements, for which the penalty is imprisonment of up to 1 year and a fine of up to 5,000 Qatari riyals (QR).

Equality of the sexes in the right to health

48. Article 23 of the Qatari Constitution provides that the State is concerned with "public health and shall provide the means to prevent and treat disease and epidemics in accordance with the law." Act No. 7 of 1996 deals with medical treatment in Qatar and regulates measures for eliminating discrimination against women in the area of health care. In particular, article 4 of the Act guarantees that no fees or charges may be levied for emergency services, hospitalization for accidents, preventive maternal and child health-care services, preventive health-care services for school students; and communicable disease and immunization services.

49. The National Health Strategy 2018–2022 is aligned with the principles of the Qatar National Vision 2030 and the National Health Strategy 2011–2016. Its aim is to apply a new approach to addressing the country's health challenges, namely one that reflects a broad shift of focus towards population health, integrated care, health improvement and promotion, disease prevention, enhanced health-care delivery and better value for all. For its part, the Qatar National Vision reflects the aspiration to develop a strategic framework plan for a comprehensive world-class health-care system meeting the needs of current and future generations, together with an integrated preventive health-care system as part of national health policy, effective affordable services and high-quality research. It also seeks to incorporate health into all policies.

50. The Ministry of Public Health has produced a charter of the rights and responsibilities of patients and their families, which is printed for dissemination to all institutions. The charter enshrines the fundamental principles guaranteeing the right to health, which include the right of access to primary health-care services, irrespective of race, religion, national origin, belief, values, language, age or disability. It also guarantees the right of access to health-care services without any unjustified delay, appropriate and respectful care at all times, the preservation of patient dignity, the right of patients to an appropriate and effective support mechanism in the event of any complaint or grievance, and the right to privacy and confidentiality.

Women and the labour market

51. Article 54 of the Qatari Constitution provides that: "Public service is a national duty. In performing the duties of their office, public officials shall have the public interest as their sole object." The message thus conveyed is that there is no distinction between women and men.

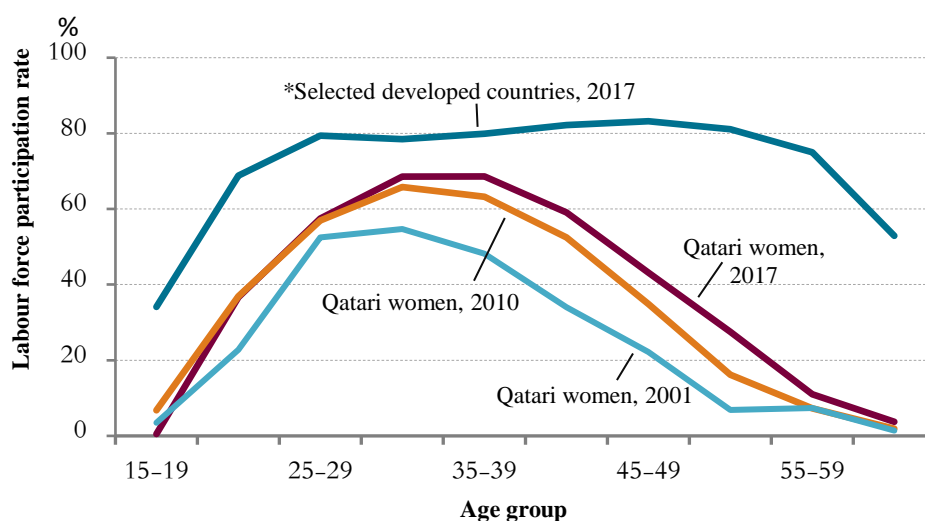
52. The legislation regulating the labour market in the State of Qatar is modelled on the Permanent Constitution. It does not discriminate against women and makes no distinction between men and women with respect to salary and job benefits. On the contrary, the Civil Service Human Resources Act No. 15 of 2016, which governs public service in Qatar, provides for positive discrimination, as do its implementing regulations issued pursuant to the Council of Minister's Decision No. 32 of 2016. The Labour Code (Act No. 14 of 2004) is furthermore strictly compliant with article 35 of the Constitution. None of its provisions therefore discriminate negatively on grounds of sex. Women receive equal pay with men for the same work and enjoy the same training and promotion opportunities.

53. In 2017, according to official statistics on the labour force,⁸ Qatari women accounted for around 37 per cent of workers in the 25–29 age group, almost 49 per cent of workers in the 30–34 age group and 30 per cent of those in decision-making positions in government institutions and companies.

54. The rates of participation by Qatari women in the labour force increased substantially between 2001, 2010 and 2017 in all age groups, although they remained low compared with the participation rates in selected countries (diagram 1).

Diagram 1

Women's participation rates in the Qatari labour force



Source: Ministry of Development Planning and Statistics; and the ILO, 2014.

55. A comparison with the labour force participation rates for Qatari males shows that the rates for Qatari women are noticeably lower overall. In the 24–25 and 35–44 age groups, however, they are as high as 63 per cent. Women's labour force participation rates in Qatar follow the same pattern as in the other Gulf States (table 2).

Table 2

Labour force participation rate for women aged 15 and over in the other Gulf States

State	Men (per cent)	Women (per cent)
Qatar	96.1	58.5
Qataris	68.2	36.7
Non-Qataris	97.6	64.5
Bahrain	86.9	43.5
Kuwait	87.9	49.9
Oman	87.8	29.8
Saudi Arabia	78.4	20.1
United Arab Emirates	92.8	52.6

Source: Planning and Statistics Authority, 2017.

⁸ Source: Sample labour force survey, 2017, Ministry of Development Planning and Statistics.

Table 3
Economic participation rate by nationality, sex and age group (2017)

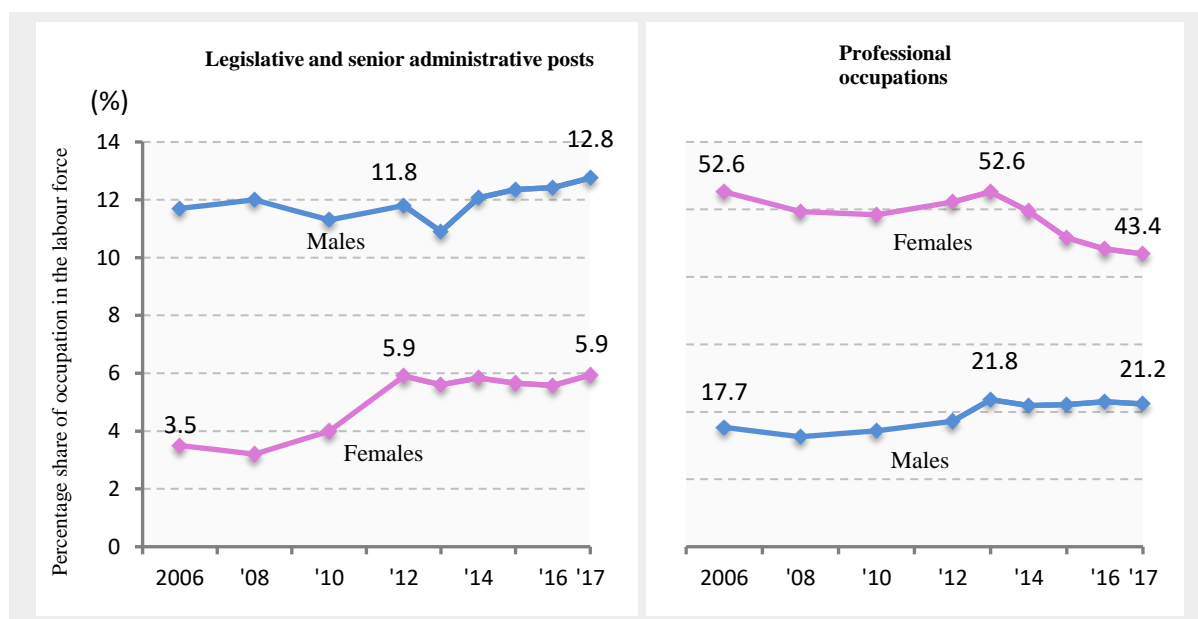
	Qataris			Non-Qataris			Total		
	Males	Female	Total	Males	Females	Total	Males	Females	Total
15 to 24 years	42.4	17.6	30.1	83.8	53.1	76.7	78.5	41.5	68.1
25 to 34 years	96.2	63.3	78.7	99.6	73.8	95.4	99.5	72.1	94.5
35 to 44 years	97.5	63	80.4	99.9	70.4	94.4	99.8	69.5	93.7
45 to 54 years	88.2	35.2	62.5	99.9	46.4	92.7	99.2	43.5	90.0
Over 55 years	27	6.1	15.9	96.8	33.9	86.7	87.3	20.5	71.1
Total	68.2	36.7	52.2	97.6	64.5	97.6	96.1	58.5	88.4

Source: Annual sample labour force survey, 2017, Ministry of Development Planning and Statistics.

56. The percentage of Qatari women in administrative posts (legislators, senior officials and directors) rose rapidly during the period 2006–2012 and subsequently stabilized at 6 per cent between 2013 and 2017 (diagram 2). The share of Qatari women in professional occupations, however, such as in education and health, is much higher than for males.

Diagram 2

Percentage of Qatari women holding administrative posts



Source: Labour force survey (various years) and other sources, Ministry of Development Planning and Statistics.

57. The proportion of Qatari women working in the private sector (including the mixed sector) rose from 16 per cent in 2016 to 20 per cent in 2017, exceeding the percentage for Qatari men. The increase for women can be explained as partly attributable to the Qatarization policy pursued by the State, which is aimed at increasing the proportion of nationals working in all institutions, especially at the senior level.

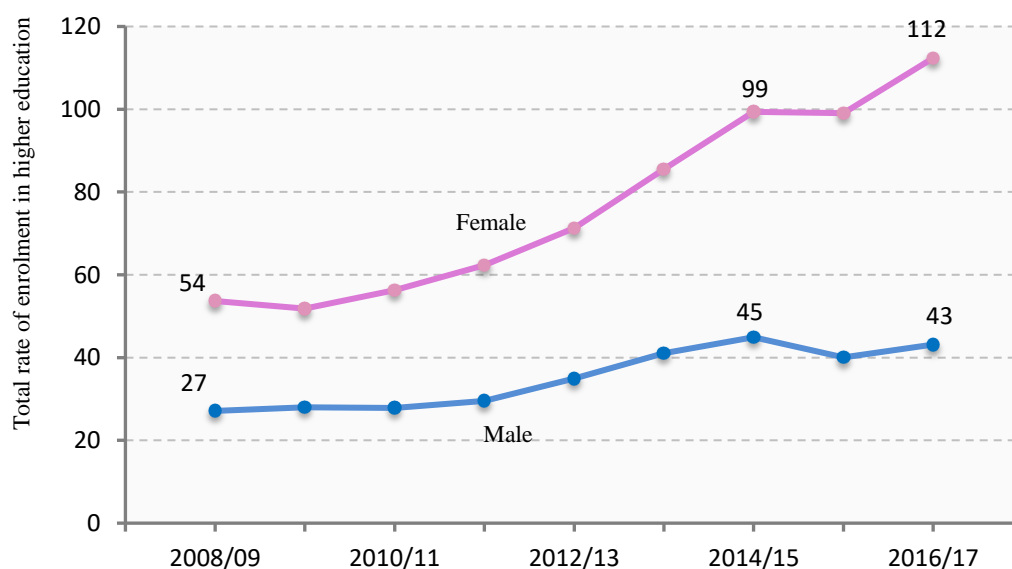
Table 4
Percentage of Qatari women in the labour force in the governmental and non-governmental sectors

<i>Sector</i>	<i>2012 (per cent)</i>	<i>2017 (per cent)</i>
Females		
Governmental (including State-owned companies)	84	80
Private (including the mixed and diplomatic sector)	16	20
Total	100	100
(Number)	27 072	37 057
Males		
Governmental (including State-owned companies)	84	82
Private (including the mixed and diplomatic sector)	16	18
Total	100	100
(Number)	55 741	66 887

Source: Ministry of Development Planning and Statistics.

58. Over the years, the university enrolment rate for Qatari women has constantly exceeded that for males (diagram 3) and their enrolment rate in higher education is more than double that for males. This growing gap is primarily due to the tendency for Qatari males to enter the labour market, especially police and army jobs, at an early age, which explains the high labour force participation rate for males in the youngest age group of 15 to 24 years.

Diagram 3
Rate of enrolment in higher education for female and male students
 (%)



Source: Statistical data (various years), Planning and Statistics Authority.

59. National legislation also ensures that women are able to enter economic life without discrimination through guaranteeing their right to engage in economic activity, which includes setting up companies. The Qatari Women's Association for Economic and Investment Awareness was established to promote the role of women in the country's economic development. It works to raise awareness of women's contribution to the national product; enhance the role of women in economic decision-making; provide business management training for girls and women; educate them about the main risks associated with running an enterprise and ways of avoiding such risks; and guarantee women's equal

involvement in social and cultural activities, which includes the establishment of associations pursuant to Decree-Law No. 21 of 2006 concerning private foundations serving the public interest. The Association's efforts to secure women's engagement in sports and cultural activities furthermore led to the establishment of a women's sports committee and several youth and cultural centres for girls, under Decree-Law No. 5 of 1984 regulating clubs, thereby promoting gender equality in terms of practising hobbies and contributing to the country's intellectual and creative output. There are seven such centres for girls, as well as gatherings hosted by public youth centres.

Article 4

Derogations from obligations under the Covenant

State of emergency

60. Article 69 of the Qatari Constitution states that the Emir may, by a decree and in exceptional circumstances, declare martial law and determine the means for addressing those circumstances, which are limited to risks that threaten the integrity or territorial unity of the State or the security and interests of its people or that obstruct State institutions in the performance of their functions. There are, however, fundamental rights that cannot be suspended, even if martial law is declared. The exceptional circumstances must also be specified by law and a decree issued to identify their nature and indicate the measures for addressing them. The Shura Council must be notified of the decree within 15 days of its issuance or, if for any reason it is not in session, when it next convenes. Martial law may be declared for a limited period that may be extended only with the approval of the Shura Council. Article 20 of the Civil Defence Act No. 25 of 2015 also provides that: "In the event of a public disaster or in circumstances where the occurrence of a public disaster is likely, the Council shall declare a state of emergency. It shall also declare an end to the emergency once the requirements for its declaration no longer exist." No state of emergency has been declared in Qatar since the adoption of its Constitution.

Counter-terrorism

61. A number of counter-terrorism measures have been taken, including:
- Establishment of the National Counter-Terrorism Committee, in accordance with the Council of Minister's Decision No. 7 of 2007, which is vested with competence to develop counter-terrorism policies, plans and programmes; coordinate efforts among the relevant authorities in Qatar to fulfil the country's obligations under United Nations Security Council and General Assembly resolutions on counter-terrorism; work for achievement of the goals articulated in the international counter-terrorism instruments acceded to or ratified by the State; raise awareness of the dangers of terrorism; strengthen the contribution of citizens to addressing terrorism; and participate in delegations representing the State at conferences and United Nations committees dealing with terrorism;
 - Promulgation of the Counter-Terrorism Act No. 3 of 2004;
 - Establishment of a national committee to combat money-laundering and the financing of terrorism, pursuant to article 10 of Act No. 4 of 2010 concerning the prevention of those two activities. The committee's functions are, among others, to formulate a national strategy to combat money-laundering and the financing of terrorism in Qatar; facilitate coordination among the ministries and entities represented on the committee; study and monitor international developments with respect to the prevention of money-laundering and the financing of terrorism; make recommendations for the development of directives and regulatory controls issued by the country's monitoring authorities; propose legislative amendments accordingly; follow up the implementation of policies for combating money-laundering and the financing of terrorism at the legal and institutional levels; coordinating and hosting national training programmes on the prevention of money-laundering and the financing of terrorism; and participating in international meetings and conferences on combating money-laundering and the financing of terrorism;

- Issuance of the Ministry of Justice’s Decision No. 230 of 2010 concerning protocols and measures for combating money-laundering and the financing of terrorism, article 1 of which provides that: “Lawyers, law offices and law firms shall be bound by the directives annexed hereto, as shall international law offices licensed to operate in the State of Qatar.” The directives require those concerned to report financial transactions suspected of being linked to the offences of money-laundering and the financing of terrorism;
- Accession to the International Convention for the Suppression of Terrorist Bombings of 1997, pursuant to Decree-Law No. 21 of 2018;
- Accession to the International Convention for the Suppression of the Financing of Terrorism of 1999, pursuant to Decree No. 20 of 2018;
- Ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism of 2005, pursuant to Decree No. 42 of 2014;
- Ratification of the Convention of the Cooperation Council for the Arab States of the Gulf on Combating Terrorism, pursuant to Decree No. 27 of 2008;
- Accession to the Convention of the Organisation of the Islamic Conference on Combating International Terrorism, pursuant to Decree No. 16 of 2006.

62. The domestic counter-terrorism legislation in force is compatible with the rights guaranteed by the Covenant. The Permanent Constitution of the State of Qatar enshrines public rights and freedoms and asserts that they may be neither restricted nor diminished on the pretext that they are being regulated or modified.⁹

63. Act No. 3 of 2005, concerning the prevention of money-laundering and the financing of terrorism, contains no definition of terrorism. Article 1 thereof does, however, define a terrorism offence in stating as follows: “For the purposes of the present Act, the serious offences provided for in the Criminal Code or in any other law shall be classified as terrorism offences if committed for a terrorist purpose.”

64. A terrorist purpose is where the motive for the use of force, violence, threats or intimidation is to hinder application of the amended Provisional Basic Law or the law, violate public order, endanger public safety and security or harm national unity and where such action causes or is likely to cause injury, create panic, endanger life, freedoms or security, harm the environment, public health and the national economy, damage public or private utilities, facilities or property, lead to their seizure or impede their functioning, or prevent or obstruct the activities of the public authorities.

65. The national counter-terrorism measures in place are applied in respect of citizens who feature in the country’s list of terrorists and terrorist entities, in accordance with Decree-Law No. 11 of 2017 amending provisions of the Counter-Terrorism Act No. 3 of 2004. In particular, article 21 bis, paragraph 3, of the Act permits the concerned parties to appeal against a decision to include, or continue to include, or remove their names from that list. In line with established appeal procedures, such appeals must be lodged before the criminal division of the Court of Cassation within 60 days of the date when the decision was made. A number of citizens have appealed against decisions to include them in the list and obtained final rulings in which they were absolved and the decisions overturned.

Article 5

Restriction of the scope of the rights provided for in the Covenant

66. The State of Qatar is keen to ensure that constitutional, political, economic, social and cultural reform is centred on human rights. Its concern to do so is reflected in the measures taken to develop and strengthen the country’s legislative and institutional human rights machinery. Part III of the Constitution (arts. 34–58) enshrines fundamental rights and freedoms, following the principle that rights are complementary, interdependent, interrelated and indivisible. It thus provides guarantees of economic, social, cultural, civil and political rights alike. The Constitution provides in article 68 that treaties have the force of law and affirms that those rights may be neither restricted nor diminished on the pretext

⁹ See para. 14 of the present report.

that they are being regulated or modified. Article 146 accordingly states that the provisions on public rights and freedoms may be amended only in order to increase safeguards for citizens.

Article 6 **Right to life**

The death penalty

67. For the State of Qatar, the right to life is a sacred right that no one may violate. The Criminal Code criminalizes offences against human life, whether involving killing or infliction of bodily harm.

68. The Criminal Code prescribes the death penalty only for extremely serious offences, including offences against external State security (arts. 98–103), offences against internal State security (arts. 130–131 and 135) and offences of murder committed, inter alia, with aggravating circumstances (premeditated), with the use of a toxic or explosive substance or against an ascendant of the offender (art. 300).

69. Article 300 of the Criminal Code, which prescribes a sentence of death for anyone who intentionally commits a murder with aggravating circumstances, provides that: “A sentence of death shall be commuted to imprisonment for a term of up to 15 years if the victim’s heir pardons the offender or accepts blood money (*diyah*).”

70. In the light of the foregoing, it can be concluded that the provisions relating to the death penalty and the philosophy governing their application are part of public order.

71. In effect, no sentences of death have been carried out in Qatar since 2005 other than on one occasion on account of the brutality and severity of the offence committed.

72. The State of Qatar takes the view that a law providing for the death penalty is a preventive measure and that application of the penalty serves as a general deterrent to certain serious offences that perpetrators are undeterred from committing unless they are aware that such a penalty exists. Such a law is therefore deemed to protect lives and prevent the commission of an offence owing to fear of the penalty, the application of which consequently preserves life. The penalty applies, however, only to the gravest of offences that threaten public safety and the rights of individuals, such as murder and high treason. Its application is tightly controlled and strictly limited, in keeping with article 6 of the Covenant. The controls in place are as follows:

- (a) The sentence must be imposed by law;
- (b) It must be imposed only for the most serious offences involving such levels of brutality and severity that there is no room for leniency or mitigation;
- (c) It must be carried out only with the approval of the Emir,¹⁰ who is vested with authority under article 67 of the Constitution to give a pardon or commute a sentence in accordance with the law;
- (d) Its execution must be stayed in the case of pregnant women until they give birth and, if the birth is live, for a period of two years thereafter, in addition to which the sentence may be commuted to life imprisonment in accordance with the law;¹¹
- (e) It must not be imposed on children who were under 18 years of age at the time of the commission of the offence and not at the time of sentencing or execution of the sentence;¹²
- (f) It must be commuted to imprisonment for a term of up to 15 years if the victim’s heir pardons the offender or accepts blood money (*diyah*);¹³

¹⁰ Art. 58 of the Criminal Code (Act No. 11 of 2004).

¹¹ Art. 345 of the Code of Criminal Procedure (Act No. 23 of 2004).

¹² Art. 20, para.2, of the Criminal Code (Act No. 11 of 2004).

¹³ Art. 300, para. 2, of the Criminal Code (Act No. 11 of 2004).

(g) It must be handed down by a unanimous decision of the court, failing which it is replaced by a sentence of life imprisonment.¹⁴

Protection of women from practices that violate their right to life

73. In addition to the information set out in the present report in respect of article 3 of the Covenant, the State of Qatar guarantees to women full prenatal care through access to various medical services, including maternal and foetal checks. Prenatal medical services are routinely available to pregnant women, whether citizens or residents, at obstetrics clinics, particularly in the final months before birth.

74. Thanks to the attention given to the health of pregnant women, the mortality rate for women in pregnancy and childbirth reportedly fell over the three years from 2014 to 2016 to 3.8 per cent for every 100,000 live births.

75. The State has also taken measures to help prevent unwanted pregnancies and ensure that no one is forced to have a secret abortion, which is a life-threatening procedure. Abortions are regulated by Act No. 2 of 1983, concerning the practice of human medicine and dental medicine and surgery, article 17 of which provides that: "It is prohibited for a physician to perform an abortion on a pregnant woman, except to preserve her life. In a pregnancy of less than four months, however, an abortion may be permitted in the following two instances:

(a) If the continuation of the pregnancy would unquestionably cause serious harm to the mother's health;

(b) If it is established that the foetus would be born with a serious physical deformity or an irremediable mental deficiency, provided that both parents consent to the abortion."

76. Such abortions must be performed in a public hospital by a decision of a medical committee composed of three expert physicians, at least one of whom must specialize in gynaecology and obstetrics.

77. The requirements to be fulfilled by the members of the afore-mentioned committee and the procedures to be followed in performing abortions are decided by the Ministry of Public Health.

Article 7

Prohibition of torture and of cruel, inhuman and degrading treatment

78. Under the Qatari Constitution and the Criminal Code, torture is a punishable offence. Article 36 of the Constitution provides that: "Personal freedom is guaranteed. No one may be arrested, imprisoned, searched, confined to a specific place of residence or subjected to restrictions on freedom of residence or movement except as provided by law. No person may be subjected to torture or degrading treatment. Torture is an offence punishable by law." The State of Qatar acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment in accordance with Decree No. 27 of 2001.

79. Torture is an offence punishable under the Qatari Criminal Code, article 159 of which provides that: "Any public official who uses or orders the use of torture, force or threats against an accused person, a witness or an expert for the purpose of obtaining a confession to an offence, coercing the person into making a statement or providing information about an offence or covering up an offence shall be liable to imprisonment for a term of up to 5 years. If the victim is permanently disabled by an injury sustained as the result of an act committed by a public official, the offender shall be liable to imprisonment for a term of up to 10 years' imprisonment. If the victim dies as a result of the act, the offender shall be liable to the death penalty or life imprisonment."

80. Article 159 bis of the Criminal Code provides that: "Any public official or any person acting in an official capacity who uses or instigates torture or agrees or acquiesces to the torture of any person shall be liable to imprisonment for a term of up to 5 years. If the victim sustains a permanent disability as a result of being tortured, the offender shall be

¹⁴ Art. 240 of the Code of Criminal Procedure (Act No. 23 of 2004).

liable to imprisonment for a term of up to 5 years. If the victim dies as a result of being tortured, the offender shall be liable to imprisonment for a term of up to 10 years.”

81. Article 159 bis of the Criminal Code provides that torture is “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

82. The above two provisions reflect the amendments introduced pursuant to Act No. 8 of 2010 in order to harmonize the country’s domestic legislation with the international conventions to which the State of Qatar is a party and comply with the recommendations of international monitoring committees. Hence, for the purposes of criminal responsibility and punishment, the term “public official” was expanded to mean a person charged with a public service. Under the added article 159 bis, therefore, a public official who commits the offence of torture is not necessarily a public official as defined in such public service laws as the Human Resources Management Act, as the term includes anyone who was acting in an official capacity at the time of committing the offence. The term “torture” was also expanded to increase protection for victims and serve as an extra deterrent to offenders, in that pain inflicted on grounds of discrimination of any kind is considered to be torture, which is consistent with the definition of torture contained in the Convention against Torture.

83. The Qatari legislature has also increased the penalty to death if the victim of the offence dies as a result of being tortured. If the victim sustains a permanent disability as a result of being tortured, the offender is liable to imprisonment for a term of up to 10 years. In cases where the result of being tortured is less serious, the offender is liable to a severe penalty of imprisonment for a term of up to 5 years.

84. The Qatari legislature has criminalized all acts of ill-treatment of any kind, as well as the use of force or threats to extract a confession, statements or information from any victim about an offence or to compel a victim to conceal facts.

85. The Qatari legislature has furthermore criminalized acts of cruelty committed in the performance of duties. Article 161 of the Criminal Code (Act No. 11 of 2004) provides that: “Any public official who, during the performance of his or her duties, commits acts of cruelty or compels others to act other than as permitted by law shall be liable to imprisonment for a term of up to 3 years and/or a fine of up to QR 10,000.” The Qatari legislature has also criminalized the arrest or detention of persons other than as prescribed by law. Article 163 of the Criminal Code (Act No. 11 of 2004) provides that: “Any public official who arrests, imprisons or detains a person in circumstances other than those prescribed by law, or who orders that a convicted person should receive a penalty heavier than the penalty set by law or a penalty to which the person was not sentenced, shall be liable to imprisonment for a term of up to 5 years.”

86. In Qatari legislation, the use of torture and incitement to torture on the one hand and agreement or acquiescence to torture on the other are treated no differently. Acquiescence to torture, meaning failure to act on knowledge of torture, is accordingly synonymous with torture itself and the penalty for both is identical. If, for instance, a person acquiesces to torture and the torture results in death, that person is just as liable to the penalty of death as the person who actually commits the act of torture. Such stringency is deserving, as it compels individuals to report acts of torture and confront those who commit such acts by any means.

87. The Qatari legislature has made the offences of torture and ill-treatment, however inflicted, punishable by appropriate penalties that take into account their grave nature, as provided in article 4, paragraph 2, of the Convention against Torture.

88. Together with the Human Autopsy Act No. 2 of 2012 and the Human Trafficking Prevention Act No. 15 of 2011, the laws relating to the medical professions also establish scientific and ethical controls relating to the handling of bodies of living and deceased

persons. In particular, no samples may be taken from a person's body except with the person's free consent and where required for medical purposes; persons dealing with human bodies must be professionally licensed; the performance of autopsies is prohibited other than for criminal, pathological or educational purposes after confirming, as provided by law, that death has taken place; and the removal of organs or human tissue or part thereof by unlawful means constitutes a human trafficking offence.

89. In consistency with the aforementioned constitutional rules, the Code of Criminal Procedure provides in article 40 that: "No one may be arrested or detained except by order of the competent authorities and under the conditions prescribed by law. Such persons shall be treated in a manner conducive to the preservation of their human dignity and may not be subjected to physical or mental harm. Law enforcement officers shall inform accused persons of their right to remain silent and to contact a person of their own choosing."

90. Law enforcement officers are therefore clearly required to ensure that, on arrest, suspects are provided with all of the above-mentioned safeguards, including the right to remain silent, the right to contact a person of their choosing and the right to seek the assistance of a lawyer. In accordance with the Code of Legal Practice (Act No. 23 of 2006), the entities before which lawyers practise their profession must provide them with the facilities required for the proper performance of their duty and allow them to be present.

91. To ensure compliance with those procedures, article 28 of the Code of Criminal Procedure provides that law enforcement officers – who, under article 27 of the Code, may be prosecutors or members of the police – are subject to the authority and oversight of the Attorney General in the performance of their duties. The Attorney General may request the authority to which the officers are answerable to investigate any instance of misconduct or dereliction of duty on their part. He may also request disciplinary action against them, without prejudice to any criminal proceedings that may be brought.

92. The Public Prosecution Service receives all police records and reports. If there is sufficient evidence to lay a charge, the police are required by law to present the arrested suspect to the competent prosecution office within 24 hours.

93. In accordance with the Code of Criminal Procedure (Act No. 23 of 2004) and Act No. 3 of 2009 regulating penal and correctional institutions, the Public Prosecution Service monitors the compliance of law enforcement officers with the requirement to provide the above-mentioned fundamental safeguards. The Attorney General may request the authority to which the officers are answerable to investigate any instance of misconduct or dereliction of duty on their part and may also request disciplinary action against them. Law enforcement officers are required to present all detainees within 24 hours to the Public Prosecution Service, which therefore has the opportunity, in discharging its functions, to receive complaints from suspects. The right of complaint is assured to any accused person whose guaranteed rights by law may have been curtailed. Wherever possible, the Public Prosecution Service makes use of modern technologies in its efforts to clarify, establish and demonstrate the true facts of any incident under its investigation. One such example in major incidents is photographic inspection where, with the help of its technical assistance department, the Public Prosecution Service inspects the crime scene in the presence of the accused person and his or her lawyer. If the accused admits to the offence, he or she is requested to describe and recreate it. An audiovisual recording is made of the inspection and used in court by the Public Prosecution Service as evidence supporting the other available evidence in the proceedings. All common areas in places of detention, including prisons, security departments and police stations, are monitored by cameras that record everything taking place in those areas for use as necessary.

94. Article 72 of the Military Service Code (Decree-Law No. 31 of 2006) also provides that: "It is prohibited for military personnel to abuse the powers vested in them, overstep their duties, insult or threaten superiors, or ill-treat or threaten subordinates."

95. There are mechanisms in place (judicial, independent, governmental and preventive) for monitoring the human rights situation of detainees, with backing from the Public Prosecution Service and the National Committee for Human Rights. The Ministry of the Interior ensures that no persons arrested or detained are subjected to torture or ill-treatment.

96. At the Ministry of the Interior, a mechanism for monitoring and evaluating the human rights situation of prisoners and detainees has been functioning since 2007. The

mechanism was enhanced in 2014 and continues to operate within the Human Rights Department. Inspection teams conduct unannounced visits to penal and correctional institutions, security service detention facilities and deportation centres to ascertain the human rights situation of prisoners and detainees. As part of that exercise, detailed questionnaires are handed out for completion with the aim of determining from the replies whether the human rights of those detained in such places are being upheld in line with national and international standards. These visits additionally provide an opportunity for the Human Rights Department to monitor violations and hear any complaints from prisoners and detainees, which enables it to make recommendations to the Ministry's decision-making authority concerning the initiation of legal proceedings for negligence against whoever is responsible.

97. Between 2012 and the end of 2018, the Human Rights Department conducted over 100 inspection visits as part of its monitoring exercises.

98. Throughout the years in which the Human Rights Department has been conducting monitoring and assessment visits to penal and correctional institutions, security service detention facilities and deportation centres, it has received no complaints of torture or ill-treatment and detected no cases of either. Nor has it received any complaints of abuse of power by police officers assigned to the Ministry that involves acts meeting the definition of torture.

Human rights awareness-raising in the security sector

99. The dissemination of a human rights culture in the security sector, including with respect to the prohibition of torture and ill-treatment, forms a substantial part of the activities of governmental institutions and NGOs working in the area of human rights. Both have underlined the importance of this subject in general talks and training workshops they have organized and in their publications on human rights in the context of security-related activities, especially investigative and evidentiary procedures. These activities have included in particular:

- An officers' training workshop on the prohibition of torture in international and domestic law, organized by the Human Rights Department at the Ministry of the Interior in conjunction with the Beirut-based Regional Office of the High Commissioner for Human Rights in the Middle East and North Africa and the Human Rights Department at the Ministry of Foreign Affairs (April 2010);
- An officers' training workshop on the human rights of police officers, organized by the Human Rights Department at the Ministry of the Interior in conjunction with the United Nations Training and Documentation Centre (December 2012);
- An officers' training workshop on humanitarian culture and protection of the rights of prisoners and detainees, organized by the Human Rights Department at the Ministry of the Interior in conjunction with the regional delegation of the International Committee of the Red Cross in Kuwait (2013);
- An officers' training workshop on the prohibition and prevention of torture in law and practice, organized by the Human Rights Department at the Ministry of the Interior in conjunction with the United Nations Training and Documentation Centre (November 2018);
- A workshop on the obligations of the State of Qatar under the two international human rights covenants, organized by the Human Rights Department at the Ministry of Foreign Affairs in conjunction with the United Nations Training and Documentation Centre for South-West Asia and the Arab Region;
- A talk entitled "Human dignity for all" held at the Police College to mark Arab Human Rights Day, organized by the National Committee for Human Rights (March 2016);
- A workshop on human rights in police work from the perspective of international instruments and national legislation, organized by the National Committee for Human Rights (April 2018).

100. The Legal Affairs Department at the Ministry of the Interior organized a number of courses and talks on duties and prohibited conduct under the Military Service Code. It also

organized a course for police officers on the lawful use of firearms and munitions, and a talk on the use of force.

101. The Police Training Institute organized various courses and talks, as follows:

- General talks at various security departments as part of a course on criminal investigation (80 participants);
- Arrest and detention in the human rights context and the Code of Criminal Procedure as a core part of a skills training programme for second-class warrant officers (126 male and 25 female participants);
- A course on disciplinary accountability for human rights violations and abusive treatment of citizens as part of a foundation programme for officers (117 male and 18 female participants).

Non-refoulement

102. The Qatari legal system follows the principle of non-refoulement of persons where there are substantial grounds for believing that they would be at risk of danger or irreparable harm. Article 58 of the Constitution provides that the extradition of political refugees is prohibited and that the law determines the conditions for the grant of political asylum. Article 410 of the Code of Criminal Procedure further provides that extradition is not permitted:

- (i) If the offence in respect of which extradition is requested is or is linked to a political offence or if the person whose extradition is requested was a political refugee at the time when the request for extradition was made;
- (ii) If there are serious grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality or political opinion or that the position of the person whose extradition is requested may be prejudiced for any of those reasons.

103. Article 15 of the Political Asylum Act No. 11 of 2018 provides that: "It is prohibited to return or extradite a political refugee in any manner whatsoever to his or her country or to another country where it is feared that he or she would be at risk of danger or persecution."

104. The State has taken a number of measures in that regard, among them its signing of bilateral and multilateral extradition agreements. The Arab and International Police Communication Section of the International Cooperation Department at the Ministry of the Interior is furthermore required to ensure that its procedures comply with the constitutionally and legally guaranteed principle of non-refoulement by implementing those agreements. In cases of deportation or expulsion, the persons concerned are free to determine the place to which they wish to travel if not the country of their citizenship.

Corporal punishment in educational institutions

105. The Ministry of Education and Higher Education has always provided a safe educational environment for children in which no violence or corporal punishment of any kind is inflicted on them by teachers. It has put in place regulations and directives that strictly prohibit beating and the use of violence against children in schools and kindergartens. While not explicitly criminalizing the corporal punishment of children, the Qatari Criminal Code imposes penalties for acts against the physical integrity of the person, which include such corporal punishment where grave enough to constitute a criminal act, in which event it is punishable under articles 206 to 210 of the Code on offences involving assault.

106. The Ministry of Education and Higher Education has introduced a behavioural assessment policy that is applied by school committees with a role in a behavioural management. Ministerial Decision No. 33 of 2013, concerning student counselling, additionally covers functions being undertaken in the light of that policy.

Article 8

Preventing and combating contemporary forms of slavery

107. The legislation of the State of Qatar prohibits slavery in all its forms and manifestations and, under the Human Trafficking Act No. 15 of 2011, the use of means for the purpose of forced labour or services, slavery or practices similar to slavery constitutes a human trafficking offence.

108. As part of its endeavour to promote the human rights of migrant workers in line with international human rights frameworks, the State ratified the following ILO conventions:

- ILO Convention No. 29 concerning forced labour;
- ILO Convention No. 81 concerning labour inspection;
- ILO Convention No. 105 concerning abolition of forced labour;
- ILO Convention No. 111 concerning discrimination in respect of employment and occupation;
- ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour;
- ILO Convention No. 130 concerning minimum age for admission to employment.

109. Article 2 of the Human Trafficking Prevention Act No. 15 of 2011 provides that: “The offence of human trafficking shall be deemed to have been committed by any person who in any way recruits, transports, transfers, harbours or receives a natural person within the State or across its national borders by means of the use or threat of force or violence, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or need or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person to the trafficking of that person, for the purpose of any form of exploitation. Exploitation shall include the exploitation of prostitution of others or other forms of sexual exploitation, the exploitation of children in prostitution, pornography or begging, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs or human tissue or part thereof.”

110. The National Committee for Combating Human Trafficking was established in June 2017 to ensure enforcement of the Human Trafficking Act, coordinate the efforts of entities working to prevent human trafficking, raise awareness of the means of human trafficking, and exchange information and expertise with Arab and international organizations involved in the fight against human trafficking. The Committee approved the National Plan for Combating Human Trafficking 2017–2022, which serves as a guide and charter for the Committee itself and for the entities working to prevent, monitor and combat all forms of human trafficking.

111. In January 2018, the Government of the State of Qatar, represented by the National Committee for Combating Human Trafficking, signed a memorandum of understanding with the United States of America, represented by the United States Department of State, during the inaugural United States-Qatar Strategic Dialogue. The two parties agreed to cooperate in a number of spheres, such as furthering the fight against human trafficking in both countries, building their respective capacities, and exchanging legislation and directives on the subject for guidance purposes.

Legislative developments for the protection of migrant workers’ rights

112. The Labour Code (Act No. 14 of 2014) was amended by Act No. 1 of 2015 in order to bring in a wages protection system for workers subject to its provisions. Under the system, wages must be transferred to an account held by the worker at one of the country’s banks. The system also performs an electronic matching process to detect non-compliant enterprises, which are penalized for the late payment of wages.

113. Giving effect to the Act, the regulations governing the wages protection system for workers subject to the Labour Code were issued pursuant to Ministerial Decision No. 4 of 2015, which requires employers to transfer wages and other entitlements to a worker’s bank account within seven days of the payment due date. In the event of non-compliance, the

Minister may cease granting new work permits and freeze all of the employer's offending transactions.

114. Act No. 21 of 2015 regulating the entry, exit and residency of aliens was promulgated after several rounds of public consultation aimed at bringing in all social partners and stakeholders, bearing in mind the importance of such a law to greater human rights protection and the commitment to promoting and achieving the 2030 Agenda for Sustainable Development.

Act No. 13 of 2018 (removal of the requirement for an exit permit)

115. Act No. 21 of 2015 regulating the entry, exit and residency of aliens was amended by Act No. 13 of 2018, which gives migrant workers covered by the Labour Code the right to leave the country temporarily or permanently during the period of the validity of their employment contract.

116. The Code of Civil and Commercial Procedure (Act No. 13 of 1990) and the Labour Code (Act No. 14 of 2004) were amended by Act No. 13 of 2017 in order to establish committees for the settlement of labour disputes. These committees are designed to offer a swift and effective means of remedying such disputes between workers and employers as an alternative to awaiting decisions from courts constrained by judicial procedures and deadlines, which meant that workers would often return to their home countries without having asserted their rights.

Domestic Workers Act No. 15 of 2017

117. The Domestic Workers Act No. 15 of 2017 was introduced to provide legal protection for this category of workers. It prohibits the employment of any worker before a contract has been drawn up and approved by the administration. It also prohibits the recruitment and employment of workers of either sex who are aged under 18 or over 60.

118. The Act provides remedies for domestic workers as follows:

- They may file a complaint against an employer with the competent department at the Ministry of Administrative Development, Labour and Social Affairs and claim their rights under the Domestic Workers Act, the Residency Act or the employment contract itself;
- The competent department examines the complaint and attempts to resolve the dispute amicably and, if both parties agree to mediation, an instrument of settlement is drawn up, signed by the parties and the representative of the department and executed automatically;
- If mediation by the competent department fails, the dispute is referred to a committee for the settlement of labour disputes, which expeditiously adjudicates the matter within three weeks;
- Unless appealed, the committee's decision is final and must be enforced;
- The law allows the parties to appeal a final ruling before the Appeals Committee for the Settlement of Labour Disputes.

119. According to the Ministry of Administrative Development, Labour and Social Affairs, a total of 318 complaints were filed in 2018 and 285 of them were resolved.

Workers' Support and Insurance Fund

120. The Workers' Support and Insurance Fund was established pursuant to Act No. 17 of 2018 as a mechanism whereby migrant workers may claim financial rights granted by labour dispute settlement committees.

Measures, practices and efforts undertaken to promote and protect migrant workers' rights

121. The following measures have been taken to protect and promote migrant workers' rights prior to recruitment:

- The State has signed 36 bilateral agreements and 13 memorandums of understanding with labour-sending States on providing legal protection for migrant workers before their recruitment;
- Employers and companies are obliged to use approved labour recruitment offices and coordinate with sending States in exchanging lists of such offices in their respective territories to ensure that proper recruitment procedures are followed and that legal action can be taken against offices that are non-compliant.

Relaxation of procedures for changing employers on completion of contract

122. The Ministry of Administrative Development, Labour and Social Affairs has introduced an electronic notification service for use by workers who transfer from one employer to another or who wish to leave the country permanently. The Ministry is responsible for deciding on requests submitted by workers. A notification form has also been produced for workers to send to employers in order to end the relationship between the two by mutual consent.

Workers' accommodation

123. In 2016, Barwa al-Baraha workers' city was opened for use as part of the State's plan of initiating development projects to meet the practical needs of the labour force and improve workers' living standards. Covering an area of 1.8 million square metres, the two-phase project has a total of 9,872 rooms accommodating 53,000 blue- and white-collar workers. The Hamad Medical Corporation, which is part of the Ministry of Health, also opened a care facility for migrant workers known as Bayt Aman.

Prosecution

124. The Public Prosecution Service has launched investigations into 109 cases of forced labour and 28 cases associated with human trafficking, including facilitation of prostitution and abusive recruitment practices. The Office of the Attorney General has also charged 19 companies with violations of the Labour Code, including failure to observe working hour restrictions, failure to give a compulsory day of rest and failure to pay overtime.

125. The Government has continued to strengthen its application of the Code, which prohibits the retention of passports. In 2017, 361 cases of passport retention were investigated and 53 of them referred to the Office of the Attorney General. Of those, 48 were prosecuted in court and the offenders fined.

126. The Ministry of Administrative Development, Labour and Social Affairs and the Ministry of the Interior have also organized local talks and meetings, subsidized printed materials explaining the country's labour reforms and solicited comments from representatives of labour-sending countries. These activities were targeted at companies, government entities, foreign embassies, the press and migrant worker communities.

127. The Government has continued to publish and disseminate guides for migrants in Arabic, English and many of the languages used in labour-exporting countries about the proactive identification of victims, rights of domestic workers and means of combating human trafficking in Qatar. It has also continued to publish in English, Arabic, Hindi, Bengali, Nepali and Tagalog a booklet on workers' rights containing information on labour laws and compliance requirements.

128. The Government has finalized the national victim referral system, which it uses continually to coordinate the victim identification and referral efforts of government authorities and NGOs. The system includes the provision of accommodation, health care and legal assistance to trafficking victims.

129. The Qatar Foundation for Social Action opened Dar al-Aman as part of the Aman Protection and Social Rehabilitation Centre, one of the centres operating under the aegis of the Foundation. Offering safe haven and a comprehensive social and health environment for the delivery of protection and rehabilitation services to its client groups, Dar al-Aman is a 30-unit housing complex fully equipped to provide its residents with temporary accommodation, which goes hand in hand with a carefully considered rehabilitation plan.

130. The provision of such accommodation entails four essential phases: the reception phase, involving an initial needs assessment on a case-by-case basis; the entry phase, in which residents are informed of the rights, duties and conditions attached to their accommodation; the planning phase, during which the details of the rehabilitation plan are worked out; and the integration phase, where residents return to their own family and community environment.

131. As required under the Human Trafficking Prevention Act No. 15 of 2011, the Government provides legal assistance to human trafficking victims in their dealings with law enforcement agencies. The authorities have also helped some victims to obtain reparation for damages suffered.

132. In December 2017, thanks to cooperation among the International Criminal Police Organization (INTERPOL), the Qatari Ministry of the Interior and the National Committee for Combating Human Trafficking, the State of Qatar hosted the activities of the fifth INTERPOL Global Conference on Trafficking in Human Beings and Smuggling of Migrants.

133. The State of Qatar has adopted and lent its support to the Arab Initiative to Build National Capacities to Combat Human Trafficking in the Arab Countries, which it is implementing in partnership with the Qatar Foundation to Combat Human Trafficking, the United Nations Office on Drugs and Crime and the League of Arab States. The aim of the initiative is to develop the Arab regime for combating human trafficking and to build and enhance Arab capacities to prevent such trafficking.

134. Staff from the Ministry of the Interior have attended the training workshops organized every year since 2010 as part of the above initiative, as well as those organized by the National Committee for Combating Human Trafficking. In 2016, 2017 and 2018, the Police Training Institute also included in its annual refresher training plan a workshop to raise awareness of matters relating to the prevention of human trafficking.

Article 9

Right to liberty and security of person

135. The Qatari Constitution guarantees personal freedom and establishes rules to be observed with respect to charging and conviction. Article 36, paragraph 1, of the Constitution provides that: "Personal freedom is guaranteed. No one may be arrested, imprisoned, searched, confined to a specific place of residence or subjected to restrictions on freedom of residence or movement except as provided by law." Article 39 of the Constitution provides that: "An accused person is presumed innocent until proven guilty in a court of law in which the necessary guarantees for exercising the right of defence are secured." These principles have been incorporated into the criminal and procedural laws, as well as into the laws relating to legal proceedings and to penal and correctional institutions, in the belief that violations of the fundamental right to liberty and security of person could lead to the violation of other rights, particularly at the stage of sentence enforcement, considered to be the most critical of the stages in a criminal case and the foundation of the correctional system. With the rights and humanity of convicted offenders potentially vulnerable to abuse, Act No. 3 of 2009 regulating penal and correctional institutions specifies the objectives and duties of the Department of Penal and Correctional Institutions, which are aligned with the latest methods of dealing with prisoners, the principles of Islamic sharia and relevant international instruments and treaties.

136. Legislative provisions that prohibit and protect against any form of unlawful detention include the following:

- Anyone who, by any means, unlawfully abducts, arrests, detains or deprives a person of liberty is liable to imprisonment for a term of up to 10 years;¹⁵
- Anyone who conveys another person into or out of the country with a view to disposing of that person as a slave or who, by any means, purchases, sells, offers for

¹⁵ Art. 318 of the Criminal Code (Act No. 11 of 2004).

sale, gifts or disposes of a person as if a slave is liable to imprisonment for a term of up to 7 years;¹⁶

- No one may be arrested or detained except by order of the competent authorities and under the conditions prescribed by law. Such persons must be treated in a manner conducive to the preservation of their human dignity and may not be subjected to physical or mental harm. Law enforcement officers must inform accused persons of their right to remain silent and to contact a person of their own choosing;¹⁷
- In cases where a serious offence or misdemeanour punishable by imprisonment for a term of over 6 months is committed *flagrante delicto*, the law enforcement officer may order the arrest of the suspect present at the scene where there is sufficient evidence to lay a charge. If in the cases set forth in the preceding paragraph the suspect is not present, the law enforcement officer may issue a warrant of arrest and summons and make a note to that effect in the record;¹⁸
- The law enforcement officer must take statements from suspects immediately upon their arrest. If there is sufficient evidence to prefer charges against them, the officer must refer the suspects within 24 hours to the competent prosecution office;¹⁹
- If, without reasonable excuse, suspects fail to appear after being summoned or if it is feared that they will abscond or if they have no known place of abode in Qatar or if the offence was in *flagrante*, the prosecutor may issue a warrant of arrest and summons, even if offence is not one for which a suspect may be held in preventive detention;²⁰
- Prosecutors must question arrested suspects without delay. If they are unable to do so, the suspects are held in a place of custody for a period of not longer than 24 hours until they can be questioned. Once the period has expired, the official in charge of the place must refer the suspects to the Public Prosecution Service, which must question them within 24 hours and otherwise order their release;²¹
- If, after questioning suspects or in cases where they have absconded, there is sufficient evidence to show that they committed a serious offence or misdemeanour punishable by imprisonment for a term of over 6 months, prosecutors may issue an order for the preventive detention of the suspects;²²
- All persons who are arrested or placed in preventive detention are immediately informed of the reasons for their arrest or detention and of the charge against them and have the right to contact a person of their choosing and to seek the assistance of a lawyer;²³
- Orders for preventive detention issued by the Public Prosecution Service after suspects have been questioned are for a period of four days, extendable for another similar period. The period is eight days, extendable for another similar period, in the case of offences provided for in book II, part III, chapters I and II, of the Criminal Code where the offence is such as to harm the national economy;²⁴
- Without prejudice to any heavier penalty provided by law, anyone who intentionally violates or assists or attempts to assist a third party to violate prescribed procedures pertaining to a travel ban or an immigration control order is liable to imprisonment for a term of up to 2 years and a fine of up to QR 10,000;²⁵

¹⁶ Art. 321 of the Criminal Code (Act No. 11 of 2004).

¹⁷ Art. 40 of the Code of Criminal Procedure.

¹⁸ Art. 41 of the Code of Criminal Procedure.

¹⁹ Art. 43 of the Code of Criminal Procedure.

²⁰ Art. 105 of the Code of Criminal Procedure.

²¹ Art. 107 of the Code of Criminal Procedure.

²² Art. 110 of the Code of Criminal Procedure.

²³ Art. 113 of the Code of Criminal Procedure.

²⁴ Art. 117 of the Code of Criminal Procedure.

²⁵ Art. 137 of the Code of Criminal Procedure.

- Suspects are released from preventive detention if the order to refer them to the competent court does not include the continuation of their detention;²⁶
- The Public Prosecution Service may appeal against a court order for the release from preventive detention of persons suspected of having committed a serious offence or a misdemeanour. No release order may be executed before the appeal deadline has expired. Suspects or their representatives may appeal against a preventive detention order;²⁷
- The court of appeal hears appeals against detention and release orders in closed session and in the presence of the Public Prosecution Service and the suspect. It may do so other than on its sitting days and at a venue other than the court;²⁸
- In hearing an appeal against an order for the release of a suspect from preventive detention, the court may prolong the detention. If the appeal is not decided within three days from the date set for the hearing, the release order must be executed without further delay;²⁹
- In all cases, the criminal court may order that suspects be apprehended and summoned. It may also order that they be held in preventive detention or released therefrom, with or without bail. If the hearing of the case is unavoidably deferred for serious reasons, the deferral must be to a specific day;³⁰
- Judgments are handed down in open session, even in cases heard in closed session. They are entered in the hearing transcript and signed by the presiding judge and the clerk of the court. The court may order that essential steps be taken to prevent suspects from leaving the courtroom before a judgement is pronounced or to guarantee their attendance at a deferred sentencing hearing. To that end, it may remand a suspect in custody if the offence is one for which preventive detention is permissible;³¹
- In handing down in absentia a sentence of imprisonment for a term of 1 month or more, the court may, at the request of the Public Prosecution Service, order the arrest and detention of suspects who have no fixed place of abode in Qatar or in respect of whom a preventive detention order has been issued. Such suspects are accordingly detained on arrest and held until a decision is given concerning any argument they have made or until the prescribed deadline for making such argument has expired. In no case may they remain in detention for a period longer than the sentence given. The court may, however, see fit to release them before giving a decision on the argument;³²
- The term of a custodial sentence starts from the day on which the convicted offender is arrested on the basis of an enforceable decision. Periods spent in preventive detention and under arrest are deducted from the term of the sentence;³³
- If suspects are acquitted of an offence for which they have been held in preventive detention or if an order not to prosecute is given, the period of preventive detention is deducted from the term of the sentence handed down for any offence that they may have committed before the acquittal or order was given;³⁴
- If an accused person receives several custodial sentences, the periods spent in preventive detention and under arrest are deducted first of all from the lightest sentence;³⁵

²⁶ Art. 156 of the Code of Criminal Procedure.

²⁷ Art. 157 of the Code of Criminal Procedure.

²⁸ Art. 160 of the Code of Criminal Procedure.

²⁹ Art. 161 of the Code of Criminal Procedure.

³⁰ Art. 224 of the Code of Criminal Procedure.

³¹ Art. 233 of the Code of Criminal Procedure.

³² Art. 330 of the Code of Criminal Procedure.

³³ Art. 350 of the Code of Criminal Procedure.

³⁴ Art. 351 of the Code of Criminal Procedure.

³⁵ Art. 352 of the Code of Criminal Procedure.

- Enforcement by imprisonment is by order of the Public Prosecution Service once the convicted person has been notified and fully served his or her custodial sentences;³⁶
- Enforcement by imprisonment is terminated if the sum equivalent to the term of imprisonment for debt served by the convicted person, calculated in accordance with the preceding articles, equals the sum originally claimed after deduction of the amount paid by that person or collected by enforcement against his or her property;³⁷
- Persons sentenced to a fine or other pecuniary penalties and the payment of costs may be released from their obligation through enforcement by imprisonment calculated on the basis of QR 100 per day;³⁸
- There can be no enforcement by imprisonment for persons who receive a suspended sentence of imprisonment.³⁹

The Act regulating penal and correctional institutions also contains various articles relating to the right to liberty and security of person, including the following:

- No person may be committed to an institution except by written order of the Public Prosecution Service or the competent authority, made using the relevant form, and nor may any person remain therein beyond the period specified in the order;⁴⁰
- The commitment order provided for in the preceding article is drawn up in one original signed by the issuing authority and two copies thereof. The officer or his or her deputy must sign receipt on the copy provided by the person who brings the detainee into custody. The original is kept at the institution and the second copy is kept in the detainee's file at the Department. Details of the written commitment order are entered in the designated register in the presence of the person who brought the detainee into custody, which that person must sign;⁴¹
- When transferring a detainee from one institution to another, all relevant documents must be sent with the detainee to the new institution, together with a copy of the commitment order.⁴²

Complaints of arbitrary arrest or detention

137. The Legal Affairs Department at the Ministry of the Interior holds statistics on the number of persons referred for disciplinary action for abuse of power. Examples of investigations conducted in such cases are as follows:

- (i) Disciplinary case No. 226/2018 concerning a public official who used his position to threaten and exert pressure on others and who underwent a disciplinary hearing;
- (ii) Disciplinary case No. 146/2019 concerning a military officer who assaulted numerous individuals by beating and was sent to a disciplinary hearing.

Arrest on charges and arrest, detention and prosecution procedures

138. Article 311 of the Code of Criminal Procedure guarantees the rights of arrested persons in providing that: "All persons arrested or placed in preventive detention shall be promptly informed of the reasons for their arrest or detention and of the charge against them and shall have the right to contact a person of their choosing and to seek the assistance of a lawyer." There are two types of detention in Qatari procedural law. The first is preventive detention, which takes place pursuant to a commitment order issued by the competent authority, and the second is detention pursuant to an enforceable court order. In both cases, the rules for the registration of the detained persons are the same. These are described in the paragraphs below.

³⁶ Art. 371 of the Code of Criminal Procedure.

³⁷ Art. 372 of the Code of Criminal Procedure.

³⁸ Art. 373 of the Code of Criminal Procedure.

³⁹ Art. 374 of the Code of Criminal Procedure.

⁴⁰ Art. 15 of the Act regulating penal and correctional institutions.

⁴¹ Art. 16 of the Act regulating penal and correctional institutions.

⁴² Art. 17 of the Act regulating penal and correctional institutions.

139. If, after the questioning of a suspect, the evidence is sufficient to lay a charge for a serious offence or misdemeanour punishable by imprisonment for a term of more than 6 months, the prosecutor may order that the suspect be placed in preventive detention. In all instances, persons suspected of having committed a misdemeanour punishable by imprisonment may be held in preventive detention if they have no known fixed abode in Qatar. The preventive detention order must include the suspect's name, title, occupation and domicile, in addition to details of the charge, the date of the order, the name and signature of the prosecutor and the official seal of the prosecution office where the prosecutor works.

140. As previously mentioned, the preventive detention order must also indicate the article of law applicable to the offence and the instruction given to the official in charge of the detention facility to admit the suspect to the facility. When the suspect is admitted, a copy of the preventive detention order showing the date of its expiration must be given to the official once he has signed receipt for it on the original.

141. Whether in preventive detention or detention pursuant to a court order, no one may be confined in a penal or correctional institution where sentences are served except by a written order of the Public Prosecution Service or the competent authority, made using the relevant form, and nor may any person remain in such an institution beyond the period specified in the order.⁴³

142. Concerning health care and health checks for detainees on admission, all institutions have a medical unit headed by a physician who is responsible for supervising the delivery of health care, medical treatment and nutrition services to detainees. The health care offered in such institutions is free of charge.

143. In all cases, prosecutors are authorized by law to enter designated places of detention located within their areas of jurisdiction in order to ascertain that no one is being unlawfully detained. They may examine and make copies of the registers and of arrest and detention orders, speak to prisoners and listen to any complaints that they may wish to make. They must be provided with every assistance in accessing the information that they require."⁴⁴

144. Anyone who learns that a person is being detained unlawfully or in a place not designated for detention must notify a prosecutor who, on being so notified, must proceed without delay to the place where the person is being held, investigate the matter, order the release of the person detained unlawfully and make a report to that effect.

145. Anyone detained in a designated place of detention may at any time make a written or verbal complaint to the official in charge of such place and request the official to report it forthwith to the Public Prosecution Service after recording it in a register kept for that purpose. The official must accept the complaint and report it without delay to the Public Prosecution Service.⁴⁵

146. The directives of the Public Prosecution Service include instructions for the most senior member of the prosecution office with local jurisdiction to conduct periodic visits to designated places of detention in the area concerned and inspect the registers, together with arrest and detention orders, in order to ascertain that no one is being unlawfully detained, listen to any complaints from detainees and compile an inspection report for submission to the Attorney General.

147. The prosecutor who performs the inspection is required to check that those lawfully detained are categorized into groups, with the members of each group divided by age, type and severity of the offences of which they were convicted, recidivism rate and length of sentence. First-time detainees are held separately from those with previous convictions, while those in prevention detention are held in specially designated areas. No one may be held in a place of confinement except by a written order of the Public Prosecution Service or the competent authority, made using the relevant form. Nor may any convicted person be held in such places beyond the period specified in the enforcement order.

⁴³ Art. 15 of Act No. 3 of 2009 regulating penal and correctional institutions.

⁴⁴ Art. 395 of the Code of Criminal Procedure (Act No. 23 of 2004).

⁴⁵ Art. 396 of the Code of Criminal Procedure (Act No. 23 of 2004).

Article 10

Treatment of persons deprived of liberty

148. In the view of the Qatari legislature, punishment is served in penal institutions for the purposes of reform, re-education, deterrence and restraint. It is not intended as retribution or a means of exerting control over convicted persons. The treatment of inmates was therefore fundamentally changed with the promulgation of Act No. 3 of 2009 regulating penal and correctional institutions. In particular, the Act abolished flogging as a disciplinary punishment and set a general policy aim for penal institutions. Article 3 of the Act provides that: “The aim of the institution shall be to reform, re-educate and rehabilitate detainees by all available means, including education, medical treatment, vocational training, social service provision and sports, cultural and leisure activities, in order to create in them a desire to lead a respectable life and be good citizens.”

149. To guarantee the right of detainees to education and culture, article 29 of the Act provides that detainees wishing to study must be provided with the necessary textbooks and study facilities and be permitted to sit the prescribed examinations. Article 30 of the Act further provides that the administration must arrange media access for detainees and develop a programme of seminars, educational talks and recreational activities. Article 33 provides that every institution must have at its disposal a minimum of one experienced chaplain and one psychosocial worker.

150. With regard to health care for detainees, please refer to the information set out in the present report concerning article 9.

151. Article 10 of the Act regulating penal and correctional institutions provided for the establishment of a standing committee on such institutions at the Ministry of the Interior. The committee is mandated to set the general policy for the development of such institutions and their rehabilitation and correction techniques and to make recommendations concerning the after-care of released prisoners. The composition of the committee and its areas of competence are determined by a decision of the Council of Ministers, on the basis of a proposal from the Minister.

Juveniles⁴⁶

152. Pursuant to article 6 of the Juvenile Code (Act No. 1 of 1994), the Ministry of Administrative Development, Labour and Social Affairs is entrusted with the oversight of residential social care homes for juveniles. Only juveniles subject to legal measures are taken in by such homes, which also receive those referred to it by the competent authorities, and all are treated in accordance with the Juvenile Code (Act No. 1 of 1994). The package of juvenile correction programmes in place includes religious and cultural activities, educational and religious talks, and advice and guidance services. The aim of the programmes is to protect juveniles, prevent their offending and vulnerability to offending, and deal with existing offenders. The responsibilities of the competent department are, *inter alia*, to care for and accommodate juveniles as provided by law; oversee residential social care homes for juveniles; deliver care, reform and rehabilitation services through social institutions; monitor the implementation of probation measures and of obligations to which juveniles are subject; secure the needs of juveniles resident in social care homes; impart theoretical and vocational knowledge and experience to juveniles; conduct studies and research into the causes of juvenile offending and make recommendations to prevent it; and take part in seminars, conferences, talks and other like forums in order to raise awareness of matters relating to children’s welfare and upbringing and to juvenile offending and ways of preventing and addressing it. The competent department also continues to monitor juveniles on whom a juvenile court judge has imposed specific obligations as the form of punishment. Subsequent monitoring performed in cooperation with other relevant entities may be prolonged for several months to ensure that the juvenile’s behavioural difficulties are resolved. The competent department provides care and protection for children (juveniles) with the help of psychosocial workers, whose services are delivered through:

⁴⁶ See para. 260 for further information on the Juvenile Code.

- The Social Observation Centre: A State-run facility that cares for juvenile offenders as mandated by the investigating authority until they are brought before the juvenile court;
- The Social Guidance Centre: A State-run facility providing accommodation and care for juveniles at risk of offending;
- The Social Reform Centre: A State-run facility providing accommodation, care and reform and rehabilitation services for juvenile offenders detained or confined in the facility by order of the juvenile court.

153. Concerning juvenile health care, article 15 of the Juvenile Code provides that: “A juvenile committed to a medical facility shall be placed in a specialized institution in order to receive the care or medical treatment found by the court to be necessitated by the juvenile’s condition. The court shall monitor the juvenile’s need for ongoing treatment at periodic intervals not exceeding one year, during which time it shall receive medical reports and may decide to release the juvenile if his or her condition so permits. A juvenile who attains 18 years of age and continues to require treatment shall be transferred to the appropriate wing of an adult health facility or to another medical institution.”

154. The centres with juveniles in their care also run cultural and educational programmes and help the juveniles to enter their preferred line of work. No juvenile is ever sentenced to death and any juvenile sentenced to imprisonment may be released early for good behaviour, as the principle in juvenile sentencing is that judicial measures should be flexible. The courts impose custodial sentences on juveniles only in the narrowest of circumstances, in which event the sentence is served within or in proximity to the juvenile’s family setting. Under article 5 of Act No. 3 of 2009 regulating penal and correctional institutions, furthermore, detainees under 18 years of age must be segregated in specially designated areas. Pursuant to article 24 of the Act, detainees are categorized into groups, each of which is divided by age. The competent authorities are also working to establish the appropriate conditions for the rehabilitation of juveniles and their reintegration into society, taking into account their needs, human dignity, age and sex.

Raising awareness of the human rights of prisoners and detainees

155. A number of booklets on the rights of persons deprived of liberty have been published by the Legal Affairs Department at the Ministry of the Interior, which circulates them to security departments for display in centres where there are facilities for preventive detention. These include a guide to the disciplinary rules in detention centres and the rights of detainees and two publications on international and national human rights standards applicable to prisoners and detainees.

Article 11

Prohibition of the imprisonment of any person merely on the grounds of inability to fulfil a contractual obligation

156. Under articles 514 to 518 of the Code of Civil and Commercial Procedure (Act No. 13 of 1990), as amended, no person may be imprisoned merely on the grounds of inability to fulfil a contractual obligation. Overall, these articles on imprisonment for debt show that legislators have opted for a middle course in order, on the one hand, to safeguard individual rights and, on the other, to take account of human rights and international obligations. Imprisonment is therefore permitted in the narrow exception of where it is clear to the court that the debtor has acted unreasonably and with intent to harm the creditor by failing to settle the latter’s claim in accordance with a final judgement, despite an ability to do so. Faced with such obduracy, the enforcement judge is permitted to order the debtor’s imprisonment for a term of up to 3 months.

157. Cases in which a debtor may not be imprisoned are identified in article 516, paragraph 1, of the Code, which provides that: “No order of imprisonment may be made against debtors in the following instances: (i) If the debtor is aged under 18 or over 70; (ii) If the debtor is a spouse, ascendant or descendant of the creditor, unless the debt is a fixed maintenance allowance; (iii) If the debtor provides a bank guarantee or a reliable guarantor acceptable to the enforcement judge in order to settle the debt on the due dates or if the

debtor has assets held by the State that are executable and sufficient to meet the debt; (iv) If the competent medical authority establishes that the debtor has an incurable chronic disease that would make imprisonment intolerable; (v) If the debt being enforced is below QR 1,000, unless it is a pecuniary fine or a fixed maintenance allowance.”

158. The enforcement of an imprisonment order may also be deferred in certain critical instances under article 516, paragraph 2, of the Code of Civil and Commercial Procedure, which provides that: “The enforcement judge may defer a debtor’s imprisonment in the following two instances: (a) If it is established by the competent medical authority that the debtor has a temporary illness that would make imprisonment intolerable, the order of imprisonment shall be deferred until the debtor has recovered; (b) If the debtor is a pregnant woman, the order shall be deferred for two years after she has given birth to enable her to take care of the infant.”

Article 12

Freedom of movement and residence

159. The Constitution guarantees freedom of movement, including within the territory of the State, freedom to leave and return to the country, and freedom to choose one’s place of residence. These elements are a key underpinning of fundamental personal freedoms and a right of all citizens that may be neither usurped without justification nor restricted unnecessarily. Article 36 of the Constitution provides that: “Personal freedom is guaranteed. No one may be arrested, imprisoned, searched, confined to a specific place of residence or subjected to restrictions on freedom of residence or movement except as provided by law. No person may be subjected to torture or degrading treatment. Torture is an offence punishable by law.” Article 38 also provides that: “No citizen may be expelled from the country or prevented from returning thereto.”

160. Act No. 21 of 2015 regulates the entry and exit of aliens lawfully resident in Qatar and their families. There are no bans or restrictions on entry and exit, provided that any period spent outside the country continues for no longer than six months unless, prior to travel or within one year of the date of exit, leave to return is obtained from the competent authority after payment of the requisite fee and on condition that not more than 60 days have elapsed since the expiration of the residency permit. The Minister of the Interior or his deputy may extend the periods stipulated.

161. Act No. 21 of 2015 regulating the entry, exit and residency of aliens was amended pursuant to Act No. 13 of 2018 to give migrant workers covered by the Labour Code the right to leave the country either temporarily or permanently while their employment contract is still valid. Employers may beforehand submit a reasoned request to the Ministry of Administrative Development, Labour and Social Affairs naming those whom, owing to the nature of their work, they deem to require their approval to leave the country, provided that the number does not exceed 5 per cent of the employer’s workers. The competent authority is notified if the Ministry agrees to the request. Migrant workers prevented from leaving the country for any reason have recourse to a committee set up to deal with grievances about exit. The committee’s composition, functions, procedures and working methods are determined by a decision of the Minister. It must settle grievances within three working days.

162. Act No. 21 of 2015 also criminalizes the practice of passport retention, which is heavily penalized with a fine of QR 25,000. Ministerial Decision No. 18 of 2014 determining the requirements and specifications for the accommodation of migrant workers provides that migrant workers must have free access to designated secure areas containing lockable safes where they can keep personal documents and possessions, including passports.

163. Article 10 of the Political Asylum Act No. 11 of 2018 states that the competent department may determine the place of residence of political asylum seekers to preserve their safety. Asylum seekers may not change their place of residence without the agreement of the competent department.

164. There are no restrictions on the movement of aliens within the country.

Travel documents

165. The Qatari Nationality Department is vested with competence to issue and revoke ordinary Qatari passports and travel documents on the basis of article 10 of Decree-Law No. 14 of 1993 concerning Qatari passports, as amended by various laws.

I. Qatari passports

166. The key mandatory requirement for the issuance of a Qatari passport is that the applicant must be a Qatari national, as stated in article 5 of the aforementioned Decree-Law. The related procedures are restricted by article 15 of the Decree-Law, as amended by Act No. 5 of 2007, insofar as minors and persons without or lacking in capacity cannot be granted their own passports except with the consent of their guardian or legal representative.

II. Qatari travel documents

167. Qatari travel documents are issued on an exceptional basis for specific purposes. They are most often granted to residents of the State of Qatar in cases of necessity or to a person who holds no passport.

Article 13 Expulsion of aliens

Judicial expulsion

- Article 67 of the Qatari Constitution, which sets out the functions of His Highness the Emir, provides in article 6 that the Emir may “grant pardons and commute sentences in accordance with the law”;
- Pursuant to article 65, paragraph 7, of the Criminal Code (Act No. 11 of 2004), an alien’s expulsion from the country is a secondary and complementary punishment; therefore, in accordance with the above-mentioned article of the Constitution, the Emir is empowered to grant an exemption from the punishment of expulsion;
- Article 77 of the Criminal Code provides that, without prejudice to the right of the competent administrative authorities to expel any alien in accordance with the law, the court may decide that an alien to whom it gives a custodial sentence for a serious offence or a misdemeanour should be expelled from the country after having served the sentence. If that sentence was given for an offence involving breach of honour or trust, the court must rule that the alien should be expelled once the sentence has been either served or dropped;
- Article 78 of the Criminal Code provides that: “The court may, in the case of misdemeanours, decide to expel an alien from the country instead of handing down the prescribed punishment.”

Administrative expulsion

- The Political Asylum Act No. 11 of 2018 provides that the Minister, after seeking the view of the committee, may order the expulsion of political asylum seekers in the following instances:
 - (i) If they are proven to have committed any of the offences or actions provided for in article 3 of the Act, whether before they submitted their application for political asylum or after they acquired political refugee status;
 - (ii) If they engage in political activity while resident in the country;
 - (iii) If their presence constitutes a threat to State security or public order;
- Article 25 of Act 21 of 2015 regulating the exit, entry and residency of aliens, as amended, provides that: “Excepting the provisions of any other law, the Minister may order the expulsion of any alien whose presence within the State is proven to threaten its security or integrity inside or outside its territory or to harm the national economy, public health or public morals”;

- Article 26 of the Act also provides that non-nationals with an expulsion or deportation order against them may not return to the country except by a decision of the Minister;
- Article 27 of the Act provides that: “The Minister or his deputy may grant to non-nationals subject to an expulsion order a grace period of up to 90 days for winding up their interests in the country, which may be extended for a similar period or periods, on condition that they provide an acceptable guarantee.” The above provisions clearly show that the Qatari legislature has defined administrative and judicial expulsion.

Article 14

Equality before the courts and the right to a fair hearing

168. The Constitution guarantees equality before the law. Article 35 provides that: “All persons are equal before the law and there shall be no discrimination among them on grounds of sex, origin, language or religion.” The Constitution also states that accused persons are innocent until proven guilty and guarantees their right to a fair hearing. Article 39 provides that: “An accused person is presumed innocent until proven guilty in a court of law in which the necessary guarantees for exercising the right of defence are secured.”

169. Judicial proceedings are regulated by the Code of Civil and Commercial Procedure (Act No. 13 of 1990), as amended, the Code of Criminal Procedure (Act No. 23 of 2004) and the Judicial Authority Act No. 10 of 2003, as amended, most recently by Act No. 4 of 2019.

170. The above laws offer all guarantees of a fair hearing, including the independence and impartiality of the judiciary; safeguards for accused persons; enabling the access of accused persons to the competent court; completion of proceedings within a reasonable period; exercise of the right of defence; access to the right to the enforcement of judicial decisions; the right of equality before the law and the courts; the right of accused persons not to be subjected to physical or mental duress or to any form of torture or cruel or degrading treatment; the presumption of innocence; a hearing before a competent, independent and impartial tribunal offering the guarantees required to exercise the right of defence; the right to a public hearing; the right of accused persons to call witnesses; and the right to appeal and to appeal in cassation.

171. The independence of the Public Prosecution Service, which is a branch of the judiciary, is underpinned by guarantees provided by law, including those described below.

1. Constitutional and legal guarantees

172. The principle of the independence of the judiciary and the Public Prosecution Service is enshrined in various constitutional and legal provisions. The fundamental components of Qatari society are enumerated in the Constitution, beginning with justice⁴⁷ and equality, and the State is constitutionally obliged to safeguard those components and underpinnings.⁴⁸ The Constitution provides that all persons are equal before the law;⁴⁹ personal freedom is guaranteed;⁵⁰ privacy is inviolable;⁵¹ an accused person is presumed innocent until proven guilty in a court of law in which the necessary guarantees for exercising the right of defence are secured;⁵² and there is no punishment without law.⁵³

173. The Permanent Constitution of the State of Qatar devotes the whole of part IV to the organization of powers, affirming that the system of government is based on the separation

⁴⁷ Art. 18 of the Constitution.

⁴⁸ Art. 20 of the Constitution.

⁴⁹ Art. 35 of the Constitution.

⁵⁰ Art. 36 of the Constitution.

⁵¹ Art. 37 of the Constitution.

⁵² Art. 39 of the Constitution.

⁵³ Art. 40 of the Constitution.

of powers and cooperation among them as specified in the Constitution⁵⁴ and that the judicial power is vested in the courts.⁵⁵

174. Part IV, chapter V, of the Constitution affirms the principle of the independence of the judiciary and the primacy of the rule of law; that judges are independent and subject in their decision-making to no authority other than the law; that there may be no interference with the courts or in the administration of justice;⁵⁶ and that access to justice is a safeguarded right guaranteed to all.⁵⁷

175. With regard to the judicial power, the Constitution provides in chapter V, article 136, that: “The Public Prosecution Service shall have responsibility for conducting public prosecutions on behalf of society, overseeing law enforcement and ensuring the application of criminal laws. The law shall regulate this body and its functions and determine the conditions and guarantees for the persons assuming those functions.”

176. The protection provided by the Constitution is reinforced by article 1 of the Public Prosecution Service Act No. 10 of 2002, which affirms that the Public Prosecution Service is an independent judicial body. It is composed of the Attorney General, who is its head, and a sufficient number of prosecutors to assist him. It may not be held accountable for the results of its actions or conduct in the performance of its functions.⁵⁸

2. Institutional independence of the Public Prosecution Service

177. Numerous guarantees are afforded to the Public Prosecution Service to ensure its institutional independence, including:

(a) *Financial independence (independent budget and adequate resources)*

178. Article 1 of the Public Prosecution Service Act No. 10 of 2002 provides that the Public Prosecution Service has its own budget, which is part of the State budget.

(b) *Administrative independence*

179. Act No. 10 of 2002 guarantees the appointment of a sufficient number of administrative and other personnel to the Public Prosecution Service, to whom the civil service regulations issued by a decision of the Council of Ministers, at the proposal of the Attorney General, are applicable. The appointment of administrative personnel to the Public Prosecution Service is thus subject to the provisions of the Human Resources Management Act No. 8 of 2009.

3. Independence of prosecutors and the Attorney General (personal guarantees)

180. There are numerous personal guarantees for ensuring the independence of prosecutors and the Attorney General, including those described below.

(a) *Guarantees to protect the personal and economic security of prosecutors*

181. These are exemplified in the fact that prosecutors may not be removed from office, in accordance with article 23 of the Public Prosecution Service Act No. 10 of 2002, which provides that: “Prosecutors may not be removed from office except by a disciplinary ruling as provided in the present Act.” The Public Prosecution Service may not be held accountable for the results of its actions or conduct in the performance of its functions.

182. Article 40 of the Public Prosecution Service Act No. 10 of 2002 provides that: “1. Except in the case of a flagrante delicto offence, prosecutors may not be arrested or investigated without the authorization of the Attorney General. Nor may prosecutors be placed in preventive detention or have their detention extended other than by a decision of the Attorney General. 2. If a prosecutor is arrested in flagrante delicto, the Attorney General must be promptly informed of the matter and decide either to place the prosecutor in

⁵⁴ Art. 60 of the Constitution.

⁵⁵ Art. 63 of the Constitution.

⁵⁶ Art. 131 of the Constitution.

⁵⁷ Art. 135 of the Constitution.

⁵⁸ Art. 6 of the Public Prosecution Service Act No. 10 of 2002.

preventive detention or to release him or her. In no case may criminal proceedings be taken against a prosecutor except by a decision of the Attorney General.”

(b) *Criminalization of interference in or attempts to influence prosecutorial decisions*

183. Article 201 of the Criminal Code provides that: “Any person who publicly shows disrespect for a judge or prosecutor in connection with or at the time of proceedings shall be liable to imprisonment for a term of up to 3 years and/or a fine of up to QR 10,000.”

184. Article 202 of the Criminal Code provides that: “Anyone who maliciously attempts by way of an order, request, expectation, wish or recommendation to induce a judicial officer to act in contravention of the law or to refrain from acting as required by law shall be liable to imprisonment for a term of up to 3 years and/or a fine of up to QR 10,000.”

(c) *Adequate remuneration*

185. Article 15 of the Public Prosecution Service Act provides that: “The salaries, allowances and emoluments of prosecutors shall be determined by an Emiri decision on the basis of a proposal from the Attorney General. In no case may a prosecutor’s salary be determined on an individual basis and nor may a prosecutor be treated exceptionally in any way.”

4. Guarantee of employment stability

(a) *Retirement age*

186. The tenure of prosecutors ends when they attain the retirement age of 70 years. Prosecutors are entitled to request retirement as from the age of 60.

(b) *Promotion system*

187. Article 41 of the Public Prosecution Service Act provides that: “A department shall be established under the Office of the Attorney General to appraise the performance of prosecutors. It shall be headed by a first public attorney, assisted by a sufficient number of public attorneys and chief prosecutors. The department shall be vested with competence to appraise the performance of prosecutors, excluding the Attorney General and first attorneys public attorneys. It shall also have competence to examine and investigate complaints made against prosecutors in connection with their functions or conduct. The director and members of the department shall be appointed by a decision of the Attorney General for a two-year renewable term.”

188. Article 42 of the Public Prosecution Service Act provides that: “The performance of prosecutors shall be appraised at least once every two years and rated as either competent, above average, average or below average.”

(c) *Appointment of prosecutors on the basis of objective criteria*

189. The Attorney General is appointed by an Emiri order, has ministerial rank and receives the same emoluments as ministers but is nonetheless fully independent of the executive. All other prosecutors are appointed by an Emiri decree, at the proposal of the Attorney General. As to assistant prosecutors, their appointment, end of service and transfer to other positions are by a decision of the Prime Minister, at the proposal of the Attorney General.

(d) *Transfer system*

190. Article 23 of the Public Prosecution Service Act provides that: “Prosecutors may not be removed from office except by a disciplinary ruling as provided in the present Act.”

191. Article 24 of the Act provides that: “In cases where a prosecutor agrees to a transfer, the transfer should be to a position at a grade equivalent to the previous position or at a similar salary. If the prosecutor’s salary and benefits at the time of transfer exceed the ceiling fixed for that grade, the prosecutor shall retain them in a personal capacity.”

(e) Prohibition of secondment of prosecutors to perform non-judicial or non-legal functions

192. Article 17 of the Public Prosecution Service Act provides that: “Prosecutors may not be seconded outside the Public Prosecution Service except to perform judicial-like functions. Secondment shall be by a decision of the Attorney General for an extendable period of one year if it is part-time and for up to a maximum of six consecutive years if it is full-time.”

193. Article 18 of the same Act provides that: “No prosecutor may adjudicate in a dispute without the approval of the Attorney General, even if on a pro bono basis and even if the dispute is not before the courts. As an exception to that rule, a prosecutor may be assigned by a decision of the Attorney General to adjudicate on behalf of the Government or a public authority or institution.”

194. Article 19 of the Act provides that: “A prosecutor may be loaned to a governmental or international entity, within or outside the country, by virtue of a decree issued on the basis of a submission from the Attorney General. The period of the loan may not exceed four consecutive years unless required in the country’s supreme interest, which shall be at the discretion of the Emir.”

195. The above guarantees clearly demonstrate that the Public Prosecution Service and the Attorney General are independent from the executive and that the independence of prosecutors in the performance of their functions is safeguarded.

Article 15

Legality in criminal proceedings

196. The Constitution provides for the non-retroactivity of laws in article 40, as follows: “There shall be no crime and no punishment except by law. No penalty shall be prescribed except for acts committed after the enactment of such law and the penalty shall be personal. The provisions of laws shall be applied only to acts committed after the date on which they enter into force and shall have no retrospective effect. In the case of non-criminal provisions, however, the Shura Council may provide otherwise by a two-thirds majority of its members.”

197. The Criminal Code (Act No. 11 of 2004) enshrines the same principle, stating that the law more favourable to accused persons applies in cases where no final judgement has been handed down. Article 9, paragraph 1, provides that: “The law applicable at the time of the commission of an offence shall apply. If, however, a law more favourable to the accused is promulgated after the commission of an offence and before a final judgement is rendered in the case, that law shall apply exclusively. If a judgement has become final and a law is enacted whereby the act or omission is not punishable, enforcement of the judgement shall be stayed and its criminal effects terminated.”

198. The Civil Code (Act No. 22 of 2004) enshrines the same principle in article 3, which provides that: “1. The new law shall apply to all cases as from when it enters into force, unless otherwise provided therein. 2. The consequences of dispositions shall remain subject to the law applicable at the time when such dispositions were concluded, unless the provisions of the new law relate to public order, in which case those provisions shall apply to such consequences after the law enters into force.”

199. Part II the Qatari Criminal Code addresses the matter of the Code’s applicability within and beyond the country’s territory. Its articles recognize the principles of territorial and extraterritorial jurisdiction in keeping with the international criminal standard known as the active and the passive personality principle of jurisdiction: the active principle applies in cases where the perpetrator of an offence is a Qatari national and the passive principle in cases where the victim of an offence is a Qatari national.

200. The active aspect of this standard is taken up in article 18 of the Qatari Criminal Code, which states that any Qatari national who commits an act outside Qatar that qualifies as a serious offence or misdemeanour under the Code is punished in accordance therewith if he or she returns to Qatar and the act is punishable by law in the country in which it was committed.

201. Non-nationals (residents) are subject to the jurisdiction of the State of Qatar if they commit any offence or violate any law therein or participate in criminal activity occurring partly within its territory. This territorial principle whereby a State's criminal law is applicable to criminal activity that occurs wholly or partially within its territory is a fundamental standard embraced by all States.

202. This criterion is adopted in article 13 of the Qatari Criminal Code, which states that the provisions of the Code apply to anyone who commits any of the offences set forth therein while in Qatar. An offence is deemed to have occurred in Qatar if a constituent act thereof is committed or if its outcome or intended outcome is realized.

203. Non-nationals (residents) who commit or are accessories to the commission of any act outside Qatar that constitutes an offence involving trafficking in drugs or persons, piracy or international terrorism are subject to Qatari jurisdiction simply by virtue of their presence in the country.

204. Following that rule, article 17 of the Criminal Code states that the provisions of the Code apply to all residents and persons in transit, irrespective of nationality. It thereby takes into account the fact that the criterion of territorial presence may obtain in their cases if while abroad they have committed or participated in an act constituting one of the above-mentioned offences.

205. In addition to the above two criteria for asserting the jurisdiction of the State of Qatar to prosecute its own nationals and others resident in its territory, the Qatari legislature laid down a third criterion, namely, the protective principle. This principle allows the State to prosecute persons whose participation in transnational criminal activity poses an internal and external security threat to the State, even if the offences take place entirely outside the territory of the State.

206. This criterion is adopted in article 16 of the Criminal Code, which states that its provisions apply to any person of any nationality who, outside Qatar, commits or is an accomplice in an offence occurring wholly or partially inside Qatar or who, inside Qatar, commits or is an accomplice in an offence occurring wholly or partially outside Qatar, provided that the offence is punishable under the Qatari Criminal Code, in accordance with the principle of dual criminality.

207. Lastly, pursuant to article 14 of the Criminal Code, the jurisdiction of the State of Qatar extends to offences committed on board ships and aircraft, wherever located, that are owned or operated by the State for any purpose or that fly its flag. Article 17 of the Code furthermore adopts the principle of international jurisdiction in offences involving trafficking in drugs or persons, piracy and international terrorism.

Article 16

Legality personality

208. Article 39 of the Civil Code (Act No. 22 of 2004) provides that: "The personality of the human being begins at birth and ends with death. 2. Missing and absent persons and abandoned infants shall be subject to the provisions of special laws. In the absence of such laws, the provisions of Islamic sharia shall apply." Article 49 of the Code provides that: "1. All persons who attain the age of majority shall have full legal capacity to act unless it has been decided that guardianship or custody of the person's property should continue. 2. The age of majority is 18 years."

209. Article 5 of the Births and Deaths Registration Act No. 3 of 2016 provides that: "The official responsible for receiving notifications of birth shall enter the information in the birth register. The person who notifies the birth shall receive a notice containing his or her verified name, the birth registration number, the notification date, and the names of the infant and its parents. The persons entrusted with the notification of a birth, as listed in article 3, paragraphs 1, 2, 5 and 6, of the present Act, may apply to the competent department at the Ministry of the Interior, within seven days of the notification date, for a birth certificate, using the form specified in the implementing regulations for the Act. The first copy of the certificate shall be provided free of charge to the parents or their substitutes."

210. Article 5 of Decree-Law No. 14 of 1993, concerning passports, also states that: “Passports shall be issued to those holding Qatari citizenship as provided by law.”

211. The number of birth registrations and corresponding birth certificates issued in 2016 amounted to 27,130; in 2017 to 28,232; and in 2018 to 28,538.

Article 17

Privacy

212. The Constitution and relevant laws in Qatar guarantee the right to privacy. Article 37 of the Constitution provides that: “Privacy is inviolable. No person may be subjected to any interference with his or her privacy, family, home or correspondence, or to any attack on his or her honour or reputation, except as provided by law in the manner prescribed therein.”

213. Numerous legislative provisions are in place to deter individuals from infringing the right to privacy, wrongfully interfering with the privacy of others, surreptitiously attempting to learn intimate details of the private lives of others and their families, and attacking online or otherwise another person’s honour or reputation. Other provisions protect electronic communications and personal websites, inter alia. Part II of the Cybercrime Prevention Act No. 14 of 2014 devotes an entire chapter to the penalties imposed for attacking websites and information systems, programmes and networks. Concerning the interception of confidential information, article 4 of the Act provides that: “Anyone who intentionally and unlawfully captures, intercepts or monitors any information or traffic data transmitted via the Internet or by any means of information technology shall be liable to imprisonment for a term of up to 2 years and/or a fine of up to QR 100,000.”

214. Article 331 of the Criminal Code also provides that: “Anyone who, by any public means, disseminates information, images or comments revealing intimate details of an individual’s private or family life, even if they are true, shall be liable to imprisonment for a term of up to 1 year and/or a fine of up to QR 5,000.” Article 333 of the Code provides that: “Anyone who invades the private life of individuals without their consent, except where expressly provided by law, shall be liable to imprisonment for a term of up to 1 year and/or a fine of up to QR 5,000 where committing any of the following acts: 1. Destroying a private message or telegram addressed to another individual; 2. Eavesdropping on a telephone conversation; 3. Recording or relaying through any kind of device conversations that take place in a private location; 4. Capturing or relaying through any kind of device images of an individual or individuals in a private location.”

215. The Personal Data Privacy Protection Act No. 13 of 2016 applies to personal data that are electronically processed, or accessed, collected or extracted in any other manner for electronic processing, or processed through a combination of electronic and conventional methods.

216. Article 152 of the Central Bank of Qatar Act No. 13 of 2012, which regulates financial institutions as well as the Central Bank, provides that: “The Bank shall establish rules for the exchange of information and data between and among the Bank and financial institutions relating to the indebtedness of clients and the credit facilities extended to them in order to preserve confidentiality and ensure safe access to credit information and data. It shall also put in place regulations on the banking procedures to be followed in order to protect the confidentiality of information and data on clients and their transactions. Financial institutions shall deliver a copy of such regulations to every client who makes a transaction request.”

Authorities and entities competent to authorize any interference

217. Several entities are competent to receive reports, including the Department for Economic and Cybercrime Prevention, which receives and investigates reports and complaints about economic and cybercrimes, forwards them to the Public Prosecution Service and the competent courts, and conducts inquiries into such matters as money-laundering, online and credit card fraud, counterfeiting and intellectual property rights. The Public Prosecution Service deals with the related abuses.

Genetic data

218. The Genetic Fingerprinting Act No. 9 of 2013 regulates the preservation of genetic data, stating in article 2 that: “A genetic database shall be established as part of the competent criminal department at the Ministry of the Interior in order to hold genetic data obtained from the following:

1. Biological traces found at a crime scene or elsewhere;
2. Biological samples taken from persons suspected of the commission of any of the offences provided for in article 5 of the present Act;
3. Biological samples taken from unidentified bodies;
4. Biological samples taken from relatives of missing persons or from missing persons themselves in order to prove their identity after they reappear or are found;
5. Biological samples taken from offenders in respect of whom an international search is being conducted, with the approval of the Attorney General;
6. Biological samples taken from persons by a decision of the competent court.”

219. The data is protected under article 6, which provides that: “The information held in the genetic database shall be confidential and may not be accessed without authorization from the Minister, the Public Prosecution Service or the competent court. It shall be prohibited to use biological samples for purposes other than those provided for in the present Act.”

Legislative provisions protecting individuals from unlawful attacks on their honour and reputation

220. The individual’s privacy is protected under various articles the Criminal Code, including as follows:

- “Imprisonment for a term of up to 1 year and/or a fine of up to QR 5,000 is imposed on anyone who, by any public means, disseminates:
 1. Information or documents about an ongoing investigation of an offence if the investigating authority has prohibited their dissemination;
 2. Information about the names of persons being investigated or images of such persons, and information about proceedings relating to marriage, parentage, divorce, separation, maintenance, custody, adultery, defamation or disclosure of confidential information;
 3. Names or images of juvenile suspects;
 4. Names or images of sexual assault victims;
 5. Court deliberations;
 6. Information about cases that the courts have decided to hear in closed session or concerning which the dissemination of information is prohibited;
 7. Names or images of persons given a suspended sentence.”⁵⁹
- “Anyone who threatens to harm the person, reputation or property of another or of another who is of his or her concern in order to induce the victim to undertake or refrain from undertaking an act, whether the threat is verbal, in writing or through acts giving the impression that their author is determined to carry out the threat, shall be liable to imprisonment for a term of up to 3 years and/or a fine of up to QR 10,000. In the case of a death threat, the penalty is imprisonment for a term of up to 5 years.”⁶⁰
- “Anyone who publicly defames others by ascribing to them an act that is punishable by law or that constitutes an attack on their honour or dignity or that exposes them to

⁵⁹ Art. 203 of the Criminal Code.

⁶⁰ Art. 325 of the Criminal Code.

public hatred or contempt shall be liable to imprisonment for a term of up to 2 years and/or a fine of up to QR 10,000.”⁶¹

- “Anyone who defames public officials or persons of equivalent status on account of their position or job, or who does so in order to bring dishonour on or sully the reputation of their families, shall be liable to imprisonment for a term of up to 3 years and/or a fine of up to QR 10,000.”⁶²
- “Any person who defames or insults the victim in a face-to-face encounter or by telephone, private letter or any other non-public means shall be liable to imprisonment for a term of up to 3 months and/or a fine of up to QR 1,000.”⁶³

Article 18

Freedom of thought and belief

221. Article 30 of the Constitution guarantees the right to freedom of thought, belief and religion in providing that: “Freedom of worship is guaranteed to all by law, subject to the need to protect public order and public morals.”

222. This constitutional protection has been strengthened by the increasing attention explicitly devoted by the country’s political leadership to driving forward religious freedom and tolerance in Qatar and promoting the individual and collective freedom to manifest one’s religion and engage in religious observances. In order to guarantee the religious freedom of non-Muslims, the Inter-Denominational Christian Church serving Indian Christians was opened in March 2009 and several other churches are being built.

223. The State of Qatar has taken a series of measures to address any violation of the right to practise a religion. Article 256 of the Criminal Code provides that: “Anyone who insults a revealed religion or who vandalizes, damages, destroys or desecrates buildings or objects found therein that are used in the performance of the rites of any of the divine religions protected by Islamic sharia shall be liable to imprisonment for a term of up to 7 years.” Article 263 of the Criminal Code provides that: “Anyone who produces, manufactures, sells, offers for sale or circulation, acquires or possesses commodities, merchandise, printed materials or cassettes bearing graphics, logos, words, symbols, signs or any other things offensive to Islam, or to the divine religions protected under Islamic sharia, or to a declared religion, shall be liable to imprisonment for a term of up to 1 year and/or a fine of up to QR 1,000. The same penalty shall apply to anyone who uses compact discs, computer software or magnetic tapes to offend the Islamic religion or the divine religions protected under Islamic sharia.” Under article 47 of the Printing and Publishing Act No. 8 of 1979, furthermore, it is prohibited to publish “any material that mocks or ridicules a divine religion or one of its denominations or that promotes sectarian, racial or religious unrest.”

224. The Doha International Centre for Interfaith Dialogue was established at the recommendation of the Fifth Doha Conference on Interfaith Dialogue, held in May 2007, and was inaugurated in May 2008 to coincide with the Sixth Doha Conference on Interfaith Dialogue. The aim of the centre is to disseminate and promote a culture of dialogue and peaceful coexistence.

225. In keeping with those efforts, the Ministry of Education and Higher Education pays special attention to sensitizing the country’s youth to the concept of freedom of thought and belief and to preventing extremism through the academic materials and educational curricula taught in schools.

⁶¹ Art. 326 of the Criminal Code.

⁶² Art. 327 of the Criminal Code.

⁶³ Art. 330 of the Criminal Code.

Article 19

Freedom of opinion and expression

226. The Qatari Constitution guarantees freedom of opinion and research to every individual pursuant to article 47 thereof, which provides that: “Freedom of opinion and scientific research shall be guaranteed under the conditions prescribed by law.” Article 48 further states that: “Freedom of the press, printing and publication shall be guaranteed in accordance with the law.”

227. The Cybercrime Prevention Act of 2014 guarantees the exercise of that constitutional right and the free circulation and dissemination of information through modern communications, subject to the restrictions permitted under international conventions so as to ensure that this freedom is properly exercised without abuse.

228. Journalism and related activities are governed by Decree-Law No. 16 of 1993, which regulates advertising, publicity, public relations and artistic production and arts of work, and by the Printing and Publication Act No. 8 of 1979.

229. In the context of the continued efforts of the State to promote and guarantee the right of expression and the independence of journalism, a bill was drafted to regulate printing, publishing, media activities and arts and was approved by the Council of Ministers. The new bill reflects the drive to update legislation so as to promote freedom of opinion and expression and keep pace with technical and technological developments in the field of printing, publishing and media activities, in conformity with the requirements of article 19 of the Universal Declaration of Human Rights, which guarantees to everyone the right to freedom of opinion and expression, subject to the limits prescribed in the article.

230. The main new provisions in the bill can be summarized as follows:

- (1) The establishment of a newspaper no longer requires authorization from the Ministry, which needs only to be notified of the fact;
- (2) Prison sentences for journalists have been abolished, as have the administrative interventions by the Ministry in respect of press activities, such as the closure of newspapers or the imposition of fines on journalists, and the judiciary, represented by the competent courts, is now responsible for the adjudication of any matter involving a violation of the law;
- (3) The only publishing restrictions are as prescribed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights in connection with the obligation to respect the rights and reputation of others and protect national security, public order, health and public morals;
- (4) The bill includes a new chapter on audiovisual media services, for which the approved production content standards are consistent with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Article 20

Prohibition of propaganda for war and of incitement to hatred or violence

231. The State supported the initiative to establish the United Nations Alliance of Civilizations (UNAOC), which today plays an active role in promoting a culture of peace. The first UNAOC High Representative to be appointed was in fact from the State of Qatar. As part of the State’s further efforts to spread dialogue among peoples and cultures, the Council of Ministers, by its Decision No. 8 of 2010, established the Qatari Committee for the Alliance of Civilizations to oversee the development of an action plan for the alliance of civilizations and follow up on the State’s contributions and projects in that domain. The Committee also proposes topics for debate and further study and organizes meetings and forums on the alliance of civilizations, in cooperation with the competent entities. Qatar has also organized conferences on preventing hate speech and extremism. In March 2014, for instance, it hosted the executive meeting of the Istanbul Process (Human Rights Council resolution 16/18) on the theme “Advancing religious freedom through interfaith collaboration” and it also hosted, in September 2015, the Arab-American-Iberian Dialogue

aimed at creating mechanisms and envisaging an action plan for reducing hate speech and extremism.

232. Article 7 of the Constitution provides that the State's foreign policy is one of non-interference in the affairs of other States and cooperation with peace-loving nations. The Constitution also prohibits offensive attacks and states that the sole purpose of war is to defend the country's sovereignty and territorial integrity. Defensive wars are accordingly legitimate under article 71 of the Constitution. Qatari law punishes the incitement of hatred, contempt and enmity on account of differences in race, colour or language, as it endangers communal peace. The State of Qatar is also working to improve relations with neighbouring States, despite the aggression and violations of sovereignty it has experienced.

233. Please see the information set out in paragraphs 228, 229 and 230 of the present report.

Article 21

Right of peaceful assembly

234. The right of peaceful assembly is enshrined in article 44 of the Qatari Constitution, which provides that: "The right of assembly shall be guaranteed to citizens as provided by law."

235. Act No. 18 of 2004 regulating public meetings and processions governs the exercise of this legitimate right in terms of organization, controls and restrictions to ensure respect for the rights and reputation of others, protect national security, public order, public health and public morals, maintain compliance with legal obligations and safeguard public property, all while following legal procedures, in order to preserve the security of the State.

236. Numerous applications submitted to hold peaceful assemblies and processions received approval in accordance with the law and the necessary steps were taken to ensure their safety.

237. The Ministry of the Interior has also organized training in administrative policing, which includes dealing with peaceful assemblies. The police are responsible for the safety of gatherings and for ensuring that there is no departure from their peaceful purposes or from the conditions and rules set out in Act No. 18 of 2004 regulating public meetings and processions, which must:

- Remain peaceful;
- Cause no reputational damage to the State of Qatar or other States;
- Respect the teachings of religion, public order and public morals;
- Be authorized by the Director-General of Public Security;
- Involve no carrying of weapons, including licensed weapons;
- Not diverge from their stated purposes.

238. If the above-mentioned conditions and rules (arts. 4, 7, 10 and 11 et seq. of Act No. 18 of 2004) are not observed, and if strictly necessary, the Minister of the Interior or his deputy may authorize the police to use force to the extent required, in conformity with the Code of Conduct for Law Enforcement Officials, article 3 of which states that: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

Article 22

Freedom to form associations and trade unions

239. The Constitution guarantees the right to form associations in article 45, which provides that: "Freedom of association is guaranteed in accordance with the conditions prescribed by law."

240. The State of Qatar interprets the term "trade unions" and all related matters mentioned in article 22 of the Covenant in line with the Labour Code and national

legislation. Qatari workers have the right to form labour committees under article 116 of the Labour Code (Act No. 14 of 2004), which provides that: “Workers in an establishment employing a minimum of 100 Qatari workers shall be entitled to form from among themselves a committee called the Labour Committee. Not more than one committee may be formed in each establishment. Labour committees in establishments operating in trades or industries that are the same, similar or interrelated shall be entitled to form from among themselves a general committee called the General Committee for Trade and Industrial Workers. The various general committees of trades and industries shall form from among themselves a general union known as the Qatar General Union of Workers. The membership of the aforementioned two committees and the Qatar General Union of Workers shall be restricted to Qataris. The Minister shall determine the conditions and procedures for the formation and membership of the above labour organizations, their respective rules of procedure, and the trades and industries categorized as similar or interrelated.”

241. Act No. 12 of 2004 regulating private associations and foundations governs the right of natural and legal persons to join in establishing an association with the aim of engaging in a humanitarian, social, cultural, scientific, professional or charitable activity, provided that its purposes are not for profit and non-political. The Act states that, in order to establish an association, a minimum of 20 Qataris over 18 years of age must submit an application to the administrative authority, together with a fee of QR 1,000 if for a charitable association and QR 50,000 if for a professional association. An additional QR 10,000 is payable annually for the licence renewal. The condition concerning the nationality and number of founders may be waived by a decision of the Council of Ministers where necessary and as required in the public interest, at the proposal of the Minister. Another condition for the establishment of an association is that the founders must provide evidence of a lease for the premises of the association or confirmation that they will provide premises once the association is established.

Article 23

The family

242. The Permanent Constitution of the State of Qatar attaches great importance to the family, providing in article 21 that: “The family is the foundation of society and its mainstays are religion, morality and patriotism. The law regulates the means for protecting the family, supporting the family unit, strengthening family bonds and safeguarding mothers, children and older persons.”

243. No provision of the Qatari Family Code (Act No. 22 of 2006) discriminates against women. The Act covers all family-related matters, including the wish to marry, the formation of a family, agreement and disputes in relationships, rights of spouses, financial and social issues, and the effects of separation on couples and children. These matters are dealt with in accordance with the provisions of sharia, without reference to any particular denomination except where no provision is made.

244. Marriage depends on the consent of both intending spouses and is contracted for the bride by her guardian with her interest in mind, marriage being a mutual pact and a binding legal commitment in perpetuity between a man and a woman for the sake of chastity, virtue and the founding of a stable family cared for by both spouses. The validity of a marriage rests on the approval of the guardian who contracts the marriage, not because the woman lacks capacity but rather in order to uphold certain sharia rules, which include ensuring the man’s suitability for the woman, removing any doubts and suspicions, and preserving the woman’s material and moral rights.

245. The sameness of the rights and duties of spouses is in accordance with the nature of each spouse. Husbands and wives each have their rights and duties, every one of which is commensurate with and equivalent to the other. The regulation of these rights is consistent with the nature and role of each spouse. The husband’s rights are regulated in article 56 of the Family Code, the wife’s rights in article 57 thereof and joint rights in article 58.

246. Under the Family Code, divorce is effected by the husband. The Code also lays down conditions, however, for preserving the marital bond. No divorce can be effected during the woman’s period of waiting (*’iddah*) or menstruation or by breaking an oath to

divorce. There are furthermore several obstacles to divorce, which may not be effected, for example, by a person with a mental disorder or learning difficulties, by a person who is under duress or by a person whose awareness is diminished by intoxication, anger or the like. Successive pronouncements of divorce are counted as one. Pursuant to article 109 of the Code, a wife is also able to effect divorce if her husband has empowered her to do so. The wife is furthermore empowered to take legal proceedings for a separation on various grounds, including harm and discord, and to seek a divorce in return for recompense (*khul'*).

247. Reconciliation for couples unable to agree on a *khul'* divorce is regulated by article 122 of the Code. In the case of separation on grounds of harm or discord, the judge attempts to reconcile the couple through two arbitrators as provided in article 133. Under article 135, the judge must also attempt to reconcile spouses who disagree over recompense. Similarly, under article 166, the judge must attempt to reconcile spouses who disagree over the custody of a child, taking into account the child's interest.

248. In regulating their status in the Family Code, the legislature has given prominence to children on several scores. In matters of parentage, maintenance and custody, for instance, the child's interest is a key criterion. The Family Code also notably sets an age of custody that is higher than in the different jurisprudential schools of thought. Under article 183 of the Code, the child's views and preferences may also be taken into account concerning the suitability of the disputing parties as custodians. Article 188 further provides that decisions to transfer the custody of a child should be executed gradually, taking into account the child's interest, and that any use of force required to execute such decisions must not be directed against the child.

249. The legislature has established special divisions for the adjudication of cases and disputes involving family and inheritance matters with the aim of creating a dedicated family court as an integral part of the Qatari justice system. The ability of such a court to deal in one specialized setting with all separate proceedings brought by members of a single family helps to streamline procedures, reduce the burden on the family and further promote the principle of specialization and, in turn, the realization of justice.

Article 24

Rights of the child

250. The State of Qatar acceded to the Convention on the Rights of the Child pursuant to Decree-Law No. 54 of 1995, article 1 of which provides that the Convention has the force of law in accordance with article 68 of the country's Permanent Constitution, subject to the reservations and declarations set out in the instrument of accession. The State has pursued numerous policies and practices aimed at promoting the rights of the child through the measures described below.

Children in the Qatar National Vision 2030 and the Social Protection Strategy

251. In recent years, the State of Qatar has devoted increasing attention to the rights, development and welfare of children, taking appropriate legislative, legal, administrative and other measures to give effect to those rights and provide ways of entrenching, furthering and enhancing them as part of the integrated social development of the family and its members. This attention stemmed from national terms of reference, primarily the Qatar National Vision 2030 and the National Development Strategy 2011–2016, and other strategies targeting the family and society, in particular the Social Protection Strategy 2018–2022. Together with the provisions of the Permanent Constitution of the State of Qatar, these terms of reference are constantly shaping a supportive and stable environment for implementing the rights of the child and family as advocated in international treaties and conventions.

Constitutional and legislative protection for children in the State of Qatar

252. The country's Permanent Constitution contains provisions to ensure the welfare of young persons in general, prevent them from offending, cater for their best interests and achieve those interests in the most ideal manner.

Children in the Criminal Code

253. The Criminal Code provides protection for children from all forms of violence, physical abuse, neglect and from treatment involving neglect, abuse or exploitation generally, including sexual abuse. In particular, it provides for heavier penalties in all cases where the offender is one of the child's ascendants or carers. It also criminalizes the use of children for begging in streets and public places and punishes those who lead or entice children into begging.

254. The Code severely punishes the offence of fornication or sexual assault where the victim is a male or female child.

255. The Code furthermore punishes a woman who deliberately kills her child from an incestuous relationship immediately after the child's birth.

256. The Code punishes anyone exploits the affection, needs or inexperience of children to secure from them, against their interests of those of third parties, movable assets, a debt bond or a release bond or the cancellation, destruction or modification of such bonds. The penalty is increased if the offender is the child's guardian, trustee or custodian or a person responsible in any capacity for looking after the child's interests. Consent in sexual offences against children is also discounted and a heavier penalty imposed where minors are involved.

The Births and Deaths Registration Act

257. Articles 11, 12 and 13 of the Births and Deaths Registration Act No. 3 of 2016 cover birth registration and issuance of birth certificates for all children, including those born outside marriage.

The Family Code

258. Under the Family Code, parents are entrusted to care fully for their children and do their utmost to nurture them and raise them correctly through a good upbringing that serves their interests.⁶⁴ As a rule, the right to care for, raise and educate children rests with both spouses (parents) as long as they remain married. If they separate, the mother then cares for the children in their greater interest as minors, provided that she is reliable and attentive to their manners, religion and moral standards and that the judge has not taken a different view.⁶⁵ Parental custody is based on maintaining, raising, educating and caring for children in their best interests.⁶⁶

259. The best interests of children include their emotional and psychological well-being, which is fostered by parental empathy and reliability. The material capacity to provide for a child's upbringing, medical treatment, education and leisure activities and create an enabling environment and atmosphere for the child also has a bearing on those interests. Likewise required is the moral capacity for integrity and for protecting children from moral harm, moral dissolution and behavioural decline.⁶⁷

260. Fathers are obliged by law to provide for their children. In the case of girls, the obligation continues until they marry and resumes if they divorce, whereas for boys, it continues until they are able to earn a living or have successfully completed their education. In all cases, the father supplements a child's income if the support it provides is insufficient.⁶⁸

The Act regulating the custodianship of the property of minors

261. Act No. 4 of 2004 regulates the custodianship of the property of minors in order to secure their interests and charges the General Authority for Minors' Affairs with overseeing, managing and looking after the interests of minors, including with respect to property and matters relating to guardians and trustees.

⁶⁴ Arts. 56 and 58 of the Family Code.

⁶⁵ Art. 166 of the Family Code.

⁶⁶ Art. 165 of the Family Code.

⁶⁷ Arts. 167, 170 and 171 of the Family Code.

⁶⁸ Art. 75 of the Family Code.

The Juvenile Code

262. The Juvenile Code (Act No. 1 of 1994) defines a juvenile as any male or female who is over 7 and under 16 years of age when he or she commits an offence or is at risk of offending.⁶⁹

263. The Juvenile Code is designed to protect all juveniles and prevent them from offending and falling into crime. It includes provision for rehabilitation measures and behavioural change techniques aimed at preventing juveniles from offending and at helping them to become well-adjusted individuals. The Qatari legislature has also deliberately ruled out the corporal punishment of juvenile offenders. Article 8 of the Juvenile Code states that a juvenile under 14 years of age who commits a serious offence or a misdemeanour may not be sentenced to the penalties or measures prescribed for such offences, with the exception of expropriation or closure of premises. The juvenile is instead liable to one of the following measures: a reprimand; delivery into the custody of a guardian; enrolment in vocational training; compulsory fulfilment of specific obligations; probation; or placement in a social reform or medical institution.

264. The Qatari legislature has established procedures to ensure that juvenile court trials are conducted in the child's best interests. Hearings are held in closed session and attended only by relatives of the child, witnesses, lawyers and representatives of the competent authorities. Children may be tried in absentia but cannot be convicted unless it is first explained to them what has taken place in their absence.⁷⁰

265. The Code also requires children accused of a serious offence to have a lawyer and permits the court to appoint a lawyer for those accused of a misdemeanour.⁷¹

266. The Code furthermore states that the court may adjudicate a charge against a minor only after considering the reports provided by the competent authority at the Ministry of the Interior and by social workers in order to ascertain the minor's physical, mental, psychological and social condition and its relevance to the minor's offending or vulnerability to offending.⁷²

The Social Security Act

267. The Social Security Act No. 38 of 1995, as amended, offers the benefit of a social security allowance for children of unknown parentage and orphans. In its Decision No. 46 of 2014, the Council of Ministers set the amount of monthly allowance payable to beneficiaries under 17 years of age who are orphans or one or both of whose parents are unknown and to beneficiaries in the same category who are over 17 years of age.

The Labour Code

268. The Labour Code (Act No. 14 of 2004) prohibits the employment of children below the legally prescribed age and identifies the activities in which their employment is prohibited.

The Cybercrime Prevention Act

269. Article 7 of the Cybercrime Prevention Act No. 14 of 2014 provides for the punishment of anyone who, by means of information technology, produces, imports, sells, offers for sale or use, circulates, transfers, distributes, forwards, disseminates, makes available or transmits child pornography. It also punishes the possession of child pornography and states that, for the purposes of the article, a child is anyone under 18 years of age.

⁶⁹ Art. 1 of the Juvenile Code.

⁷⁰ Art. 31 of the Juvenile Code.

⁷¹ Art. 32 of the Juvenile Code.

⁷² Art. 33 of the Juvenile Code.

The Day Nurseries Act

270. As stated in the Day Nurseries Act No. 1 of 2014, the aim of day nurseries is to deliver integrated care services to the children attending them and to provide an appropriate environment for development of the children's skills and talents through a sound education.

Children in the Nationality Act

271. Under the Nationality Act No. 38 of 2005, Qatari citizenship is granted to persons born to Qatari parents, persons who are naturalized Qataris and persons born in Qatar to unknown parents. Abandoned infants are deemed to have been born in Qatar unless there is evidence to the contrary. A child born to a Qatari mother and a non-Qatari father, however, may obtain Qatari citizenship only if the father is unknown or if the child meets the conditions for naturalization set out in article 2 of the Nationality Act, which provides that: "In applying the rules for the grant of Qatari citizenship under the present article, priority shall be given to those with a Qatari mother."

Government mechanisms

272. The Family Affairs Department has the job of increasing public awareness of social protection matters; developing and implementing programmes to prevent juvenile offending; rehabilitating offenders and addressing any social problems they may have; overseeing institutions providing social care and rehabilitation for juveniles; and taking care of children whose parents are unknown. Working with the Juvenile Police Department, the Juvenile Prosecution Service and the juvenile court, the Family Affairs Department is responsible for coordinating with the competent public authorities and civil society organizations involved with children in developing a strategy for protecting children and keeping them safe from harmful content, such as violence and pornography. It produces posters and banners on the subject and publishes information booklets and leaflets on child protection. It also conducts field studies, organizes training workshops and awareness talks, and helps to prepare radio and television programmes on child protection.

273. The Family Affairs Department has the additional functions of providing social care; establishing and refining social development programmes and monitoring their implementation; supervising and licensing day nurseries and fixing the ages of attendance; and approving education and teaching curricula.

274. The Department organizes workshops and campaigns to promote awareness of the rights of the child, in coordination with various entities in Qatar. These have included training workshops for school social workers on protecting children from sexual harassment, which were intended to provide insight as to the modus operandi of those engaged in such harassment and ways of detecting cases. Also held were a workshop to promote youth awareness of the dangers of sexual tourism and a workshop on mechanisms for protecting children from sexual exploitation. In addition to its online dissemination of laws and conventions on combating human trafficking, the Department mounted a campaign to sensitize the upcoming generations to the dangers of human trafficking and increase their understanding of the issue and ways of preventing it. The two-month campaign was targeted at students and piloted in primary, preparatory and secondary schools. Presentations were also given in preparatory and secondary schools to inform and raise awareness among students about human trafficking.

Children and civil society organizations

275. Through the centres operating under its umbrella, the Qatar Foundation for Social Action offers psychosocial and legal services to parents of children in care with the best interests of those children in mind. The services include:

- Intensive counselling sessions to help parents and reduce tensions between them; expert advice for divorced or separated parents; a 24-hour hotline for complaints, comments and coordination concerning children in care; and reconciliation assistance in the best interests of such children;
- An appropriate and expertly supervised environment for children in care; gradual execution of court orders concerning visits to children in care; observation and periodic follow-up of the psychological health and behaviour of children in care

after visits; follow-up of children in care after a changeover to home visits; home checks as necessary; and follow-up in schools, where required;

- Legal services to secure the best interests of the child, which are offered by a team of legal advisors who report periodically on visits, the psychological health of children in care and compliance with court decisions; inspect the accommodation provided for children in care and check on the children themselves; refer all cases of children in care to the Family Reconciliation Unit in an effort to find an amicable solution; provide guidance and legal support concerning court procedures; draft reconciliation and other agreements between the parties in the centre; communicate with the Supreme Judicial Council concerning visits during Ramadan and public holidays; and arrange visits during those periods to help in securing children's access to their right to social and parental care and their participation in leisure activities.

The Family Counselling Centre (Wifaq)

- The Family Counselling Centre was established in 2002 with the aim of helping to strengthen marriage and family ties and working to reduce and prevent, including through therapy, family breakdown caused in its client groups by marital and other problems. The Centre provides its services to all children free of charge and without discrimination against them, their parents or their legal guardians on grounds of race, colour, sex, language, religion, opinion, national, ethnic or social origin, financial means, incapacity, place of birth or other status. Through its professional procedures and working practices, the Centre strives to uphold the rights of children of divorced parents and protect their best interests when it comes to parental care. Among other things, this involves mitigating the negative effects of the parents' divorce.

The Orphan Care Centre (Dreema)

- The Orphan Care Centre was established in 2002 to provide care in a natural family environment for the children in its client groups, promote stability for those children in family-based alternative care and assist their integration into the community. The client groups include children whose parents have died, children one or both of whose parents are unknown, and children temporarily or permanently deprived of a natural family environment. All are under 18 years of age. Dreema seeks to provide a domestic environment for orphans by placing them in family-based alternative care selected on the basis of specific criteria. It monitors their situation within the chosen families, ensures they are receiving the care they need, and offers counselling and technical support. The checks carried out to ensure that those families are qualified to provide appropriate care and domestic stability are fundamental to guaranteeing that the orphans concerned are raised in a safe family environment and enjoy the promise of a secure and healthy future as effective members of society.

The Social Protection and Rehabilitation Centre

- The Social Protection and Rehabilitation Centre was established in 2002 to provide services for its client groups consisting of women and children who are victims or at risk of violence and family breakdown. Comprising social protection, rehabilitation, social reintegration, awareness-raising and education, its services are delivered to each group on the basis of specific criteria.

Child education

276. The Ministry of Education and Higher Education attaches utmost importance to the education of children in Qatar, without discrimination on grounds of sex, religion or nationality. Article 2 of the Compulsory Education Act No. 25 of 2001 provides that education is compulsory and free for all children from the beginning of primary level to the end of secondary level or until 18 years of age, whichever is soonest. Under the Act, furthermore, a guardian's failure to send a child to school is a criminal offence.

Special protection measures for children deprived of a family environment

277. Ever since its establishment in 2010, the community police force has been working to increase awareness among the younger generations through cultural programmes and activities and to reduce cultural heterogeneity not only through familiarity with Qatari culture but also by encouraging young people to take the good from the different cultures surrounding them. The community police force performs its functions with a focus on, among others, protecting families and children in keeping with the international and national norms established in that sphere. It thus stands as one of the State's child protection mechanisms. It intervenes at the pre-offending stage and supports the judicial police in the post-offending stage by increasing community responsibility for reforming offenders so that their future is unaffected and by promoting integration and prevention through working closely with families.

Article 25

Right of citizens to take part in public life

278. The promulgation of the Permanent Constitution of the State of Qatar marked a major historical turning point in the country's system of governance and in the exercise of public rights and duties. The Constitution is a vitally important document that lays the foundations of democracy and of a State built on institutions in line with recognized democratic standards and the values of Qatari society.

279. Engagement in public life is at its most conspicuous in the constitution-making process. In a new practice heralding an outstanding start to the country's democratization, the Constitution of the State of Qatar was approved by a public referendum in which Qatari citizens, both men and women, participated.

280. The Constitution guarantees equal access to public service for all citizens, without distinction, and furthermore states that it is the duty of all citizens to participate in the public elections and referendums provided for thereunder. Article 54 of the Constitution stipulates that: "Public office is a national service and, in the performance of their duties, public officials shall act exclusively in the public interest." The Constitution guarantees the right to vote and stand for election in article 42, which affirms that: "The State shall guarantee the right of citizens to vote and stand for election as provided by law."

281. The right of access to public office without discrimination is enshrined in the Civil Service Human Resources Act No. 15 of 2016, which makes no distinction between males and females. Article 1 of the Act provides that: "Anyone holding public office shall do so in accordance with the provisions of the present Act and its implementing regulations."

282. The right of Qataris, without distinction, to hold public office and leadership positions is affirmed in all of the relevant legislation, including article 13, paragraph 1, of the Civil Service Human Resources Act; article 27, paragraph 1, of the Judicial Authority Act No. 10 of 2003; article 9, paragraph 1, of the Public Prosecution Service Act No. 10 of 2002; and all articles governing the conditions for appointment to public office and senior positions.

283. Article 42 of the Constitution states that: "The State shall guarantee the right of citizens to vote and stand for election as provided by law." Indeed, all citizens have exercised this right since 1995 in local council elections (i.e., for the main municipal council) in which seats were fiercely contested by Qataris citizens of both sexes and won by women on several occasions.⁷³

284. The State of Qatar is currently paving the way for an elected legislative assembly (an advisory or shura council). It has finalized a bill on the election of council members and is now completing the bill's passage into legislation so that the election can be held accordingly. The bill follows democratic principles, in particular the participation of Qatari men and women in the processes of voting and standing for election.

285. Even further steps towards equality have been achieved insofar as Qatari women and men alike have assumed positions in the civil and military services at all levels, including

⁷³ See para. 43 of the present report.

as ministers, ambassadors, university presidents and judges, and they all play a part in the country's political decision-making.

286. In the audiovisual and print media, citizens engage in interactive discussions on crucial issues and domestic and external events, at times influencing the official position taken by the State.

287. The State of Qatar affirms and takes care to ensure that none of the legislation in force in its territory presents any obstacles to the full and effective participation of citizens in political and public affairs.

Article 26

Equality before the law and prohibition of discrimination

288. Article 35 of the Constitution provides that: "All persons are equal before the law and there shall be no discrimination among them on grounds of sex, origin, language or religion." The right of legal recourse is also guaranteed to all citizens, none of whom may be prevented from initiating proceedings. All State agencies are furthermore subject to the rule of law and required to enforce court decisions. All State institutions and organs are also required to observe the principles of equality and non-discrimination enunciated in articles 18, 34 and 35 of the Permanent Constitution and to refrain from engaging in any action or practice that involves, encourages or fosters discrimination. The rule applies across the board; all State institutions have a constitutional and legal duty to uphold the principles of equality, justice and non-discrimination.

289. The State of Qatar acceded in 1976 to the International Convention on the Elimination of All Forms of Racial Discrimination, which is applicable therein and has the force of law, in accordance with article 68 of the Constitution. There are no obstacles to the application of its provisions by the courts. Article 6 of the Constitution furthermore explicitly provides that: "The State shall respect international charters and treaties and strive to implement all international conventions and treaties to which it is a party."

290. All citizens and residents of the State of Qatar enjoy the rights and freedoms set forth in part III of the Permanent Constitution, without distinction as to sex, origin, language or religion. Article 52 expressly states that: "All persons lawfully resident in the State shall be entitled to protection of their person and property as provided by law." The constitutional and legal framework for equality and non-discrimination has been strengthened by guaranteeing and promoting the right of legal recourse.

291. All State institutions and agencies are required to abide by the principle of equality and non-discrimination articulated in articles 18, 34 and 35 of the Permanent Constitution and to refrain from engaging in any action or practice that involves, encourages or fosters discrimination, a rule that applies across the board. Indeed, all State institutions have a constitutional and legal duty to uphold the principles of equality, justice and non-discrimination.

Article 27

Right of minorities

292. The Constitution guarantees to all persons residing in the State of Qatar the right to freedom of belief and to manifest that belief in practice and observance. It also guarantees to each denomination and group the right to preserve its own culture, language and religion, including by establishing schools and forming associations and forums, and the right to protection. Article 52 of the Constitution provides that: "All persons lawfully resident in the State shall be entitled to protection of their person and property as provided by law."

Part III

Challenges, obstacles and future outlook

293. The promotion and protection of human rights is a strategic option for Qatar, forming the backbone of its policy of sweeping constitutional, economic, social and cultural

reform. It is reflected in its comprehensive road map for development, the Qatar National Vision 2030, which was adopted pursuant to Emiri Decision No. 44 of 2008 and which includes a focus on core human rights issues in the areas of education, environment, migrant workers' rights and women's empowerment. It also reaffirms the State's constitutional commitment to respecting and implementing its international undertakings, including its human rights obligations.

294. The State has made substantial progress in enhancing legislation, institutions and awareness in line with its treaty obligations and with the observations and recommendations of treaty bodies, the universal periodic review mechanism and special rapporteurs who have visited the country. It nonetheless faces short-term challenges, including the unprecedented increase in the population, which has more than doubled in recent years, and the technical capacities of its human resources for dealing with human rights mechanisms that are still being built and developed. In working to overcome these difficulties and challenges, the State benefits from the human rights activities and programmes run by the United Nations Training and Documentation Centre for South-West Asia and the Arab Region, which was opened in Doha in May 2009.

295. The national human rights mechanisms are continuing to review and amend the country's legislation to bring it into line with international instruments, propose laws for strengthening human rights protection and make suggestions concerning accession to international conventions.

296. Following the recent accession of the State of Qatar to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Council of Ministers, at its ordinary meeting held on 10 October 2018, issued its Decision No. 27 of 2018 establishing a committee to assess the country's current legislation and its conformity with the provisions and articles of both instruments. The committee is chaired by the Secretary-General of the Council of Ministers and comprises members drawn from the following entities: the Ministry of Foreign Affairs; the Ministry of the Interior; the Secretariat-General of the Council of Ministers; the Shura Council; the Ministry of Justice; the Ministry of Administrative Development, Labour and Social Affairs; the Ministry of Economy and Commerce; the Public Prosecution Service; the National Committee for Human Rights; and the Qatar Foundation for Social Action. In its initial meetings, the committee identified the domestic legislation that is potentially incompatible with those two international instruments and that its members will therefore discuss and examine in order to express their views on the matter and propose ways forward. The committee is still in the process of gathering further information from various State authorities.

297. The State is committed to the fulfilment of its international human rights obligations, which it considers to be an important duty. In his Decision No. 44 of 2007, the Deputy Prime Minister and Minister for Foreign Affairs established a section for human rights treaty committees in the Human Rights Department at the Ministry of Foreign Affairs. The section is in charge of drawing up plans and proposals for implementing the recommendations of treaty- and Charter-based human rights mechanisms.

298. The State of Qatar is currently developing a national plan of action for human rights on the basis of a decision taken by the Council of Ministers at its 19th ordinary meeting of 2014. Chaired by the Secretary-General of the Ministry of Foreign Affairs and comprising members drawn from various State entities, a national government committee was formed to prepare the plan. With its clear and practical approach towards the promotion and protection of human rights, this planning exercise is a route to improving the country's human rights situation.

299. While progress has been achieved for women, the biggest challenge is to further increase their role in the community, expand the opportunities available for them to engage in all walks of life, promote their participation in economic activity, and lay down policies that build and support their capacity to assume their responsibilities as fundamental partners in the development process.

The unjust blockade

300. Since 5 June 2017, Qatar has been subjected to unilateral coercive measures and an unjust blockade by certain States in the region, resulting in ongoing grave violations of

human rights, including the right to freedom of movement, residency and private property; the right to work; the right to education; the right to freedom of opinion and expression; the right to health; the right to freedom of belief; and the right to development. These are in addition to other violations relating to social rights, such as the separation of families, which is the most heinous of all violations. The State has created a committee mandated to seek compensation for the effects of the blockade. As a centralized committee, it takes on cases of persons who have been harmed by the blockade, which it examines individually to determine the best way of dealing with each one. These facts notwithstanding, the State of Qatar has endeavoured to protect and promote human rights and ensure that the rights of citizens and residents are not infringed. It has consequently turned to international mechanisms to ensure that the blockading States are held accountable for human rights infringements. Qatar has brought a case against the United Arab Emirates before the International Court of Justice concerning the application of the International Convention on the Elimination of All Forms of Racial Discrimination. On 23 July 2018, the Court delivered its order concerning provisional measures, which stated that families that included a Qatari, separated by the measures adopted by the United Arab Emirates, must be reunited; Qatari students affected [by the measures adopted by the United Arab Emirates] must be given the opportunity to complete their education in the United Arab Emirates or to obtain their educational records if they wished to continue their studies elsewhere; and Qataris affected [by the measures adopted by the United Arab Emirates] were allowed access to tribunals and other judicial organs of the United Arab Emirates. The State has also submitted a communication concerning the United Arab Emirates and Saudi Arabia to the Committee on the Elimination of Racial Discrimination and communications to nine special procedures mandate holders of the Human Rights Council. On 14 June 2019, the International Court of Justice delivered an order to reject the request for the indication of provisional measures submitted by the United Arab Emirates for the court to order Qatar to withdraw its communication submitted to the Committee on the Elimination of Racial Discrimination. After visiting the State of Qatar in November 2017, the technical mission of the Office of the High Commissioner for Human Rights issued a report containing an objective and systemic account of the human rights violations accompanying the imposition of the blockade on the State of Qatar.
